

ORDINANCE NO. 2023 – 001

AN ORDINANCE OF THE CITY OF AMES, TEXAS, ESTABLISHING A MUNICIPAL COURT; PROVIDING FOR APPOINTMENT OF A JUDGE, CLERK, AND PROSECUTOR OF THE MUNICIPAL COURT; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH

WHEREAS, the City Council of the City of Ames, Texas (“City”) seeks to provide for the enforcement of violations of state law and the City’s municipal ordinances that occur within the city limits of the City in order to protect the public health, safety, and welfare; and

WHEREAS, the City is a Type A General Law Municipality having the right to establish a municipal court pursuant to Chapter 29 of the Texas Government Code; and

WHEREAS, the City Council finds the enactment of this ordinance is necessary for the good government, peace, and order of the municipality and proper for carrying out the power granted by law to the municipality; and

WHEREAS, the City Council determines that the creation of a municipal court is necessary to provide an efficient disposition of cases arising in the municipality.

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

SECTION 1. Creation; jurisdiction.

There is hereby created a court in and for the City, which shall be known as the municipal court. This court shall have jurisdiction within the City with power to hear and determine all cases of alleged violations of the ordinances of the City and all other cases over which municipal courts are generally given jurisdiction by state law. The Municipal Court shall not be a court of record. (Tex. Gov’t Code § 29.003)

SECTION 2. Rules of practice and procedure.

The rules of practice and procedure as prescribed by state law governing trials in the state justice of the peace courts shall govern the procedure and practice of the Municipal Court, and the City Council may prescribe such additional rules of practice and procedure as consistent with the laws of the State of Texas.

SECTION 3. Judge.

(a) Office created. There is hereby created the office of judge of the municipal court, who shall have all the powers and authority as granted and shall perform all the duties as required by state law.

(b) Appointment; term.

(1) The city mayor shall appoint the municipal judge of the city.

(2) The municipal judge shall be appointed for a term of two (2) years and shall coincide with the term of the mayor. The municipal judge shall take office immediately following the appointment.

(c) Size of court and number of judges. The city council may, by ordinance, regulate the size of the municipal court and the number of municipal judges.

(d) Compensation. The municipal judge shall be compensated for his services at a rate set by the city council which shall be commensurate with the time involved in executing his duties.

(e) Qualifications. No person shall be eligible to be a candidate for municipal judge unless the person:

(1) Is a citizen of the United States eligible to hold such office under the constitution and laws of this state;

(2) Is not mentally incompetent as determined by a court;

(3) If convicted of a felony, has been pardoned or had full rights of citizenship restored by other official action;

(4) Will be eighteen (18) years of age or older on the commencement of the term to be filled by appointment; and Will have resided in this state for a period of twelve (12) months.

(f) Mandatory education. Every non-attorney appointed as the municipal judge shall complete a twenty-four (24) hour course of instruction within one (1) year from the date of his appointment and shall complete a twelve (12) hour course of instruction each year thereafter.

(g) Removal. The judge of the municipal court may be removed from office by a city council resolution declaring a lack of confidence in the judge; provided that two-thirds (2/3rds) of the city council vote in favor of said resolution.

(h) Vacancy. In the event of a vacancy in the office of municipal judge, the City Council shall appoint any qualified person until the end of the existing term; and the appointee shall have all of the powers and discharge all the duties of the office and shall receive the same compensation therefor as is payable to the regular Municipal Judge while so acting.

(i) Oath. The judge of the municipal court, prior to taking office, shall take the oath of office required by the state constitution and state laws. This is the oath required by the state laws for mayors of cities.

(Tex. Gov't Code §§ 29.004, 29.005)

SECTION 4. Clerk.

(a) Appointment. The city secretary shall serve as ex-officio court clerk of the municipal court, who may be authorized to appoint a deputy with the same power. The city secretary shall hold such office during his or her term of office as city secretary.

(b) Duties. The court clerk or deputy court clerk of the municipal court shall keep minutes of the proceedings of the municipal court, issue all process, and generally perform all duties of the clerk of a court as prescribed by law for a county clerk insofar as the same may be applicable.

(c) Removal. The city council may remove the court clerk or deputy court clerk for incompetency, corruption, misconduct or malfeasance in office after due notice and an opportunity for a hearing before the city council.
(Tex. Govt' Code § 29.010.)

SECTION 5. City prosecutor.

The duly appointed city attorney shall serve as ex-officio prosecutor in the municipal court. The city council shall prescribe the compensation for the prosecution, which shall be paid out of the city treasury.
(Tex. Code Crim. Proc. § 45.201)

SECTION 6. Severability.

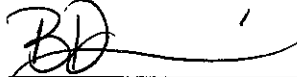
If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the City Council of the City of Ames, Texas, in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 7. Effective Date.

This ordinance shall become effective immediately upon its adoption by the City Council and compliance with any applicable legal requirements.

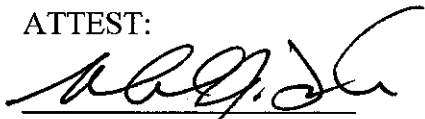
PASSED AND APPROVED by the City Council of the City of Ames, Texas on the
22nd day of August 2023.

CITY OF AMES



Barbara Domain, Mayor

ATTEST:



Michael Trahan, Mayor Pro-Tem