

AN ORDINANCE

PROVIDING FOR THE APPOINTMENT OF THE JUDGE OF THE MUNICIPAL COURT; SPECIFYING THE TERM OF THE JUDGE OF THE MUNICIPAL COURT; PROVIDING THAT IN THE ABSENCE OR INCAPACITY OF THE JUDGE OF THE MUNICIPAL COURT, THE MAYOR SHALL APPOINT A SUBSTITUTE, PROVIDING THAT THE CITY SECRETARY SHALL BE THE EX OFFICIO CLERK OF THE MUNICIPAL COURT; PROVIDING THAT THE EX OFFICIO CLERK MAY APPOINT A DEPUTY; SPECIFYING THE DUTIES OF THE CLERK OF THE MUNICIPAL COURT; SPECIFYING THE RULES OF PLEADING, PRACTICE AND PROCEDURE TO BE FOLLOWED AND SPECIFYING THE RULES FOR THE ENFORCEMENT OF JUDGMENTS

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ORCHARD, STATE OF TEXAS:

SECTION ONE Appointment and Term:

(a) The Judge of the Municipal Court shall be appointed by the Mayor with the consent of the Board of Commissioners and shall not be elected in a city election.

(b) The Judge of the Municipal Court first appointed shall hold his term of office corresponding to the unexpired term of the Mayor. Upon the expiration of the term of said Mayor and every two (2) years thereafter, the Judge shall be appointed for a term of two (2) years, and until his successor has been appointed and qualified.

SECTION TWO Acting Judge:

In the event the Judge of the Municipal Court is temporarily unable to act for any reason the Mayor with the consent of the Board of Commissioners may appoint a person meeting qualifications for such position to sit for the regular Municipal Judge. The appointee shall have all of the powers and duties of the office and shall receive the same compensation as is payable to the regular Municipal Judge while such appointee is so acting.

SECTION THREE Clerk and Deputy Clerk:

(a) The City Secretary shall be the ex officio clerk of the Municipal Court of the city and shall hold such office during his or her term as City Secretary.

(b) The ex officio clerk of the Municipal Court is hereby authorized to appoint a deputy with the same powers and duties as the ex officio clerk.

SECTION FOUR Duties of Clerk:

The Clerk shall keep the minutes of the proceedings of the Municipal Court, issue all process and generally perform all of the duties of a clerk of a court, as prescribed by law for a county clerk, insofar as the same may be applicable.

SECTION FIVE

Rules of Pleading, Practice and Procedure:

Unless otherwise prescribed by law or ordinance, the rules of pleading, practice and procedure prevailing in and prescribed by law for justice courts shall apply to the Municipal Court as far as may be applicable.

SECTION SIX

Rules for Enforcement of Judgments:

The rules to enforce the collection of all fines and costs imposed by the Municipal Court, by execution against the property of the defendant, or by imprisonment of the defendant, shall be the same as the rules prescribed by law for judgments and their enforcement in criminal cases in the justice courts, as far as may be applicable and so far as not in conflict with any ordinance of the city.

SECTION SEVEN

Declaring an Emergency:

WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the citizens of the City of Orchard that requires this ordinance to become effective immediately; therefore, this ordinance shall be effective from and after the date of its passage and approval.

PASSED AND APPROVED this the 8th day of April,
1981.

ATTEST:

Aimee Bollom
City Secretary

APPROVED:

Eugene L. Demmy
Mayor

N O T I C E

On the 8th day of April, 1981, the Board of Commissioners of the City of Orchard, State of Texas, passed an ordinance, the descriptive caption of which is as follows:

PROVIDING FOR THE APPOINTMENT OF THE JUDGE OF THE MUNICIPAL COURT; SPECIFYING THE TERM OF THE JUDGE OF THE MUNICIPAL COURT; PROVIDING THAT IN THE ABSENCE OR INCAPACITY OF THE JUDGE OF THE MUNICIPAL COURT, THE MAYOR SHALL APPOINT A SUBSTITUTE, PROVIDING THAT THE CITY SECRETARY SHALL BE THE EX OFFICIO CLERK OF THE MUNICIPAL COURT; PROVIDING THAT THE EX OFFICIO CLERK MAY APPOINT A DEPUTY; SPECIFYING THE DUTIES OF THE CLERK OF THE MUNICIPAL COURT; SPECIFYING THE RULES OF PLEADING, PRACTICE AND PROCEDURE TO BE FOLLOWED AND SPECIFYING THE RULES FOR THE ENFORCEMENT OF JUDGMENTS

This will therefore give notice by publication of the passage of said ordinance as directed by the City Charter.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 8th day of April, 1981.

Aimee Bollom
CITY SECRETARY
CITY OF ORCHARD, STATE OF TEXAS

THE STATE OF TEXAS
COUNTY OF FORT BEND
CITY OF ORCHARD

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SECRETARY'S CERTIFICATION

I, AIMEE BOLLUM, City Secretary of the City of Orchard, State of Texas, hereby certify that I gave notice of the passage of the foregoing and attached ordinance by causing the descriptive caption to be published in the Herald Coaster, a newspaper of general circulation published in the City of ROSENBERG, Texas, and that the same was published in said newspaper on the 21st day of APRIL, 1981.

GIVEN UNDER MY HAND AND SEAL OF SAID CITY on the 28th day of APRIL, 1981.

Aimee Bollom

AIMEE BOLLUM
City Secretary,
City of Orchard, State of Texas