

AN ORDINANCE CREATING A MUNICIPAL COURT IN THE CITY OF PELICAN BAY, TEXAS; ESTABLISHING THE OFFICES OF JUDGE AND CLERK, PRESCRIBING THEIR RESPECTIVE DUTIES AND PROVIDING FOR THEIR APPOINTMENT; DESIGNATING THE TIME AND PLACE WHERE FINES MAY BE PAID, PERMITTING THE JUDGE TO CALL REGULAR SESSIONS OF THE MUNICIPAL COURT AND ESTABLISHING AN OFFICIAL JAIL; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF PELICAN BAY, TEXAS:

I.

There is hereby created and constituted a Municipal Court for the City of Pelican Bay, Texas, with full jurisdiction as provided for in Article 1195 of Vernon's Annotated Civil Statutes of the State of Texas; Chapter 4 (Courts and Criminal Jurisdiction), Texas Code of Criminal Procedure and Chapter I, Municipal Court Procedures Manual, State of Texas.

II.

The Municipal Court for the City of Pelican Bay, Texas, shall meet and hold regular sessions to hear and determine all cases arising before it, such sessions to be held and called by the Municipal Judge.

III.

The Municipal Court here created shall be presided over by a Municipal Court Judge whose selection and appointment shall be by the City Council and whose tenure in office shall be at the discretion of the City Council. The City Council may remove an appointed Judge by City Council resolution declaring a lack of confidence in the Judge, provided that two-thirds of the council vote in favor of the resolution; after due notice and an opportunity for the Judge to be heard in his or her own defense. The Municipal Court Judge shall be the presiding Magistrate of the Municipal Court and shall have all of the powers and authority given to him by the laws of this state. Additionally the Judge is required to be:

A resident of the City

A qualified voter

A licensed or practicing attorney or a person knowledgeable of the law, and

A person of high moral character.

IV.

There is hereby created the office of Municipal Court Clerk who shall be the City Secretary and his or her successors in office. The Clerk shall keep the minutes of the proceedings of said

Court, issue all process, and generally perform all the duties of the Clerk of a Court as prescribed by law for a County Clerk insofar as the same is applicable. The Municipal Court Clerk shall be selected and appointed by the City Council and his or her tenure shall be at the discretion of the Council. The city council may remove the court clerk for incompetence, misconduct, malfeasance in office, or other reason after the clerk is given due notice and an opportunity to be heard in his or her own defense. The Court Clerk shall possess the following minimum qualifications:

A high school graduate or G.E.D.

Knowledge of Court procedure

Advanced clerical skills

Experienced in dealing with the public

Basic knowledge of accounting or bookkeeping

V.

The Clerk shall be available to receive fines for violations of the City Ordinances and the laws of the State of Texas and to perform other duties incident to the operation of a Municipal Court at the City Hall on each day Monday through Friday except legal holidays from 8:00 A.M. until 5:00 P.M.

VI.

The City Jail of Pelican Bay, Texas, is hereby designated as the official City Jail for the City of Pelican Bay, Texas.

VII.

Should any part, portion, section or subsection of this ordinance be declared invalid or unconstitutional by a Court of competent jurisdiction, such a decision, opinion or judgement shall in no way affect the remaining portions, parts, sections or subsections of this ordinance, which provisions shall be, remain and continue to be in full force and effect.

VIII.

This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND ADOPTED this 1st day of November 1983,
the City Council for the City of Pelican Bay, Texas.

ATTEST:

APPROVED:

BY: Carol McInerney
CITY SECRETARY

BY: Eric L. Stewart
MAYOR