

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 109

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, ESTABLISHING A MUNICIPAL COURT FOR THE CITY OF LOWRY CROSSING PURSUANT TO CHAPTER 29 OF THE GOVERNMENT CODE AND CHAPTER 4 OF THE CODE OF CRIMINAL PROCEDURE; PROVIDING FOR JURISDICTION; PROVIDING THAT THE MAYOR IS THE MUNICIPAL JUDGE; PROVIDING THAT THE CITY SECRETARY SHALL SERVE AS MUNICIPAL COURT CLERK; PROVIDING THAT THE CITY ATTORNEY SHALL SERVE AS PROSECUTING ATTORNEY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

SECTION 1. ESTABLISHMENT OF MUNICIPAL COURT

The City Council of the City of Lowry Crossing hereby establishes the Lowry Crossing Municipal Court which shall be operated in accordance with the constitution and laws of the State of Texas.

SECTION 2 JURISDICTION

- a. The municipal court shall have exclusive original jurisdiction within the territorial limits of the City of Lowry Crossing in all criminal cases that:
 1. arise under the ordinances of the municipality; and
 2. are punishable by a fine not to exceed:
 - A. \$2,000 in all cases arising under municipal ordinances that govern fire safety, zoning, or public health and sanitation, including dumping of refuse; or
 - B. \$500 in all other cases arising under a municipal ordinance.
- b. The municipal court has concurrent jurisdiction with the justice court of a precinct in which the municipality is located in all criminal cases arising under state law that:
 1. arise within the territorial limits of the municipality and are punishable only by a fine, as defined in Subsection C of this section; or
 2. arise under Chapter 106, Alcoholic Beverage Code, and do not include confinement as an authorized sanction.
- c. In this section, an offense which is punishable by "fine only" is defined as an offense that is punishable by fine and such sanctions, if any, as authorized by statute not consisting of confinement in jail or imprisonment.
- d. The fact that a conviction in a municipal court has as a consequence the imposition of a penalty or sanction by an agency or entity other than the, court, such as a denial, suspension, or revocation of a privilege, does not affect the original jurisdiction of the municipal court.
- e. The municipal 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.

SECTION 3. MUNICIPAL COURT JUDGE

Pursuant to Section 29,004 of the Government Code, the Mayor is and shall be the Municipal Judge of the Municipal Court until this ordinance is amended to provide for the appointment and qualification of a judge.

SECTION 4. COURT CLERK

Pursuant to Section 29,010 of the Government Code, the City Secretary shall serve as the Municipal Court Clerk until this ordinance is amended to provide for the appointment and qualification of a court clerk.

SECTION 5. PROSECUTING ATTORNEY

The City Attorney shall serve as the Prosecuting Attorney until this ordinance is amended to provide for the appointment and qualification of a prosecuting attorney.

SECTION 6. REPEALING CLAUSE

All parts of ordinances, inconsistent or in conflict with the provisions of this ordinance are hereby repealed. Ordinance No. 89 is hereby specifically repealed, the Council finding that its provisions were never put into effect.

SECTION 7. SEVERABILITY CLAUSE

If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately after its passage as the law in such cases provides.

DULY ADOPTED by the City Council of the City of Lowry Crossing, Texas, on the 4th day of MAY, 19 99.

APPROVED:

LT. Dillard
MAYOR

ATTEST:

Sam Jolea
CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY