

ORDINANCE

(Motion was made by Jaime Ordaz, seconded by Kathleen George, that the following Ordinance be passed:)

ORDINANCE NO. 95-2

AN ORDINANCE PROVIDING FOR A JUDGE OF THE MUNICIPAL COURT OF THE TOWN OF WOODLOCH, THE TERM AND FILLING OF VACANCY; PROVIDING FOR A COURT AND THE TERM, COSTS TO BE PAID UPON CONVICTION, OR PLEA OF GUILTY; PROVIDING FOR DISPOSITION OF CASES FILED WITH COURT CLERK BEFORE DOCKETING; NAMING CERTAIN PARKING & TRAFFIC VIOLATIONS AND AMOUNT TO BE PAID FOR EACH, WITHOUT COSTS; PROVIDING FOR RULES TO ENFORCE COLLECTION OF FINES AND RULES OF PLEADING, PRACTICE, AND PROCEDURE IN SAID MUNICIPAL COURT; PROVIDING FOR MONTHLY REPORTS OF JUDGE, SETTING SALARY OF JUDGE AND ESTABLISHING MONTHLY COURT DAY AND HOUR; PROVIDING THAT IF ANY PART OF THIS ORDINANCE IS HELD INVALID BY THE COURTS, IT SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Woodloch:

ARTICLE I

MUNICIPAL JUDGE

Section 1. The municipal court of the Town of Woodloch shall be presided over by a judge appointed by town council.

Section 2. The judge of the municipal court shall perform the duties and have the jurisdiction prescribed by state law and this ordinance.

Section 3. The municipal court judge shall be appointed for a term of two (2) years running concurrently with that of the Mayor.

Section 4. The judge shall receive such compensation as the town council shall establish from time to time.

Section 5. The judge shall furnish such surety bond as may be required by the town council. The premium of such bond shall be paid by the Town.

Section 6. In case of a vacancy in the office of municipal judge the office shall be filled for the unexpired term by town council.

ARTICLE II

TOWN CLERK

Section 1. The town shall provide for a municipal court clerk who shall be appointed by town council.

Section 2. The municipal court clerk shall be appointed for a term of two (2) years running concurrently with that of the mayor.

Section 3. The municipal court clerk shall perform such duties as are prescribed by this ordinance and the laws of the State.

ARTICLE III

TERM OF COURT

Section 1. The fourth Tuesday afternoon of each month at 3:00 p.m. is hereby designated as the day and time that the court shall convene, and the court may continue from day to day until all business shall be disposed of.

ARTICLE IV

UNDOCKETED CASES; FINES PRESCRIBED AND SPECIAL EXPENSE FEES

Section 1. In all cases filed with the town clerk of the municipal court of the Town of Woodloch not having been entered on the court docket, the defendant may pay the minimum fine prescribed for the violation hereinafter set out, the amount opposite each.

(A)	Traffic Violations	Minimum Fine
	1 -10 mph over	\$73.00
	11 and over	\$ 1.00 per mile thereafter
	Speeding - School Zone	
	1 - 10 mph over	\$103.00
	11 and over	\$200 per mile thereafter

Any case involving accident	\$100.00
No valid driver's license or expired license	\$100.00
No driver's license on demand	\$ 75.00
Improper driver's license for type vehicle	\$100.00
Violating driver's license restriction	\$100.00
Display suspended driver's license	\$100.00
Fictitious driver's license	\$100.00
Fail to change address on driver's license	\$ 60.00
Displayed expired license plate	\$ 75.00
No license plates	\$ 75.00
Fictitious license plates	\$100.00
Display license plate issued for another vehicle	\$100.00
One license plate	\$ 60.00
No valid MVI certificate	\$ 75.00
Display MVI certificate issued for another vehicle	\$100.00
Fictitious MVI	\$100.00
Failure to produce financial responsibility	\$200.00
Transfer motor vehicle with incomplete papers	\$ 75.00
Permit unauthorized person to operate vehicle	\$ 75.00
No trailer registration	\$ 60.00
Defective head or no tail lights	\$ 75.00
None or defective exhaust	\$ 75.00
Defective equipment - other	\$ 60.00
Operate wrecker without Texas tow tags while towing	\$150.00
Ran stop sign	\$ 75.00
Ran red light	\$100.00
Fail to drive safe & prudent speed	\$ 75.00
Fail to yield right of way	\$100.00
Fail to signal lane change	\$ 75.00
Failed to signal right or left turn	\$ 75.00
Fail to maintain single marked lane	\$ 75.00
Fail to yield to emergency vehicle	\$100.00
Fail to stop and give information	\$150.00
Fail to stop and render aid	\$200.00
Failure to report accident	\$ 75.00
Fail to dim lights	\$100.00
Fail to control speed	\$100.00
Exhibition of acceleration of speed	\$100.00
Passing in a no passing zone	\$100.00
Fleeing	\$200.00
Driving on wrong side of road	\$ 75.00
Illegal pass on right	\$ 75.00
Wrong side of road-not passing	\$150.00
Illegal Turn	\$ 75.00
Following too closely	\$ 75.00
Cut through parking lot to avoid intersection	\$ 75.00

