

**TOWN OF LAKEWOOD VILLAGE**

**MUNICIPAL COURT OF RECORD  
ORDINANCE 19-06**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, ESTABLISHING A MUNICIPAL COURT OF RECORD IN THE TOWN OF LAKEWOOD VILLAGE; PROVIDING FOR JURISDICTION; PROVIDING FOR THE APPOINTMENT OF A MUNICIPAL JUDGE AND ALTERNATE JUDGES; PROVIDING FOR THE APPOINTMENT OF A COURT CLERK, ESTABLISHING POWERS AND DUTIES OF THE COURT AND ITS PERSONNEL; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, Texas Government Code Section 30.0003 authorizes the governing body of a municipality to create a municipal court of record; and,

**WHEREAS**, The Town Council of the Town of Lakewood Village seeks to provide for the enforcement of its municipal ordinances through a Municipal Court of Record; and,

**WHEREAS**, the Town Council hereby determines that the creation of a municipal court of record is necessary to provide a more efficient disposition of cases arising in the Town of Lakewood Village; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

**Section 1: Findings**

The findings set forth above and established in Exhibit A are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2: Repeal**

Ordinance 02-01 is hereby repealed in its entirety. All ordinances, and resolutions, in conflict herewith are repealed to the extent of such conflict. Such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.

### **Section 3: Severability**

#### **A. Unconstitutional or Invalid Section**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

#### **B. Independent Sections**

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

### **Section 4: Estoppel / Waiver**

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

### **Section 5: Effective Date**

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

**PASSED AND APPROVED** by the Town Council of the Town of Lakewood Village, Texas  
this the 13 day of June, 2019

  
\_\_\_\_\_  
Dr. Mark E. Vargus  
MAYOR

**ATTESTED:**

  
\_\_\_\_\_  
Linda Asbell, TRMC, CMC  
Town Secretary





MUNICIPAL COURT  
OF RECORD

Adopted: June 13, 2019

## **SECTIONS:**

### **1. MUNICIPAL COURT ABOLISHED**

The municipal court established pursuant to the general law is abolished in the manner prescribed thereby and all pending cases transferred to said Lakewood Village Municipal Court of Record which shall assume jurisdiction thereof. The abolishment shall not abate any pending prosecution, nor shall the abolishment prevent a prosecution from being commenced for any violation if occurring prior to the abolishment of the ordinance.

The abolishment of the court does not abolish or abate any previous judgment, order, writ, or document issued or created by the abolished court. All judgments, orders, writs, and documents issued or created by the abolished court shall be acknowledged as if they were issued by the Municipal Court of Record in the Town of Lakewood Village, Texas.

### **2. MUNICIPAL COURT OF RECORD ESTABLISHED:**

There is created a unified court of record ("court") which shall be known as the Municipal Court of Record in the Town of Lakewood Village, Texas and is hereby established pursuant to Texas Government Code Chapter 30, Subchapter A, and the terms set forth therein are hereby adopted governing the operation of the court.

### **3. JURISDICTION**

- 3.1. All cases pending in the municipal court of and from the effective date of this ordinance shall be processed and adjudicated by the municipal court of record, regardless of the date of offense.
- 3.2. The court has concurrent jurisdiction with a justice court in any precinct in which the municipality is located in criminal cases that arise within the territorial limits of the town and are punishable only by fine.
- 3.3. The Municipal Court shall have exclusive original jurisdiction in all criminal cases arising under any ordinances of the Town in which the punishment is by fine only, and where the maximum fine for the offense charged does not exceed \$2000, and where the offense charged arose within the corporate limits of the town (or outside of the corporate limits but within an area over which the town has jurisdiction and control under the laws of the state).
- 3.4. The municipal court of record shall have civil jurisdiction for the purpose of enforcing the town's ordinances enacted under Subchapter A, Chapter 214, Local Government Code; Subchapter E, Chapter 683, Transportation Code; concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Local Government Code, within the town's territorial limits and property owned by the town located in the town's



extraterritorial jurisdiction for the purpose of enforcing health and safety or nuisance abatement ordinances; and authority to issue (a) search warrants for the purpose of investigating health and safety or nuisance abatement ordinance violations, and (b) seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.

#### 4. MUNICIPAL JUDGE

- 4.1. The municipal judge shall have all the powers and authority granted by state law, and the ordinances of Lakewood Village and shall perform all the duties as prescribed by the laws of the State of Texas, and the ordinances of Lakewood Village.
- 4.2. The office of the judge of the municipal court shall be filled by appointment by the town council. The person appointed to the office of the judge of the municipal court shall be the presiding judge of the municipal court of record of the Town of Lakewood Village.
  - 4.2.1. be a resident of the State of Texas;
  - 4.2.2. be a citizen of the United States;
  - 4.2.3. be a licensed attorney in good standing with the State Bar of Texas; and
  - 4.2.4. have two or more years of experience in the practice of law in the State of Texas.
- 4.3. Compensation for the office of municipal judge shall be set from time to time by the Town Council. The salary will not be based directly or indirectly on fines, fees, or costs collected by the court.
- 4.4. Appointment of Assistant or Additional Judges: The Town Council may appoint such assistant judges as may be necessary to perform the duties of the Judge of the Municipal Court; or a temporary judge to act for the Judge in the case of his temporary absence or disability; and such assistant, additional or temporary judges shall receive such compensation as may be set by the Council.
- 4.5. The municipal court judge or judges shall serve for a two-year term that coincides with the mayor's term of office. The first appointed judge shall serve until the expiration of the mayor's term. In the event of a vacancy, the council may appoint a judge to serve for the remainder of the un-expired term of office. A judge who is not reappointed by the 91<sup>st</sup> day following the expiration of a term of office shall, absent action by the council, continue to serve for another term of office beginning on the date the previous term of office expired.
- 4.6. If more than one municipal judge is appointed to serve, the town council shall appoint one of the judges as the presiding judge. The presiding judge shall:

