

NO. / _____

AN ORDINANCE

GRANTING AND ESTABLISHING A CORPORATION COURT FOR THE CITY OF BELLS, TEXAS, PROVIDING FOR THE JURISDICTION THEREOF AND THE SELECTION OF A CITY JUDGE, A CLERK OF SAID COURT, TOGETHER WITH PROVISIONS FOR TRIAL BY JURY AND THE PLEADING PRACTICE AND PROCEDURE THEREIN, DESIGNATING A SEAL THEREFOR, AND PROVIDING FOR THE ASSESSMENT OF FINES AND COSTS AND OTHER MISCELLANEOUS PROVISIONS.

SECTION 1: There is hereby created, established and adopted in said City a Court for the trial of misdemeanor offenses known as the Corporation Court of the City of Bells, with such powers and duties as are prescribed by the laws of the State of Texas.

SECTION 2: Said Court shall have jurisdiction within the territorial limits of said City in all criminal cases arising under the ordinances of said City now in force or hereafter to be passed, and shall have jurisdiction in all criminal cases arising under the Penal Code of the State of Texas in which the punishment is by fine only, and where the maximum amount thereof may not exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00), and which arise within the territorial limits of said City.

SECTION 3: Such Court shall be presided over by a magistrate who shall be known as the City Judge and who shall be appointed by the Mayor with the advice and consent of the City Council to serve for a period of two (2) years. He may be removed by the Mayor with the advice and consent of the City Council only at any time for incompetence, misconduct, malfeasance or disability. He shall receive such salary as may be fixed by the Council from time to time. In the event of the failure of the City Judge to act for any reason, or the failure of any appointment thereto, the Mayor shall act in the place and stead of the City Judge (and in the event of a vacancy, until a City Judge is appointed by the Mayor with the consent and advice of the City Council to fill such vacancy). The Mayor, while acting as City Judge, shall receive no compensation.

SECTION 4: The City Clerk of said City shall be ex-officio clerk of said Court, and he may appoint a deputy who shall have the same powers as the City Clerk when acting as Clerk of said Court. It shall be the duty of said Clerk to keep a correct record of all proceedings of said Court, to issue all process and generally do and perform all of said duties of the Clerk of the Court as prescribed by the laws of the State of Texas.

SECTION 5: Every person charged with misdemeanor in said City shall be entitled, if he shall demand it in writing at least two (2) days prior to trial, to be tried by a jury of six (6) qualified voters of said City who shall be summoned, impaneled and qualified as said jurors in like manner as the Justice Court may do. Each person who shall serve as such juror shall be paid for the service rendered in each case such sum of money as may be authorized by resolution or ordinance of the City Council from time to time until fixed or otherwise changed by law. Each juror shall be entitled to a fee of TWO AND NO/100 DOLLARS (\$2.00) for his services, which said amount shall be taxed as costs of each case.

SECTION 6: All rules of pleading and practice now established for the County Court at Law of Grayson County, Texas, by the laws of the State of Texas shall apply in said Corporation Court insofar as applicable.

All charges shall be commenced by complaint in the same manner as is required by the laws of the State of Texas in the Justice Court.

SECTION 7: There shall be appointed a City Attorney of the City of Bells, Texas, who shall receive such compensation as shall be determined and fixed by the City Council of the City of Bells, and he shall serve in that capacity in all criminal prosecutions hereunder.

SECTION 8: The said Corporation Court shall have a seal and have engraved thereon a star or other suitable engraving, and the words "Corporation Court in Bells, Texas," the impress of which shall be attached to all proceedings except subpoenas issued out of said Court, and shall be used to authenticate the final acts of the Clerk and the Judge of said Court where use of the same is required.

SECTION 9: In all transactions in said Court, whether under an ordinance or provisions of the Penal Code, the complaint shall commence "In the name of the State of Texas" and shall conclude "against the peace and dignity of the State," and where an offense is covered by an ordinance the complaint may also conclude "contrary to said ordinance."

SECTION 10: The Corporation Court of the City of Bells shall not have authority to impose any jail sentence, nor any fine in excess of TWO HUNDRED AND NO/100 DOLLARS (\$200.00).

SECTION 11: All costs and fees imposed by said Court and collected shall be paid into the City Treasury for the use and benefit of said City.

There shall be taxed against and collected from each defendant in the event of his conviction before said Court, such fine as may be imposed by said Court and such costs as may be provided for by ordinance of said City, but in no case shall there be collected a greater amount of costs than are prescribed by the State of Texas to be collected from defendants before Justices of the Peace in said County.

SECTION 12: The Judge of said Court shall have power to punish for contempt the same as the County Court at Law of Grayson County, and he shall have power to take recognizances, admit to bail and forfeit the same under the same rules and regulations as now govern the taking and forfeiting of same in the County Court at Law of Grayson County, Texas. The amount of recognizance and the amount of bail bond may be set by the City Marshall of the City of Bells in such an amount as may guarantee the appearance of any defendant.

SECTION 13: Whenever any person has been required by the City Judge to give a peace bond or a bond for good behaviour or any similar bond which may be legally required and who has complied with said order and has given said bond and has thereafter been guilty of any violation or infraction of said bond and the same is proved or established to the satisfaction of said Court in any trial or complaint, said party so offending may be fined the sum of TWO HUNDRED AND NO/100 DOLLARS (\$200.00) in addition to the forfeiture of said

bond, and the City in its corporate name may sue in any court of competent jurisdiction for the recovery of such bond.

SECTION 14: Any judgment of conviction rendered by said Court may be appealed to the County Court at Law of Grayson County, Texas, for trial de novo by the giving and posting of a good and sufficient bond with good and sufficient sureties thereon in an amount equal to twice the amount of the fine assessed, and all costs thereon, which such bond shall have two (2) or more good and sufficient sureties thereon, or one corporate surety engaged in general bonding business, all of which shall be first approved by said Judge of said Court.

SECTION 15: Each part and ordinance is hereby declared to be severable, and if any part or portion thereof should be declared invalid or unconstitutional, same shall not affect the remaining parts thereof.

SECTION 16: All ordinances or other laws or parts thereof in conflict herewith are hereby repealed.

UNANIMOUSLY PASSED by the City Council this 14th day of October, 1969.

Bill Spivey
Mayor