

ORDINANCE NO. 2194

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS AMENDING CHAPTER 2, ARTICLE VI (MUNICIPAL COURT) OF THE CODE OF ORDINANCES BY ESTABLISHING THE MUNICIPAL COURT IN SUGAR LAND AS A MUNICIPAL COURT OF RECORD; PROVIDING FOR THE APPOINTMENT AND TERM OF A JUDGE OF THE MUNICIPAL COURT OF RECORD; PROVIDING FOR CIVIL JURISDICTION FOR THE PURPOSES OF ENFORCING ORDINANCES ADOPTED UNDER LOCAL GOVERNMENT CODE CHAPTER 214 AND TRANSPORTATION CODE CHAPTER 683, SUBCHAPTER E; PROVIDING FOR CONCURRENT JURISDICTION OF THE COURT WITH THE DISTRICT COURTS AND COUNTY COURTS AT LAW FOR MATTERS INVOLVING THE ENFORCEMENT OF HEALTH AND SAFETY AND NUISANCE ABATEMENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sugar Land, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 30 of the Texas Government Code authorizes the City of Sugar Land to establish its municipal court as a municipal court of record, and the terms set forth therein are hereby adopted governing the operation of said court; and

WHEREAS, the City Council of the City of Sugar Land deems it necessary to establish a municipal court of record to provide a more just and efficient disposition of cases arising in the City; and

WHEREAS, the City Council wishes to provide for a more effective means to enforce the laws of the State of Texas and the ordinances and laws of the City of Sugar Land; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That Chapter 2, Article VI, Municipal Court is amended to read as follows:

ARTICLE VI. MUNICIPAL COURT OF RECORD

Sec. 2-141. Municipal Court of Record.

The Sugar Land Municipal Court is hereby established as a municipal court of record to provide a more efficient disposition of cases arising in the city, and in order to more effectively

enforce the ordinances of the city. In this Code, a reference to “municipal court” or “court” means “municipal court of record.”

Sec. 2-142. Jurisdiction.

- a) The court has the jurisdiction provided by general law for municipal courts.
- b) The court has concurrent jurisdiction with any justice court in any precinct in which the city is located in criminal cases that arise within the territorial limits of the city and are punishable only by fine.
- c) The court has civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Local Government Code Chapter 214, and Texas Transportation Code Chapter 683.
- d) The court has concurrent jurisdiction with district courts and county courts at law for matters arising under Local Government Code Chapter 54 for the purpose of enforcing health and safety and nuisance abatement ordinances, within the city’s territorial limits and extend to any property owned by the city located in the city’s extraterritorial jurisdiction.
- e) The court has authority to issue:
 - 1. Search warrants for the purpose of investigating health and safety or nuisance abatement ordinance violation, and
 - 2. Seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing debris from the premises.
- f) The court has the authority to establish procedures and local rules in the furtherance of this ordinance for the purpose of promoting the speedy resolution of disputes involving the enforcement of the health and safety and nuisance abatement ordinances of the city.

Sec. 2-143. Appointment of Judge.

The municipal court of record will be presided over by a municipal judge appointed by city council in accordance with the city charter and city ordinances.

Sec. 2-144. Appointment of Court Clerk.

The city manager or his designee will appoint a clerk of the municipal court of record who will perform duties in accordance with state law, the city charter and city ordinances. During proceedings of the court, the clerk and other court personnel will serve at the direction of the municipal court judge. At all other times they serve at the direction and supervision of the city manager or his designee.

Sec. 2-145. Recording of Proceedings

(a) The court is hereby authorized, for the purpose of recording the proceedings and preserving a record in all cases tried before the municipal court of record, to use a good quality recording device. When the recording device is used, a court reporter need not be present at the trial to certify the reporter's record. Proceedings of the court that are appealed will be transcribed from the recording by an official court reporter who meets the qualifications provided by law. The recording will be kept and stored for a 20-day period beginning the day after a final order has been entered in the proceeding, upon completion of the trial, or after the denial of a motion for new trial, whichever occurs last.

(b) In lieu of a good quality electronic recording device, and as deemed necessary by the municipal judge, the court reporter will preserve the record.

(c) Testimony is not required to be recorded in a case unless requested by the judge or one of the parties.

Sec. 2-146. Fines, Penalties, and Special Expenses.

(a) A defendant convicted of intentionally, knowingly, recklessly or criminally negligently violating a city ordinance governing fire safety, zoning and public health or sanitation, other than the dumping of refuse, will be fined up to \$2,000; a conviction for a violation of a rule, ordinance, or police regulation that governs the dumping of refuse will be fined up to \$4,000.

(b) A defendant convicted for violating any other city ordinance will be fined up to \$500.

(c) A defendant convicted of a misdemeanor in the municipal court of record must pay consolidated court costs in accordance with Local Government Code chs. 133 and 134 and Code of Criminal Procedure, art 102.

(d) A collection fee of 30 percent is created on the full amount of all outstanding fines, fees, court costs, forfeited bonds, and restitution ordered paid by the municipal court of record that are more than 60 days past due and have been referred to an attorney or vendor for collection.

(e) Appeals Costs:

The fee for the actual transcription of the proceedings and the reporter's records must be paid by the appellant, pursuant to Government Code ch. 30.

Sec. 2-147. Citation to Appear in Court.

