

**City of Dripping Springs**

**ORDINANCE NO. 2250.10**

**Municipal Court of Record**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS ESTABLISHING A MUNICIPAL COURT OF RECORD, INCLUDING PROVIDING FOR FINDINGS OF FACT, PURPOSE, JURISDICTION, AND DEFINITIONS; PROVIDING FOR THE CREATION OF A MUNICIPAL COURT OF RECORD, APPOINTMENT OF A MUNICIPAL COURT JUDGE, ESTABLISHING SALARY AND TERM OF OFFICE FOR MUNICIPAL COURT JUDGE AND ALTERNATES; POWERS AND RULES OF THE COURT; APPOINTMENT OF COURT CLERK; PROVIDING FOR RELATION TO OTHER ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PROPER NOTICE AND MEETING.

**WHEREAS,** the City Council of the City of Dripping Springs (“City”) seeks to provide for the enforcement of its municipal ordinances through a Municipal Court of Record rather than the current Municipal Court; and

**WHEREAS,** the City Council determines that the creation of a municipal court of record is necessary to provide a more efficient disposition of cases arising in the municipality; and

**WHEREAS,** the City Council finds that the appointment of a municipal court judge is necessary; and

**WHEREAS,** the City Council is authorized to establish a municipal court of record pursuant to Texas Government Code, Chapter 30.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:**

**1. INTRODUCTION**

**A. Findings of Fact**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Dripping Springs and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**B. Purpose**

This ordinance is adopted so that the City Council may promote the public health, safety, morals and general welfare within the City, and within its extra-territorial jurisdiction, as prescribed by State law, through the enforcement of the City of Dripping Springs’s ordinances and the efficient disposition of cases arising from such ordinances.

**C. Jurisdiction**

The provisions of this ordinance shall apply within the City Limits and within the extra-territorial jurisdiction (ETJ) of the City as prescribed by state law.

**D. Definitions**

- (1) “Appellate court” means the county criminal court, the county criminal court of appeals, or the municipal court of appeals; or the county court at law if there is no county criminal court, county criminal court of appeals, or municipal court of appeals.
- (2) “City” the City of Dripping Springs, an incorporated municipality in Hays, County Texas.
- (3) “City Council” or “Council” means the governing body of the City of Dripping Springs
- (4) “Municipal court of record”, means Municipal Court of Record in the City of Dripping Springs.
- (5) “Municipal judge” means the presiding judge and alternate judges of the Municipal Court of Record in the City of Dripping

**2. ESTABLISHMENT OF COURT OF RECORD**

**A. Scope**

The provisions of this section govern the creation, establishment, operation of the municipal court of record, including the qualifications and terms of office of the judges of the court.

**B. Creation of the Municipal Court of Record**

There is hereby established the Municipal Court of Record in the City of Dripping Springs. The municipal court that is operating on the date that this Ordinance is adopted shall complete its pending cases and be abolished, and all cases arising from alleged offenses occurring after the date of the adoption of this Ordinance shall be filed within the new Municipal Court of Record in the City of Dripping Springs for disposition.

**C. Jurisdictional Limits of Court**

The Municipal Court of Record shall have jurisdiction pursuant to Chapter 30 of the Government Code and other statutes as proscribed by the Texas Legislature.

**D. Judges of Court**

- (1) The Municipal Court of Record shall be presided over by a judge, who shall be known as the “presiding municipal judge.” The presiding judge shall be appointed by

ordinance for a term of two (2) years and shall be entitled to a salary set by the City Council. The amount of the judge's salary 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.

- (2) The judge must:
  - (a) Be a citizen of the United States;
  - (b) Be a resident of this state;
  - (c) Be a licensed attorney in good standing; and
  - (d) Have two (2) or more years of experience in the practice of law in this state.
- (3) A person may not serve as a municipal judge if the person is otherwise employed by the municipality. A municipal judge who accepts other employment with the municipality vacates the judicial office.
- (4) If a vacancy occurs in the office of municipal judge, the City Council shall adopt an ordinance appointing a qualified person to fill the office for the remainder of the unexpired term.
- (5) There shall also be as many as three (3) alternate judges appointed by the City Council, subject to the same qualifications, who shall have all the powers and shall discharge all the duties of a municipal judge while serving as municipal judge. Each alternate judge shall be appointed for a term of two (2) years
- (6) A municipal judge may be removed from office pursuant to Section 30.000085, Government Code.

#### **E. Writ Power**

The judges of the municipal court of record may grant writs of mandamus, injunction, attachment, and other writs necessary to the enforcement of the jurisdiction of the municipal court of record and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the municipal court of record.

#### **F. Court Rules**

The Code of Criminal Procedure and the Texas Rules of Appellate Procedure, as modified by Subchapter A, Chapter 30, Texas Government Code, govern the trial and appeal of cases from the municipal court of record. The court may make and enforce all rules of practice and procedure necessary to expedite the trial of cases before the court that are not inconsistent with law.

#### **G. Clerk of Court**

The City Council shall appoint a clerk of the municipal court of record. The clerk shall keep the records of the municipal court of record, issue process, and generally perform the duties for the court that a clerk of the county court at law exercising criminal jurisdiction is required by law to perform for that court. In addition, the clerk shall maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county

courts. The clerk shall have the authority to hire, direct, and supervise deputy clerks, warrant officers, and other personnel necessary for the proper operation of the court as provided by the annual budget of the clerk's office. The clerk and other court personnel perform their duties under the direction and control of the presiding judge.

### 3. RELATION TO OTHER ORDINANCES

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City pertaining to building and construction safety or to pedestrian and traffic safety.

### 4. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

### 5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, 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 or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

### 6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED & APPROVED this the 12th day of August, 2008, by a 5 to 0 to 0 vote of the City Council of the City of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS**

By: \_\_\_\_\_



Todd Purcell, Mayor

**ATTEST:**



Jo Ann Touchstone, City Secretary

**APPROVED AS TO FORM:**

Alan J. Bojorquez, City Attorney