

ORDINANCE NO. 89-2009

AN ORDINANCE PROVIDING FOR THE CREATION OF A MUNICIPAL COURT FOR THE CITY OF ORCHARD, TEXAS; PROVIDING FOR THE APPOINTMENT OF A JUDGE AND CLERK OF THE MUNICIPAL COURT; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; REPEALING ORDINANCE NO. 023-81, PASSED AND APPROVED ON THE 8TH DAY OF APRIL, 1981 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH;

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BE IT ORDAINED BY THE COMMISSION OF THE CITY OF ORCHARD, TEXAS:

Section 1. Creation. There is hereby created a Municipal Court for the City of Orchard.

Section 2. Jurisdiction. The Municipal Court shall have jurisdiction within the City with the power to hear and determine all cases of violation of the ordinances of the City, and all other cases of which municipal courts are given jurisdiction by state law.

Section 3. Rules of practice and procedure. The rules of practice and procedure as prescribed by state law governing trials in the state justice of the peace courts shall govern the procedure and practice of the Municipal Court, and the Commission may prescribe such additional rules of practice and procedure as may not be inconsistent with state law.

Section 4. Judge.

(a) **Generally.** There is created the office of Judge of the Municipal Court. The Judge of the Municipal Court shall have all the power and authority as granted by and shall perform the duties as required by state law.

(b) **Appointment.** The Commission shall appoint a Judge of the Municipal Court. The person so appointed shall have the qualifications provided by law for other City officials; however, he or she need not be a licensed attorney.

(c) **Term.** The Judge of the Municipal Court shall be appointed for a term of office of two (2) years, commencing on _____ 1 of each odd numbered year.

(d) **Oath.** The Judge, prior to taking office, shall take the requisite oath of office required by the Constitution and state law.

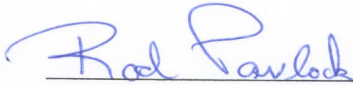
Section 5. **Temporary Judge.** The Commission may appoint a person as a temporary replacement judge meeting the qualifications for the position of Judge to sit for the regular Municipal Court Judge should the regular Municipal Court Judge, for any reason, be unable to act as Judge of the Municipal Court. The temporary replacement judge of the Municipal Court shall serve at the pleasure of the Commission; may be removed at will, with or without cause; shall have all the powers and duties of the office of the Municipal Court Judge; and shall receive such compensation while thus acting as may be set by the Commission.

Section 6. **Clerk, deputy clerks; powers and duties.** The clerk and deputy clerks of the Municipal Court shall perform all the duties and have all the powers bestowed upon clerks of municipal courts by state law. Any clerk or deputy clerk so appointed may act as the official clerk of the Municipal Court and perform all acts incident to such office.

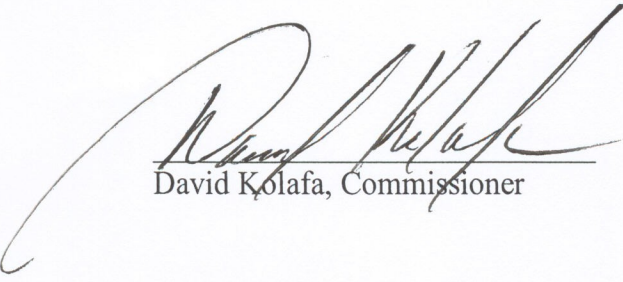
Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Commission of the City of Orchard, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 8. Ordinance No. 023-81 passed, approved, and adopted on the 8th day of April, 1981, and all other ordinances or parts of ordinances in consistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

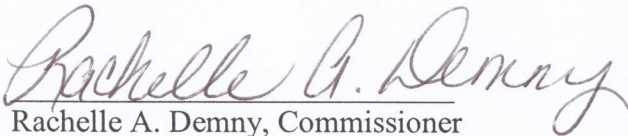
PASSED AND APPROVED by the Commission of the City of Orchard, Texas on the 13th day of May 2009.



Rodney Pavlock, Mayor

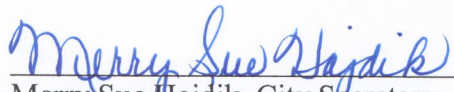


David Kolafa, Commissioner



Rachelle A. Demny, Commissioner

ATTEST:



Merry Sue Hajdik, City Secretary