

CITY OF ROYSE CITY, TEXAS
ORDINANCE NO. 06-11- 537

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROYSE CITY, ROCKWALL, COLLIN AND HUNT COUNTY, TEXAS; ESTABLISHING REGULATIONS FOR THE ISSUANCE OF CITATIONS STEMMING FROM ALLEGED CRIMINAL VIOLATIONS OF ORDINANCES BY NON-PEACE OFFICERS; PROVIDING FOR STANDARD PROCEDURES, CRIMINAL PENALTIES; PROVIDING FOR SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND THE PUBLICATION THEREOF.

WHEREAS, the City Council of the City of Royse City (“City Council”) seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

WHEREAS, the City Council finds that state law does not provide rules and regulations relating to issuance of citations in criminal cases stemming from local ordinances by non-peace officers; and

WHEREAS, the City Council has determined that the local administration of justice requires that such rules and regulations exist; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Royse City to adopt an ordinance regulating the issuance of citations in criminal cases stemming from local ordinances by non-peace officers.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Royse City, Texas:

SECTION 1: The foregoing recitals are incorporated into this Ordinance be reference as findings of fact as if expressly set forth herein.

SECTION 2: This Ordinance provides procedural and substantive rules relating to the issuance of citations by non-peace officers to defendants accused of violating criminal ordinances of the City of Royse City applying to the issuance of citations

alleging criminal violations within the jurisdiction of the municipal court. The procedures of this chapter apply only to offenses alleged to occur on or after the date of enactment.

SECTION 3: NOTICE OF VIOLATION: when issued in the form set forth in Section 6; shall be known and treated as a citation and the terminology is merely to distinguish forms issued by peace officers and shall not be afforded any legal distinction.

PERSON. Any individual, firm, Partnership, association, business, corporation or other entity.

SECTION 4: A citation issued pursuant to this Section does not relate to the issuance of a citation by a peace officer pursuant to Article 14.06 (b) of the Code of Criminal Procedure or Section 543.003 of the Transportation Code.

SECTION 5: Pursuant to this Section, and the scope of their assigned duties, a notice of violation may be issued by any of the following individuals:

- a) Health Inspector
- b) City Inspector
- c) Building Inspector or Official
- d) Code Enforcement or Code Compliance Officer
- e) Animal Control Officer

SECTION 6: Notice of violation issued under this Section must be in a form approved by the Municipal Court Clerk that includes the following information:

- a) the name, address, date of birth or driver's license number and physical description, and telephone number of the person cited;
- b) the offense for which the person is charged;
- c) the date and location of the offense;
- d) an appearance date;
- e) a statement requiring the person receiving the notice of violation to appear at municipal court on or before the appearance date indicated on the notice of violation;
- f) a statement of the person's promise to respond to the citation, pursuant to Article 27.14 of the Code of Criminal Procedure, by the appearance date indicated on the citation, including a place for the person cited to provide the person's signature, and;
- g) the signature of the person issuing the citation.

SECTION 7: All pleas arising from the issuance of a notice of violation shall be made pursuant to Article 27.14 of the Code of Criminal Procedure.

- a) Notices of Violation may be sent certified mail or regular mail consistent with applicable city ordinances and state law for the offense alleged.

- b) A Notice of Violation issued by mail must be in the same form and of the same content, as that contained in Section 6 to the extent practicable.
- c) No warrant shall be issued for failure to appear for any Notice of Violation issued under this Section, unless further judicial action is taken as provided in Section 7 (d) and (e).
- d) If the Notice of Violation is by any manner other than personal delivery where a signature is obtained, the court may issue a summons for the person with a copy of the complaint attached ordering the appearance of the person to appear in person, by legal counsel or in a manner authorized by Article 27.14 of the Texas Code of Criminal Procedure.
- e) If a defendant fails to appear in response to a summons a capias warrant may issue consistent with Article 23.03 of the Texas Code of Criminal Procedure.

SECTION 8: A person issued a notice of violation, as authorized by this Article, commits an offense if the person fails to appear or enter a plea pursuant to Section 7 on or before the appearance date indicated on the citation.

SECTION 9: A person issued a notice of violation, as authorized by this Article, commits an offense if the person fails to appear or enter a plea pursuant to Section 7 on or before the appearance date indicated on the summons. Such a person may also be held in contempt, consistent with state law.

SECTION 10: A person commits an offense if the person interferes with or obstructs the issuance of a notice of violation under this Article.

SECTION 11: A person commits an offense if the person gives false or fictitious name, address, or other information to an individual authorized to issue a citation under this Ordinance.

SECTION 12: Any person, upon agreement with the prosecution, and order of the court, may receive deferred disposition on any city code violation.

SECTION 13: Each violation under this Section is a misdemeanor offense punishable upon conviction by a fine not to exceed Five Hundred Dollars (\$500.00).

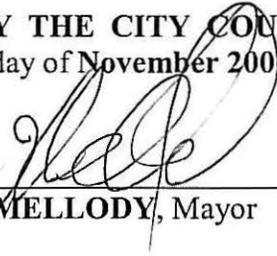
SECTION 14: Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this Ordinance.

SECTION 15: All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 16: Should any section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full for force and effect. Royse City hereby declares that it would have passed this Ordinance, and each section, subsection, clauses and phrases be declared unconstitutional or invalid.

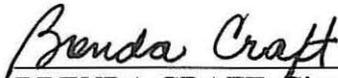
SECTION 17: This Ordinance shall be effective six months after its passage and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROYSE CITY, TEXAS, on this 14th day of November 2006.



JIM MELLODY, Mayor

ATTESTED AND CORRECTLY RECORDED:



BRENDA CRAFT, City Clerk

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