

**CITY OF LEONARD
ORDINANCE NO. 250520-03**

AN ORDINANCE OF THE CITY OF LEONARD REPEALING SECTION 7.02.003, "ALTERNATE OR TEMPORARY JUDGE," OF ARTICLE 7.02, "JUDGE," OF CHAPTER 7, "MUNICIPAL COURT," OF THE CITY OF LEONARD CODE OF ORDINANCES; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT; PROVIDING SEVERABILITY; PROVIDING A REPEALER/SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Leonard (the "City") is a General Law Type A municipality located in Fannin County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City previously enacted Chapter 7 "Municipal Court" in the Code of Ordinances to provide for the appointment of an alternate or temporary judge of the municipal court if the presiding judge is unavailable, unable, or unwilling to serve for a term not to exceed 30 days; and

WHEREAS, in accordance with Chapter 29 of the Texas Government Code, the governing body may appoint a temporary replacement for the presiding judge; and

WHEREAS, the City Council has determined it is in the best interest of the citizens of Leonard to amend Article 7.02, "Judge" of Chapter 7 of the Code of Ordinances to provide for the appointment of an alternate or temporary replacement judge for the presiding municipal court judge for a term not to exceed 90 days unless reappointed by City Council.

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

Section 1. Incorporation of Findings. The findings of the City Council set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendment. Section 7.02.003, "Alternate or temporary judge," of Article 7.02, "Judge," of Chapter 7, "Municipal Court," of the City of Leonard Code of Ordinances of the City of Leonard, Texas, is hereby amended by repealing and replacing as provided below to be and read in its entirety as follows. All other sections of Article 7.02 not expressly amended herein shall remain in full force and effect:

"Section 7.02.003 Alternate or temporary judge.

- (a) The city council may appoint one or more alternate or temporary municipal court judges to sit for the presiding judge when the presiding judge is temporarily unable to act for any reason, whether due to absence or disability. Such an alternate or temporary municipal court judge shall be an attorney licensed by the State of Texas with at least two (2) years of practice. The city

council shall set compensation for the alternate or temporary municipal court judge.

- (b) Any alternate or temporary municipal court judge appointed pursuant to subsection (a) of this section may be assigned to serve as the magistrate, with the duties prescribed by the laws of the State, particularly the Code of Criminal Procedure.
- (c) The alternate or temporary municipal court judge shall possess the same qualifications required of the presiding judge and shall have all the powers and duties of the presiding judge, for whom such temporary municipal court judge is sitting, while so acting.
- (d) The appointment of an alternate or temporary municipal court judge shall be for a term of ninety (90) days from the date of appointment by the city council. The city council may elect to extend the alternate or temporary municipal court judge term in thirty (30) day increments.”

Section 3. Severability Clause. Should a court of competent jurisdiction declare any section, subsection, sentence, clause or phrase of this Ordinance unconstitutional or invalid, it is expressly provided that any and all remaining portions of the Ordinance shall remain in full force and effect. The City of Leonard, Texas, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more section, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

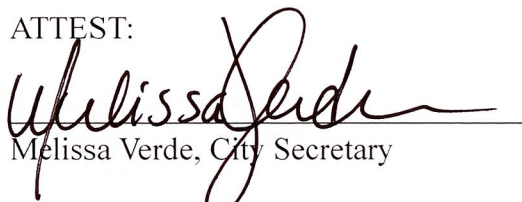
Section 4. Savings/Repealer Clause. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective upon adoption and after publication as required by the Texas Local Government Code.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Leonard, Texas, on this the 20th day of May 2025.


Michael Pye, Mayor

ATTEST:


Melissa Verde, City Secretary

