

CITY OF VON ORMY TEXAS

ORDINANCE NO. 2010-47

AN ORDINANCE OF THE CITY OF VON ORMY, TEXAS ABOLISHING THE COURT OF RECORD AND CREATING A COURT OF NON RECORD PROVIDING THE FOLLOWING TO BE INCLUDED AND PART OF THE NON RECORD MUNICIPAL COURT FOR THE CITY OF VON ORMY: JUROR FEES; CREDIT CARD USE FOR PAYMENT OF FEES; SPECIAL EXPENSE FEE; ISSUANCE OF CITATIONS; RULES OF PROCEDURE; PROVIDING A REPEALING AND SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Von Ormy, Texas, determines that the Court of Record shall be abolished and court of non record established and there needs to be process for jurors; credit card use for the payment of fees; special expense fee; a juvenile manager fund; issuance of citations for violations; and rules of procedure for the Municipal Court and is necessary to provide a more efficient disposition of cases arising in the City. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VON ORMY, TEXAS:

ARTICLE I.

SECTION 1: MUNICIPAL COURT: The Court of Record is hereby abolished and a court of non record is established and shall have original jurisdiction within the corporate limits in all criminal matters which arise by fine only and in all cases arising under the Ordinance of the City of Von Ormy and pursuant to State Law.

SECTION 2. FEES FOR JURORS. Each juror for the municipal court shall be paid the sum of six dollars (\$6.00) for any day or fraction of a day he may serve. Such fee shall be payable out of the city treasury.

SECTION 3. FAILURE OF JUROR TO ATTEND. Any person who is summoned by any peace officer or police officer of the city to attend the municipal court as a prospective juror, and who fails to appear at the appointed date and time, shall be subject to contempt proceedings before the judge of such court, and if convicted, shall be punished in an amount not exceed \$100.00 for contempt.

SECTION 8. TIME AND PLACE FOR SESSIONS. The following new times, dates and place for the municipal court of non record are hereby established as follows: Court sessions will be conducted in the MGM Building, 13580 IH 35 South Von Ormy, Texas and the date and times of the Court shall be established by the Judge of said Municipal Court.

SECTION 9. ISSUANCE OF CITATIONS.

(a) Definitions.

- (1) Citation means an ordinance violation notice and notice to appear before the city municipal court, as provided for in this section.
- (2) City means the City of Von Ormy, a general-rule municipality located in Bexar County, Texas.
- (3) Person means any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

(b) Administration.

- (1) Relation to related laws. A citation issued pursuant to this section SECTION 8 does not relate to authority of a peace officer to issue a citation pursuant to V.T.C.A, Code of Criminal Procedure art.14.06(d) or V.T.C.A., Transportation Code § 543.003.
- (2) Authority to issue citations. Pursuant to this section SECTION 8, and the scope of their assigned duties, a citation may be issued of the following individuals so designated by the city council:
 - a. Code enforcement officer(s);
 - b. Animal control officer(s);
 - c. Building inspector(s).
- (3) Form and content of citation. A citation issued under this section SECTION 8 must be in a form approved by the municipal court clerk that includes the following information:

- (3) Providing false or fictitious name. A person commits an offense if the person gives a false or fictitious name, address, or other information to an individual authorized to issue a citation under this section SECTION 8.
- (4) Penalty. Each violation under this section SECTION 8 is a misdemeanor offense punishable upon conviction by a fine not to exceed \$2,000.00 per offense. Each day shall constitute a separate offense.

ARTICLE II. RULES OF PROCEDURE

SECTION 10. ADOPTED. The city council confirms and adopts the rules, regulations, practices and procedures for the municipal court of the city now in existence and as subsequently amended and compiled by the municipal judge. These rules governing the practices and procedures for the court are codified in a manual maintained and kept by the municipal court clerk and shall be open for inspection and copying by the public during normal business hours.

SECTION 11. PREPARATION OF COMPLAINT.

(a) It shall be the duty of all local law enforcement officers to turn in to the court clerk every summons written. The clerk shall then, according to instructions of the prosecutor, type the complaint, see that it is properly signed and acknowledged by the Affiant, and duly filed.

(b) If the prosecutor is of the opinion that a case cannot be successfully prosecuted, he shall so note on the case jacket and the defendant shall forthwith be advised that no complaint is being filed. If the complaint in such case has already been filed, the prosecutor shall recommend dismissal of such case in open court, and such case shall be dismissed.

SECTION 12. DISPOSITION OF THE CASE; FINE SCHEDULE.

There shall be a schedule of fines, approved by the city council for certain offenses, which shall be printed on the reverse side of the copy of the summons that is left with the defendant. The defendant may, if he shall elect, pay to the clerk such fine as is shown on the schedule and accordingly enter his plea of nolo contendere. No fine shall be accepted which is not in accord with the schedule, unless set by the judge

