

CITY OF SANCTUARY

P.O. Box 125

Azle, Texas 76098

817.221.6016

ORDINANCE NO. 172

AN ORDINANCE ESTABLISHING THE MUNICIPAL COURT IN SANCTUARY, TEXAS, AS A MUNICIPAL COURT OF RECORD, PROVIDING FOR THE TERM AND APPOINTMENT OF A JUDGE OF THE MUNICIPAL COURT OF RECORD, PROVIDING FOR THE APPOINTMENT OF MAGISTRATES; AUTHORIZING THE MAYOR TO APPOINT A MUNICIPAL COURT CLERK; PROVIDING FOR A COURT REPORTER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANCTUARY, TEXAS (HEREIN AFTER REFERRED TO AS THE "CITY").

**SECTION I
COURT ESTABLISHED**

The City Council hereby establishes the Sanctuary Municipal Court as a municipal court of record in order to provide a more efficient disposition of cases arising in the City and in order to more effectively enforce the ordinances of the City. The Municipal Court shall become a court of record from and after the 2 day or may, 2013, and shall be designated the municipal court of record in the City of Sanctuary.

ORDINANCE ESTABLISHING MUNICIPAL COURT

PAGE 1

**SECTION II
TERMS OF SUBCHAPTER HH OF THE GOVERNMENT CODE ADOPTED**

This municipal court of record is established pursuant to the authority granted in chapter 30 of the Government Code of the State of Texas, and the terms set forth therein are hereby adopted governing the operation of said court.

**SECTION III
MUNICIPAL COURT JUDGE**

This municipal court of record shall be presided over by a municipal judge appointed by the City Council who shall serve for a two (2) year term concurrent with that of the Mayor. The

initial term shall be from the effective date of this ordinance through the end of the current term of the Mayor. The Municipal Judge must be a licensed attorney in good standing in the State of Texas and must be a citizen of the United States and of the State of Texas. The City Council may appoint one or more similarly qualified persons to serve as alternate or associate municipal judge when the municipal judge is temporarily absent for any reason, or to serve under the direction of the municipal court judge.

SECTION IV MAGISTRATES

The City Council may appoint one or more magistrates who need not possess all the qualifications necessary to be a municipal court judge of the court of record. The magistrate may conduct an arraignment, hold an indigency hearing, accept a plea, sign a judgment, set the amount of bond and perform other functions under Article 15.17 of the Code of Criminal Procedure. A magistrate may not preside over the court to hear contested cases.

SECTION V MUNICIPAL COURT CLERK

The Mayor shall appoint a clerk of the municipal court of record who shall perform duties in accordance with statutes, the City Charter and City Ordinances.

SECTION VI COURT REPORTER

The municipal clerk shall appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods of recording the proceedings of the court. The court reporter is not required to record testimony in any case unless the judge or one of the parties requests a record in writing, and files the request with the court before trial. If a record is made, it shall be kept for the twenty (20) day period beginning the day after the last day of the court proceeding, trial, or denial of motion for new trial, which ever occurs last. The court reporter is not required to be present during proceedings of the municipal court of record, provided that proceedings that are required be recorded by a good quality electronic recording device.

ORDINANCE ESTABLISHING MUNICIPAL COURT

PAGE 2

SECTION VII CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Sanctuary, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION VIII SEVERABILITY CLAUSE

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

**SECTION IX
EFFECTIVE DATE**

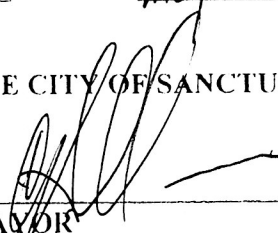
This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

Section X

All ordinance and parts of ordinances in conflict with ordinance are hereby repealed to the extent of conflict with this ordinance. Ordinances 16 are repealed in their entirety.

PASSED AND APPROVED ON THIS 02 DAY OF May, 2013.

THE CITY OF SANCTUARY, TEXAS



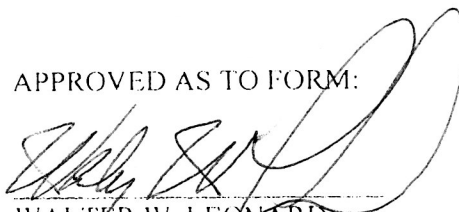
MAYOR
CLIFF SCALLAN

ATTEST:



DEBORAH TOWNLSEY
CITY SECRETARY

APPROVED AS TO FORM:



WALTER W. LEONARD
CITY ATTORNEY