(a) Any police officer or other employee whose duties include enforcement or administration of an ordinance may issue a notice to appear in the municipal court of record to any person violating a city ordinance provision for which a penalty is provided if the person gives his written promise to appear by signing the notice. The notice will identify the offense and contain the date, which will not be less than ten days after issuance of the citation for the person to appear.

(b) Any person willfully violating his written promise to appear is guilty of an offense, punishable by a fine not exceeding \$200.00.

Section. 2. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.

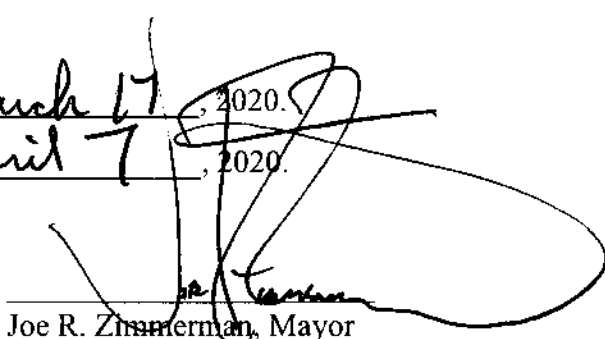
Section. 3. That any ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption in the city's official newspaper one time within thirty days of passage.

Section. 5. That this ordinance is effective on July 1, 2020.

APPROVED on first consideration on March 17, 2020.

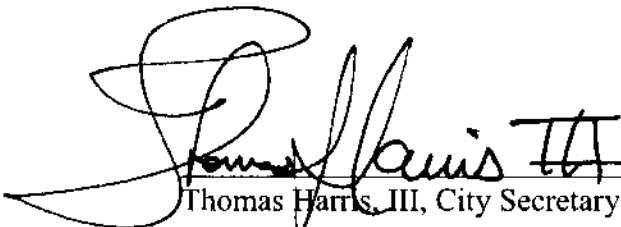
ADOPTED on second consideration on April 7, 2020.


Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:


Meredith Redd


Thomas Harris, III, City Secretary



City Council Agenda Request

APRIL 7, 2020

AGENDA REQUEST NO: IV.A.

AGENDA OF: City Council Meeting

INITIATED BY: *Kendra Beverly, Municipal Court Administrator*

PRESENTED BY: *Kendra Beverly, Municipal Court Administrator*

RESPONSIBLE DEPARTMENT: Municipal Court

AGENDA CAPTION:

SECOND CONSIDERATION: Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2194:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS AMENDING CHAPTER 2, ARTICLE VI (MUNICIPAL COURT) OF THE CODE OF ORDINANCES BY ESTABLISHING THE MUNICIPAL COURT IN SUGAR LAND AS A MUNICIPAL COURT OF RECORD; PROVIDING FOR THE APPOINTMENT AND TERM OF A JUDGE OF THE MUNICIPAL COURT OF RECORD; PROVIDING FOR CIVIL JURISDICTION FOR THE PURPOSES OF ENFORCING ORDINANCES ADOPTED UNDER LOCAL GOVERNMENT CODE CHAPTER 214 AND TRANSPORTATION CODE CHAPTER 683, SUBCHAPTER E; PROVIDING FOR CONCURRENT JURISDICTION OF THE COURT WITH THE DISTRICT COURTS AND COUNTY COURTS AT LAW FOR MATTERS INVOLVING THE ENFORCEMENT OF HEALTH AND SAFETY AND NUISANCE ABATEMENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

RECOMMENDED ACTION:

Approve second reading of Ordinance No. 2194, establishing a municipal court of record for the City of Sugar Land.

EXECUTIVE SUMMARY:

Background

Approval of this ordinance will establish the municipal court in Sugar Land as a municipal court of record. As part of the Charter Commission's five-year review of the City Charter, the Commission recommended that the City Council enact an ordinance converting the current municipal court to a municipal court of record. This recommendation was discussed during the City Council workshop on June 25, 2019, and then mentioned briefly during the January 28, 2020 City Council workshop.

There are approximately 180 Municipal Courts of Record in the State of Texas. Becoming a municipal court of record will provide residents and defendants with a more just and efficient disposition of cases arising in the City and the enhanced enforcement of City ordinances. The integrity of the municipal court improves because the proceedings are recorded, and trials are governed by the Code of Criminal Procedures and the Rules of Appellate Procedure.

Currently, if a defendant appeals a case from municipal court, it goes to county court de novo. This essentially means that the case starts over. The county receives (and keeps) the fines for cases appealed to the county court. Once a municipal court is converted to a municipal court of record, an appeal to county court is based upon the record created in the municipal court. If the City prosecutor wins the appeal, the City receives the fines.

Additionally, a municipal court of record has original jurisdiction over civil cases arising under Local Government Code chapters 54 and 214. This original jurisdiction would allow the City to try dangerous building cases at municipal court and receive an earlier docket setting than would occur if the cases were tried in district or county court.

Designation as a court of record requires technical upgrades, including the installation of a quality recording device. Funding for the recording device was approved by City Council as part of the FY20 budget and was installed in the courtroom on February 7, 2020.

Recommendation

Staff recommends City Council consider and take action on the second reading of Ordinance No. 2194 of the Code of Ordinances of the City of Sugar Land, establishing the municipal court in Sugar Land, Texas, as a municipal court of record with an effective date of July 1, 2020. Once approved, notices will be made and posted. The first reading was approved on March 17, 2020.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

	Description	Type
□	<u>Ord 2194</u>	Contracts