

TOWN OF INDIAN LAKE, TEXAS
ORDINANCE NO: 0050
Amended 13 APRIL 1998

AN ORDINANCE OF THE TOWN OF INDIAN LAKE ESTABLISHING A MUNICIPAL COURT AND ESTABLISHING THAT THE TOWN COUNCIL SHALL APPOINT THE JUDGE OF SAID COURT; ESTABLISHING THE JURISDICTION OF SAID COURT; ESTABLISHING PRACTICES AND PROCEDURES OF SAID COURT; PROVIDING FOR HOLDING OF SESSIONS OF SAID COURT; PROVIDING FOR THE SEVERABILITY OF THIS ORDINANCE; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Town of Indian Lake, Texas has heretofore not established or maintained a municipal (Corporation) court;

AND WHEREAS, the Town of Indian Lake, Texas has a legitimate and substantial interest in establishing such a court:

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN LAKE, TEXAS :

SECTION I:
MUNICIPAL COURT ESTABLISHED

There is hereby created a court in and for the Town of Indian Lake, Texas that shall be known as the Municipal Court. This court shall have jurisdiction within the Town as provided for in V.T.C.A., Government code, Chapter 29, with power to hear, and determine all cases of alleged violations of the ordinances of the Town and all other cases over which municipal courts are generally given jurisdiction by state law.

SECTION II:
APPOINTMENT OF JUDGE

There is hereby created the office of Judge of the Municipal Court who shall have all the power and authority as granted by state law, and shall be the presiding magistrate of the court and shall perform all the duties as required by state law. The Town Council shall appoint the Municipal Court Judge.

SECTION III:
JURISDICTION OF THE COURT

The Municipal Court shall have exclusive original jurisdiction within the corporate limits in all criminal cases in which punishment is by fine only and where the maximum of such fine does not exceed Two Thousand Dollars (\$2,000.00) in all cases arising under the ordinances of said Town that govern fire, safety, zoning, and public health and sanitation including vegetation and litter violations, and where the maximum of such fine

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does not exceed Five Hundred Dollars (\$500.00) in all other cases arising under the ordinances of said Town, except traffic violations where the maximum fine shall not exceed Two Hundred Dollars (\$200.00); and shall have concurrent jurisdiction with any Justice of the Peace in any precinct in which the Town is situated in all criminal cases arising under the criminal laws of the State of Texas in which punishment is by fine only, and where the maximum of such fine may not exceed Five Hundred Dollars (\$500.00), and arising within such corporate limits.

**SECTION IV:
PRACTICES AND PROCEDURES OF THE COURT**

The rules prescribed by state laws governing trials in the state Justice of the Peace courts shall govern the procedure and practice of the Municipal Court, and the Town Council may prescribe such additional rules of practice and procedures as are not inconsistent with state law.

**SECTION V:
SESSIONS OF THE MUNICIPAL COURT**

The Municipal Court of the Town of Indian Lake, Texas, shall meet and hold sessions as necessary, in the council chambers of the Town of Indian Lake and at any other times deemed appropriate and needful by the Municipal Court Judge.

**SECTION VI:
SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of the Ordinance despite such invalidity.

**SECTION VII:
CONFLICTING PROVISIONS**

Any and all Ordinances of the Town of Indian Lake, Texas, heretofore adopted which are in conflict with this Ordinance are hereby expressly repealed insofar as the same are in conflict therewith.

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SECTION VIII:
EFFECTIVE DATE

The fact that the Town of Indian Lake does not have an ordinance regarding the enforcement of ordinances within the corporate limits of the Town of Indian Lake, Texas, creates an emergency for the immediate preservation of public business, property, health, safety, and general welfare of the public which requires that this Ordinance shall become effective from and after the date of its passage as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED BY ORDER OF THE TOWN COUNCIL OF INDIAN LAKE, TEXAS,
ON THIS, THE 13 DAY OF APRIL, 1998.

Mildred B. Gilmore
MAYOR

ATTEST:

Rosalee Davis
TOWN SECRETARY

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