

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 26-2, "AUTHORITY OF CHAPTER," OF CHAPTER 26, "COURTS," OF THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS, EXPANDING THE MUNICIPAL COURT OF RECORD'S AUTHORITY AND JURISDICTION; PROVIDING THAT THE ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council previously established a municipal court of record within the City; and

WHEREAS, the City Council finds it in the best interest of the citizens to expand the City's current municipal court jurisdiction to provide alternatives to adjudication and enforcement of the City's ordinances in accordance with Texas Government Code Chapter 30 and other applicable law; and

WHEREAS, the City Council deems it necessary to amend Chapter 26 to modify municipal court authority and procedures to provide a more just and efficient avenue for disposition of cases arising in the City, and in order to more effectively enforce the ordinances of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

SECTION I.

Section 26-2, "Authority of Chapter," of Chapter 26, "Courts," of the Code of Ordinances, City of Burleson, Texas is hereby amended to read as follows:

"§ 26-2 Authority of chapter.

- (a)** In addition to the jurisdiction provided by general law for municipal courts of record in accordance with V.T.C.A., Government Code § 30.00005 and for criminal cases arising under ordinances authorized by V.T.C.A., Local Government Code §§ 215.072, 217.042, 341.903 and 551.002, the municipal court of record in the City shall have concurrent jurisdiction with the justice court in any precinct in which the City is located in criminal cases that arise within the territorial limits of the City and are punishable only by fine.
- (b)** The court also shall have:

- (1) Civil jurisdiction for the purpose of enforcing municipal ordinances enacted under V.T.C.A., Local Government Code, Chapter 214, Subchapter A, or V.T.C.A., Transportation Code, Chapter 683, Subchapter E;
- (2) Concurrent jurisdiction with a district court or a county court at law under V.T.C.A., Local Government Code, Chapter 54, Subchapter B, within the City's 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;
- (3) Concurrent jurisdiction with a district court and a justice court over expunction proceedings relating to the arrest of a person for an offense punishable by fine only; and
- (4) Authority to issue:
 - a. Search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation; and
 - b. Seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing debris from the premises.
- (5) The procedures set forth in V.T.C.A., Local Government Code, Chapter 54, Subchapter B, shall govern actions brought under V.T.C.A., Local Government Code, Chapter 54, Subchapter B.

SECTION II.

This Ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION III.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable and if any phrase, clauses, sentence, paragraph, or section of this Ordinance shall 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, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in its ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION IV.

This Ordinance shall be in full force and effect from and after its passage as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING ON THIS ____ DAY OF _____, 2025.

PASSED AND APPROVED ON SECOND READING ON THIS ____ DAY OF _____, 2025.

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE:_____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY