

**CITY OF OAK RIDGE**  
**KAUFMAN COUNTY, TEXAS**

**ORDINANCE NUMBER: 43-16**

**ESTABLISHING THE CITY OF OAK RIDGE MUNICIPAL COURT AS**  
**A MUNICIPAL COURT OF NON-RECORD, AFFIRMING THE MAYOR'S SERVICE AS**  
**EX OFFICIO JUDGE OF THE CITY OF OAK RIDGE MUNICIPAL COURT,**  
**CREATING THE OFFICE OF COURT CLERK AND COURT PROSECUTOR AND**  
**PROVIDING FOR AN OFFICIAL COURT SEAL**

**AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, ESTABLISHING THE CITY OF OAK RIDGE MUNICIPAL COURT AS A MUNICIPAL COURT OF NON-RECORD; AFFIRMING THE MAYOR EX OFFICIO JUDGE OF SUCH MUNICIPAL COURT; CREATING THE OFFICE OF COURT CLERK; CREATING THE OFFICE OF THE COURT PROSECUTOR; PROVIDING FOR AN OFFICIAL COURT SEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Oak Ridge, Kaufman County, Texas (the "City"), is a Type B general-law municipality and the City Council of the City of Oak Ridge, Kaufman County, Texas (the "City Council"), has the authority to adopt an ordinance, not inconsistent with state law, that the City Council considers proper for the governance of the City pursuant to Texas Local Government Code, Section 51.032; and

**WHEREAS**, the City Council has the authority conferred by Texas Government Code, Section 29.002 to establish a municipal court with exclusive original jurisdiction and concurrent jurisdiction over certain matters occurring within the City's territorial limits or extraterritorial jurisdiction; and

**WHEREAS**, the Mayor of the City of Oak Ridge, Texas (the "Mayor") has the authority conferred by the Texas Government Code, Section 29.004(b) to serve as ex officio judge of the municipal court unless and until the municipality, by ordinance, creates the office of municipal judge, authorizes the election or appointment of the municipal judge, and establishes the qualifications of the municipal judge; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City and its residents to establish the City of Oak Ridge Municipal Court as a municipal court of non-record as provided for in this Ordinance to provide for the enforcement of its municipal ordinance and to protect the public health, safety, and welfare and to affirm that the Mayor shall serve as ex officio municipal court judge.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS THAT:**

**SECTION I.**

The above and foregoing premises to this Ordinance are true and correct, are incorporated herein, and made a part of this Ordinance for all purposes.

**SECTION II.**

The City Council hereby establishes the City of Oak Ridge Municipal Court of the City of Oak Ridge, Kaufman County, Texas as a municipal court of non-record.

**SECTION III.**

The City Council hereby affirms the Mayor's service as ex officio judge of the City of Oak Ridge Municipal Court until the City, by ordinance, creates the office of municipal court judge, authorizes the municipal judge to be elected or appointed, and establishes the qualifications of the municipal judge. Upon the enactment of such ordinance, the City Council affirms that the Mayor ceases to serve as the ex officio judge.

**SECTION IV.**

A. City of Oak Ridge Municipal Court.

1. In order to protect the public health, safety, and welfare and effectively enforce the ordinance of the City, there is hereby established one (1) municipal court within the City of Oak Ridge, Kaufman County, Texas with the designation of "The City of Oak Ridge Municipal Court" (the "Municipal Court").

2. All prosecutions in the Municipal Court shall be conducted as provided for in Code of Criminal Procedure, Article 45.002, as may be amended from time to time. Complaints and pleadings must substantially conform to the relevant provisions of Code of Criminal Procedure, Chapters 27, 39 and 45.

B. Jurisdiction of Court.

1. The Municipal Court has exclusive original jurisdiction over cases arising within the City's territorial limits and property owned by the City located in the City's extraterritorial jurisdiction to the extent provided for by Government Code, Section 29.003, Texas Code of Criminal Procedure, article 4.14, the Texas Constitution, State law, and pursuant to ordinances duly passed by the City Council.

2. The Municipal Court has concurrent jurisdiction with the justice court of a precinct in which the City is located in all criminal cases arising under state law that arise within the City's territorial limits or property owned by the City located in the City's extraterritorial jurisdiction to the extent provided for by Government Code, Section 29.003, Texas Code of Criminal Procedure, article 4.14, the Texas Constitution, State law, and pursuant to ordinances duly passed by the City Council.

C. Mayor as Ex Officio Judge of Municipal Court.

The City Council affirms the Mayor's service as ex officio judge of the City of Oak Ridge Municipal Court until such time that the City, by ordinance, creates the office of municipal court judge, provides for and authorizes the judge to be elected or appointed, and establishes the qualifications of the municipal judge. Upon the enactment of such ordinance, the City Council affirms that the Mayor ceases to serve as the ex officio judge.

D. Appointment of Municipal Court Clerk and Court Seal.

1. Appointment. The City Council may appoint a clerk of the municipal court who shall be known as the Municipal Court Clerk (the "court clerk"). The Municipal Court Clerk shall keep the records of the Municipal Court, issue process, and generally perform the duties of a court clerk. The City Council may appoint additional court personnel or hire additional personnel as needed.

2. Seal. The court clerk is directed to acquire a seal in conformance with state law for the Municipal Court. The appearance and use of the seal must substantially conform to the Code of Criminal Procedure, Article 45.012 but must also include the phrase "City of Oak Ridge Municipal Court" or similar wording.

E. Appointment of Court Prosecutor

The City Attorney, who is appointed by the City Council, shall be the Municipal Court Prosecutor ("prosecutor") unless the City Council appoints another attorney to serve as prosecutor, in which case the prosecutor shall be a Deputy City Attorney.

## **SECTION V.**

**Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Oak Ridge

hereby declares that it would have passed this Ordinance each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION VI.**

**Conflicting Ordinances Repealed.** Any provision of the Code of Ordinances of the City of Oak Ridge, Kaufman County, Texas in conflict with the provisions of this Ordinance is, and it is hereby, repealed and all other provisions of the Code of Ordinances of the City of Oak Ridge not in conflict with this ordinance shall remain in full force and effect.

**SECTION VII.**

**Effective Date.** This Ordinance shall take effect immediately after its passage and publication of the caption as required by law.

**DULY PASSED** by the City Council of Oak Ridge, Kaufman County, Texas on the 27th day of June, 2016.

APPROVED:

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Al Rudin, Mayor

ATTEST:

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Donna Sprague, City Secretary