

## **ORDINANCE NO 250715-04**

**AN ORDINANCE OF THE CITY OF LEONARD AMENDING CHAPTER 7 “MUNICIPAL COURT” OF THE CITY OF LEONARD CODE OF ORDINANCES BY REPEALING ARTICLE 7.01 “GENERAL PROVISIONS,” ARTICLE 7.02 “JUDGE,” AND ARTICLE 7.03 “COURT CLERK;” BY CREATING A NEW ARTICLE 7.01, “MUNICIPAL COURT OF RECORD;” TO DESIGNATE THE LEONARD MUNICIPAL COURT AS A COURT OF RECORD; AND BY RENUMBERING ARTICLE 7.04, “FINES, COSTS AND SPECIAL EXPENSES” TO ARTICLE 7.02; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING FOR A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, Chapter 30 of the Texas Government Code authorizes the City to establish its municipal court as a municipal court of record by ordinance; and

**WHEREAS**, the City Council has determined that the creation of a municipal court of record is necessary in order to provide a more efficient process in the disposition of Municipal Court cases arising within the City and to enforce ordinances of the City more effectively; and

**WHEREAS**, the City Council deems it in the public interest to establish a municipal court of record pursuant to Chapter 30 of the Texas Government Code, to be known as the Municipal Court of Record in the City of Leonard.

**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.** Chapter 7 “Municipal Court,” of the City of Leonard Code of Ordinances is hereby amended as follows:

**2.01**     Articles 7.01, 7.02, and 7.03 of the City of Leonard, Texas, Code of Ordinances is hereby repealed, and Chapter 7 is further amended by creating a new Article 7.01, “MUNICIPAL COURT OF RECORD,” which shall be and read in its entirety as follows:

### **“ARTICLE 7.01 MUNICIPAL COURT OF RECORD**

#### **Section 7.01.001 Creation of Municipal Court of Record**

- (a) The City Council hereby finds and determines that the creation of a municipal court of record is necessary to provide for the more efficient disposition of cases arising in the City to more effectively enforce the ordinance of the City.
- (b) The municipal court shall become a municipal court of record from and after the \_\_\_\_ day of \_\_\_\_\_ 2025 and shall be designated as the “Municipal Court of Record No. 1 in the City of Leonard, Texas.”
- (c) The municipal court 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 court judge. The municipal court may be in continuous session either day or night.

#### **Section 7.01.002 Jurisdiction**

- (a) The municipal court of record has the jurisdiction provided by Chapter 30 of the Government Code, as amended, for municipal courts of record, and shall have:
  - 1. Concurrent jurisdiction with a justice court in any precinct in which the municipality is located in criminal cases that arise within the territorial limits of the municipality and are punishable only by fine;
  - 2. Concurrent jurisdiction with a district court or county court at law under Subchapter B, Chapter 54, Texas Local Government Code, with the City’s territorial limits and property owned by the City located in the City’s extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances;
  - 3. Civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Texas Local Government Code, or Subchapter E, Chapter 683, Texas Transportation Code;
  - 4. Authority to issue:
    - (A) Search warrants for the purpose of investigation of a health and safety or nuisance abatement ordinance violation; and
    - (B) Seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises; and
  - 5. The municipal court of record has all jurisdiction and authority provided by any Texas Statute or judicial decision for municipal courts or municipal courts of record. Nothing contained in this section shall be construed to limit or otherwise restrict the jurisdiction of the municipal court of record.

#### **Section 7.01.003 Judge of the Municipal Court of Record**

- (a) Appointment and qualifications. The municipal court of record shall be presided over by a magistrate who shall be appointed by the City Council by ordinance and shall be known as the “chief municipal court judge.” The chief municipal court judge must qualify under the requirement of section 30.00006 of the Texas

Government Code and any other applicable State law in order to preside over the municipal court of record.

- (b) Term. In accordance with the law, the chief municipal court judge shall be appointed by the council for a term of four years, from the first day of January in odd numbered years until the thirty-first (31) day of December four years later, or for the portion of such term unexpired at the time of his or her appointment. The judge may be removed for cause by the vote of a majority of the members of the council qualified and serving.
- (c) Vacancy; associate judge. If a vacancy occurs in the office of municipal judge of a court of record, the governing body shall by ordinance appoint a qualified person to fill the office for the remainder of the unexpired term. The City Council may appoint more than one qualified persons an associate judge to be available to serve for the chief municipal court judge who is temporarily absent due to illness, family death, continuing legal or judicial education programs, or any other reason for a term of ninety (90) days from the date of appointment by the City Council. The City Council shall set the compensation for the associate judge.
- (d) Salary. The City Council shall set the salary for the chief municipal court judge and the amount of salary may not be diminished during the judge's term of office.
- (e) Mayor is not ex officio judge. The mayor ceases to be the judge on the enactment of this ordinance and in accordance with Government Code Section 29.004.

