

**TOWN OF BARTONVILLE
ORDINANCE NO. 777-24**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 7, "MUNICIPAL COURT," ARTICLE 7.01, "GENERAL PROVISIONS," BY AMENDING SECTIONS 7.01.005, "COURT CLERK," AND SECTION 7.01.006, "PROSECUTING ATTORNEY"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas ("Town"), is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Code of Ordinances of the Town of Bartonville, Texas ("Town Code"), provides, among other things, for the establishment of the Town's Municipal Court in accordance with state law; and

WHEREAS, the Town Council of the Town of Bartonville ("Town Council") desires to modify the Town Code provisions concerning the municipal court clerk and prosecuting attorney; and

WHEREAS, Chapter 29 of the Texas Government Code, Section 29.010, and Article 45.201 of the Texas Code of Criminal Procedure provide the Town Council with authority to specify the appointment, duties, term and other provisions applicable to the appointment of the municipal court clerk and prosecuting attorney; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of its citizens, and for the good government of the Town, to amend the Town Code as specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
AMENDMENT OF ARTICLE 7.01, SECTIONS 7.01.005 AND 7.01.006

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 7, "Municipal Court," Article 7.01, "General Provisions," is hereby amended by amending Sections 7.01.005 and 7.01.006, which shall read as follows:

"Article 7.01 General Provisions

* * *

§ 7.01.005 Court clerk.

The town council shall appoint the municipal court clerk, who shall have the powers and duties prescribed by the laws of the state in transacting the business of the court. The municipal court clerk shall serve a term concurrent with the term of the town's mayor. The municipal court clerk shall receive such compensation approved by the town council. The municipal court clerk shall furnish such surety bond as may be required by the town council by ordinance or resolution, the premium of which shall be paid by the town.

§ 7.01.006 Prosecuting attorney.

The town's attorney or a deputy town attorney appointed by the town council shall serve as the prosecuting attorney in the town municipal court."

SECTION 3.
SEVERABILITY

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.
SAVINGS

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

**SECTION 5.
ENGROSS AND ENROLL**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 6.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication of its caption, as the law in such cases provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on this the 19th day of November, 2024.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary