

## ***Chapter 7 Municipal Court***

Ordinances Governing  
**MUNICIPAL COURT**  
in the  
CITY OF PINE FOREST  
TEXAS

Amended by Ordinance No. (February 12, 2018)

(Chapter Designator: COURT)

## ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
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## **ARTICLE I ESTABLISHMENT OF THE COURT**

### ***Section 1.01*    Creation**

There is hereby created a municipal court of record to be known as the Municipal Court of the City of Pine Forest. Any reference hereinafter to the Court or Municipal Court shall be

understood to mean the Municipal Court of the City of Pine Forest. The court shall be deemed always open for the trial of causes.

**Section 1.02 Jurisdiction**

- A. Jurisdiction of the court shall be as granted by the Charter and ordinances of the City of Pine Forest, and any laws of this state that may now exist or may hereafter be passed by the legislature of this state, regulating or increasing the jurisdiction of the municipal courts in cities the size and grade of the City of Pine Forest. Such jurisdiction shall include exclusive original jurisdiction in all criminal cases occurring within the territorial limits of the City of Pine Forest that arise under the ordinances of the City of Pine Forest which are punishable by fine only not to exceed: Two Thousand Dollars and No Cents (\$2,000.00) in all cases arising under municipal ordinances that govern fire safety, zoning or public health and sanitation, including dumping of refuse; or Five Hundred Dollars and No Cents (\$500.00) in all other cases, and shall further include jurisdiction over cases arising in the extraterritorial jurisdiction of the City as provided by law. Such jurisdiction shall further include criminal cases arising under state law that occur within the territorial limits of the City of Pine Forest and which are punishable by fine only. An offense which is punishable by “fine only” is defined as an offense that is punishable by fine and such sanctions as authorized by statute not consisting of confinement in jail or imprisonment that are rehabilitative or remedial in nature. The court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction. The court has jurisdiction in appeals taken from a dangerous animal determination made by the Animal Control Supervisor.
- B. The municipal court of record shall have and exercise concurrent jurisdiction with the other municipal court of record courts, the jurisdiction being that which is conferred upon all municipal courts of record by Chapter 30 of the Texas Government Code and other law.
- C. In addition to the jurisdiction granted above in this article and in accordance with Section 30.00005 of the Texas Government Code, each municipal court of record has concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Texas Local Government Code, within the City of Pine Forest territorial limits and property owned by the City located in the City’s extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances.
- D. Every violation of an ordinance described by section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a) (1) of the Texas Local Government Code, or in accordance with other provisions as amended or otherwise allowed by law, may be enforced as an administrative offense using alternative administrative adjudication procedures. The adoption of use of alternative administrative adjudication procedure does not preclude the City from enforcing a violation of an ordinance described in this section through criminal penalties and procedures. (Amend Ord 07-051, 7/3/07)

**Section 1.03 Commencement of Operation**

- A. The court shall commence operating as a court of record on March 1, 2018.
- B. All cases filed in the court prior to such date, but not disposed of prior to that date, shall be tried in the court of record.
- C. For the purposes of this section, a case shall be deemed “disposed of” if a Judge has entered a finding of guilty or the defendant has entered a plea of guilty or nolo contendere.
- D. The court shall continue to function under the “Municipal Court” Chapter enacted February 1, 2018, until such date as the court of record commences operation.

**Section 1.04**    **Seal**

The City Council shall provide the Municipal Court with a seal with a star of five (5) points in the center and the words “Municipal Court of Pine Forest, Texas.” The impress of the seal shall be attached to all papers, except subpoenas, issued out of the court and shall be used by the Municipal Judge or the Municipal Clerk to authenticate all official acts of the Clerk and the Judge.

## **ARTICLE II MUNICIPAL JUDGES**

**Section 2.01**    **Method of Selection**

The method of selection for the Municipal Judge shall be by appointment by a majority of the City Council upon the nomination of the Mayor or any member of the City Council.

**Section 2.02**    **Term of Office**

The Judge shall serve a term of two (2) years, and for not more than ninety (90) days thereafter or until their successors have been selected and qualified, whichever occurs first.

**Section 2.03**    **Qualifications**

- A. A judge shall be a licensed attorney in good standing in this state and must have two or more years of experience in the practice of law in this state.
- B. While serving and holding office as a full time Municipal Judge, a person shall neither hold other office or employment with the City of Pine Forest or engage in the private practice of law. A person that serves as part time Municipal Judge may with Council permission, engage in the private practice of law while in office.
- C. A Judge shall be a resident of Orange County but need not be a resident of the City.

**Section 2.04**    **Compensation**

A Judge is entitled to a salary from the City, the amount of which is determined by the City Council and may not be diminished during the Judge's term of office. The salary may not be

based directly or indirectly on fines, fees or costs collected by the court. The City Council shall set the salary of an appointed Judge before his appointment.

**Section 2.05 Duties and Authority**

- A. The City Council shall appoint one (1) Judge as the Presiding Municipal Judge. The Presiding Municipal Judge shall have all powers and duties assigned by the City Charter, City ordinances, Chapter 29 and Chapter 30 of the Texas Government Code, and other State law. In addition to the judicial and magisterial duties granted by State law, the Presiding Municipal Judge shall be responsible for the following administrative duties:
1. Formulating local judicial rules of practice and procedure, including prescribing such rules and procedures, not inconsistent with the law of the State and the ordinances of the City, as are necessary for the orderly processing and adjudication of cases in the municipal courts;
  2. Developing administrative policies of the court and exercising administrative control and oversight over the other appointed municipal judges, including without limitation, authority to set work hours, schedule vacations and leave times, coordinate schedules, assign court duties, and conduct performance evaluations of the judges;
  3. Allocating workload among the judge and providing for the distribution of cases, offices, equipment and other budgetary items among the judge;
  4. Supervising personnel under the administrative control of the judiciary; and
  5. Performing other administrative duties as may be appropriate, within the limits of the Code of Criminal Procedure, the City Charter and City ordinances or State law.
- B. Any additional court shall be presided over by a judge known as an Associate Municipal Court Judge.
- C. Each judge shall have those judicial and magisterial duties conferred on him by State law.
- D. The judges shall take judicial notice of State law, the ordinances of the City and of the territorial limits of the City.
- E. The judge may grant writs of mandamus, attachment and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court.

**Section 2.06 Vacancies; Temporary Replacement**

- A. If a vacancy occurs in the office of Municipal Judge, the City Council shall appoint a qualified person to fill the office for the remainder of the unexpired term.
- B. The City Council may appoint one or more qualified persons to be available to serve for a municipal judge who is temporarily absent due to illness, family death, continuing



legal or judicial education programs, or for any other reason. The Presiding Municipal Judge, shall select one of the persons appointed by the City Council to serve during an absence. An alternate judge, while serving, has all the powers and shall discharge all the duties of a municipal judge. An alternate judge must have the same qualifications as a municipal judge.

**Section 2.07 Removal**

A Judge may be removed from office by the governing body of the City at any time for incompetency, official misconduct, malfeasance or disability.