#### **Section 7.01.004 Clerk of the Municipal Court**

- (a) Appointment. In accordance with Texas Government Code section 30.00009 and other applicable law, the City Council shall appoint a clerk of the municipal court of record, who shall be known as the municipal court clerk, or may delegate this authority to the appropriate designee.
- (b) Powers and duties. The clerk of the municipal court shall keep the records of the municipal courts of record, issue process, maintain an index of all court judgments and generally perform the duties that a clerk of the county court at law exercising criminal jurisdiction performs 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 municipal court clerk shall perform all duties in accordance with state statutes and city ordinances. The municipal court clerk shall be a duly qualified notary public. Such duties of the clerk shall be, but are not limited to:
  - 1. Maintain and keep a record of the business of the municipal court;
  - 2. Collect and account for all fines paid in all cases filed in the municipal court;

3. Maintain and keep a record of all bonds filed with the municipal court; and
  4. Perform any duties as may be from time to time authorized, delegated, or required by the chief municipal court judge or the City Council.
- (c) Removal. The City Council may remove the court clerk for incompetence, misconduct, malfeasance in office, or other reason after the municipal clerk is given due notice and an opportunity to be heard in his or her own defense.
- (d) Deputy clerks. There shall be such deputy clerks of the municipal court as may be authorized by the council, which deputy clerks shall have authority to act for and on behalf of the clerk of the municipal court.

#### **Section 7.01.005 Record of the Municipal Court Proceedings**

Court proceedings shall be recorded by a good quality electronic recording device. A court reporter is not required to be present to certify the reporter's record. Recording shall be kept for the 20-day period beginning the day after the last day of the court proceeding, trial or denial of motion for new trial, whichever occurs last. If a case is appealed, the proceedings shall be transcribed from the recording by an official court reporter.

#### **Section 7.01.006 Jury and Juror Section**

- (a) Right to trial. A person brought before the municipal court of record and charged with an offense is entitled to be tried by a jury of six persons unless that right is waived in accordance with applicable law.
- (b) Qualification and disqualification of jurors to serve. A juror for the municipal court of record must have the qualifications required of jurors by law and must be a resident of the City. Additionally, any disqualification of jurors shall be governed by applicable law, including but not limited to, the Code of Criminal Procedure Chapters 45A and 35. The process of qualifying or disqualifying jurors shall be conducted as prescribed under applicable law.
- (c) Compensation. As provided by the Government Code, Chapter 61, a juror may receive compensation in an amount not less than twenty (\$20) dollars for the first day or fraction of the first day the person is in attendance in court in response to the process. And an amount not less than fifty-eight (\$58) dollars for each day or fraction of each day after the first day the person is in attendance in court in response to the process.
- (d) Selection. The municipal court clerk shall establish a fair, impartial, and objective juror selection process, and in accordance with the requirements under the law, including, but not limited to the Code of Criminal Procedure Chapters 45A and 35.

#### **Section 7.01.007 Appeals from Municipal Court of Record**

- (a) Appeal. A defendant has the right to appeal from a judgment or conviction in the municipal court of record. The state has the right to appeal as provided by the Texas Code of Criminal Procedure, Article 44.01.
- (b) Appellate Court. The appellate court shall determine each appeal from a municipal court of record conviction on the basis of the errors that are set forth in the appellant's motion for new trial and that are presented in the transcript and statement of facts prepared from the proceedings leading to the conviction. An appeal from the municipal court of record shall not be by trial de novo.
- (c) Transcript fees. In the event of an appeal, the appellant shall pay a transcript preparation fee in the amount of twenty-five dollars (\$25.00). The transcript preparation fee does not include the court's reporter's fee for an actual transcript of the proceedings. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the transcript preparation fee of twenty-five dollars (\$25.00) shall be refunded to the appellant. In addition to the transcript preparation fee, the fee for the actual transcript of proceedings and statement of facts must be paid by the appellant, pursuant to Sections 30.00014 and 30.00019 of the Texas Government Code. This fee is separate and distinct from any other fees as authorized by Chapter 134 of the Texas Local Government Code, within this Code of Ordinances, and other applicable law.

#### **Section 7.01.008 Official Jail**

The city jail, or any other jail facility as may be contracted from time to time by the city, shall be designated as the official city jail for the city.

**2.02** Article 7.04, FINES, COSTS AND SPECIAL EXPENSES, is hereby renumbered as Article 7.02.

**2.03** All other sections of Chapter 7 not expressly amended herein shall remain in full force and effect.”

**Section 3. Severability.** That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4. Savings and Repealer.** 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, now 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 Ordinance shall remain in full force and effect.

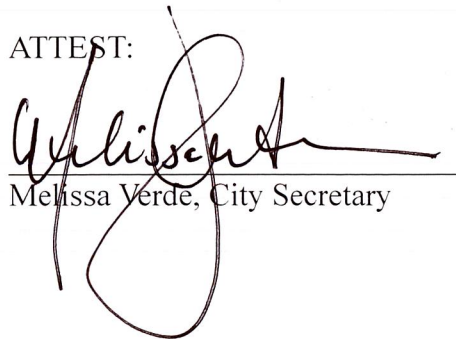
**Section 5. Open Meetings.** That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given, all as required by Article 551.041 of the Texas Government Code.

**Section 6. Effective Date.** This Ordinance shall become effective upon its passage and publication as required by law.

**DULY PASSED, APPROVED AND ADOPTED** by the City Council of the Leonard, Texas, on this the 15TH day of July 2025.

  
Michael Pye, Mayor

ATTEST:

  
Melissa Verde, City Secretary