Illegal U-Turn	\$ 75.00
Driving without lights when required	\$ 75.00
Impeding traffic	\$ 75.00
No motorcycle helmet (passenger)	\$ 75.00
Disregard traffic control device	\$ 75.00
Vehicle over width load	\$ 75.00
Wrong way on one way	\$ 75.00
Running over fire hose	\$ 75.00
Disorderly conduct with motor vehicle	\$100.00
No seat belt	\$ 75.00
Illegally passing school bus	\$150.00
Parking in no parking zone	\$ 50.00
Parking in fire zone	\$ 50.00
Double parking	\$ 50.00
Parking by fireplug	\$ 50.00
Parking near fireplug in prohibited distance	\$ 50.00
Illegally parked - blocking intersection, driveway	\$ 60.00
Parking in a tow-away zone	\$ 50.00
Not parked wholly within parking space	\$ 50.00

(B) Public Violations	Minimum Fine
Public intoxication	\$150.00
Disorderly conduct	\$150.00
Disorderly conduct-use of abusive language	\$100.00
Disorderly conduct-indecent exposure	\$150.00
Littering	\$100.00
Failure to obey a police officer	\$150.00
Failure to appear	\$200.00
Reckless damage or destruction of property	\$100.00
Misdemeanor - Theft	\$100.00
Prohibited portable sign	\$ 75.00
Sign off premises	\$ 75.00
Issuance of bad check	\$150.00
Soliciting without permit	\$ 75.00
Assault - simple	\$200.00
Gambling	\$100.00
Criminal mischief	\$100.00
Possession of drug paraphernalia	\$250.00
Open container	\$100.00
Discharge fireworks	\$100.00
Discharge firearms	\$100.00
Furnishing alcohol to a minor	\$500.00
Minor in Possession	\$150.00
Cons of Alc Bev/Lic Prem/Off Prem	\$100.00
Cons. Alc. on school property	\$150.00

Cons. of alc. bev. while driving	\$150.00
Consuming alcoholic beverage after hours	\$100.00
Glue sniffing	\$100.00
Other Town ordinances as set therein	

Section 2. There is enacted a special expense fee as set out in state law for the issuance and service of a warrant of arrest for an offense under V.T.C.A., Penal Code Section 38.11 relating to the offense of failing to appear or for an offense under Vernon's Ann. Civ. St. Art. 6701d, Section 149 relating to traffic violations or for an offense in connection with Vernon's Ann. C.C.P. Art. 17.04 relating to the requisite of a personal bond.

Section 3. Fees for a citation dismissal for completion of a driver safety course shall be as follows:

- (A) There is enacted a special expense fee as set out in state law to cover the cost of administration of a request to complete a driving safety course in order to have a citation dismissed in the municipal court under Vernon's Ann. Civ. St. art. 6701d, Section 143.
- (B) Fees shall be collected by the municipal court at the time of the request and thereafter shall be deposited by the Clerk in the town treasury.
- (C) If a person requesting a driving safety course does not take the course, the person is not entitled to a refund of the fee.

ARTICLE V.

CASH AND BAIL BONDS

(A) The minimum amount to be deposited for a cash bond for each offense shall be twenty-five dollars (\$25.00).

(B) The minimum principal amount of bail bond for each offense shall be two hundred dollars (\$200.00)

ARTICLE VI

COLLECTION OF FINES; RULES PRESCRIBED

The rules to enforce the collection of all fines and costs imposed by the municipal court, by execution against the property of the defendant, or the imprisonment of the defendant, shall be the same as prescribed by law for judgments and their enforcement in criminal cases in justice of the peace court, as far as applicable.

ARTICLE VII

RULES OF PROCEDURE

Unless otherwise provided by law or ordinance, the rules of pleading, practice and procedure prescribed by law for justice of the peace courts shall apply to the municipal court so far as applicable.

ARTICLE VIII

REPORTS

The judge of the municipal court shall make a monthly report to the town council of the cases disposed of before him and shall, likewise, remit all fines and costs collected by him.

ARTICLE IX

CUSTODY OF PRISONERS

Any prisoner in the custody of the chief of police or any other peace officer of the town shall be confined in the county jail at Conroe when deemed necessary.

ARTICLE X

MISCELLANEOUS

Section 1. If any section or provision or part thereof, in this ordinance shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance as a whole, or any section or provision thereof not adjudged invalid or unconstitutional.

Section 2. All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. The importance of this Ordinances and its intent and purpose being declared to be for the benefit of the citizens and property owners in the Town of Woodloch, Texas, constitutes an emergency, and an imperative public necessity that it be declared to be an emergency measure and that this Ordinance shall take effect immediately from and after its passage and its is so enacted.

PASSED AND APPROVED this the 13th day of June, A. D., 1995.

TOWN OF WOODLOCH

By: *Alvin G. Simola*
Mayor

ATTEST:

Patty Green
Town Secretary

APPROVED AS TO FORM:

Carl Brown
Town Attorney