- 4.6.1. maintain a central docket for cases filed within the territorial limits of Lakewood Village over which the municipal court of record has jurisdiction;
  - 4.6.2. provide for the distribution of cases from the central docket to the individual municipal judges to equalize the distribution of business in the court;
  - 4.6.3. request the jurors needed for cases that are set for trial by jury;
  - 4.6.4. temporarily assign judges or substitute judges to exchange benches and to act for each other in a proceeding pending in a court if necessary for the expeditious disposition of business in the court; and
  - 4.6.5. supervise and control the operation and clerical functions of the administrative department of each court, including the court's personnel, during the proceedings of the court.
- 4.7. The municipal court judge or judges are each hereby appointed as municipal officers. A municipal court judge may be removed from office in the same manner that municipal officers may be removed from office.

## **5. CLERK OF THE COURT, OTHER COURT PERSONNEL;**

- 5.1. The Town Secretary shall serve as the clerk of the municipal court of record. The clerk shall perform duties in accordance with state law and town ordinances.
- 5.2. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the judge of the municipal court. At all other times, other court personnel shall serve at the direction of the town secretary.
- 5.3. The court clerk shall acquire and maintain a seal in conformance with state law for the Lakewood Village Municipal Court of Record.
- 5.4. The court clerk shall supervise the selection of persons for jury service in the municipal court of record.
- 5.5. The court clerk may appoint one or more deputy clerks who; when acting in such capacity, shall have the same authority as the clerk of the municipal court.

## **6. COURT REPORTER**

- 6.1. The Municipal Court Clerk may appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the Court. The court reporter is not required to record testimony in any case unless the Judge or one of the parties requests a record in writing, and files the request with the Court before trial.



- 6.2. The court reporter is not required to be present during the proceedings of the municipal court of record provided that the proceedings that are required to be recorded are recorded by a good quality electronic recording device. The recording shall be kept and stored for a 20 day period beginning the day after the last day of the proceeding, trial or denial of motion for a new trial, whichever occurs last. If the case is appealed, the court reporter shall prepare the reporter's record.

## **7. MUNICIPAL PROSECUTOR**

The duly appointed Town Attorney, or deputy Town Attorney, shall serve as prosecutor in the Municipal Court.

## **8. COURT COSTS AND FEES**

- 8.1. Court costs shall be assessed pursuant to and in compliance with the state statutes.
- 8.2. All costs and fines imposed by the Municipal Court shall be paid into the treasury for the use and benefit of the town.
- 8.3. In cases where a defendant requests a jury trial and is subsequently found guilty, the judgment, at the discretion of the Judge, may include the costs of the jury fees not in excess of that provided by statute.
- 8.4. In the event a case is appealed from the Municipal Court, the defendant shall pay the following costs in an amount established in the Lakewood Village Fee Ordinance:
  - 8.4.1. preparation of the Clerk's record; the preparation fee does not include the fee for an actual transcription of the proceedings.
  - 8.4.2. preparation of the Reporter's record, and the fee for an actual transcription of the proceedings.

## **9. APPEALS**

- 9.1. A defendant has the right of appeal from a judgment or conviction in the Lakewood Village Municipal Court of Record. The State has the right to an appeal as provided by Article 44.01, Texas Code of Criminal Procedure, as amended. The County Courts at Law of Denton County, Texas have jurisdiction of appeals from the Lakewood Village municipal court of record.
- 9.2. The appellate court shall determine each appeal from the court on the basis of the errors that are set forth in the appellant's motion and that are presented in the clerk's record and reporter's record, if any, prepared from the proceedings leading to the appeal. An appeal from the court shall not be by trial de novo.

- 9.3. To perfect an appeal, the defendant must file a motion for new trial not later than ten (10) days after the date on which the judgment and sentence are rendered. The motion must be in writing and must be filed with the clerk of the court. The motion constitutes the assignment of error on appeal. A ground or an error not set forth in the motion is waived. If the court does not act on the motion before the expiration of thirty (30) days after it is filed with the clerk, the motion is overruled by operation of law.
- 9.4. After an order overruling a motion for new trial, the defendant shall give written notice of appeal and pay a \$25.00 fee for the preparation of the clerk's record not later than ten (10) days after the date on which the motion is overruled. The court shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the defendant. This fee does not include the cost for the actual transcription of the record.
- 9.5. The appellant shall pay for any reporter's record containing a transcription of the proceedings unless the court finds, after a hearing in response to an affidavit by the defendant, that the defendant is unable to pay or provide security for the reporter's record. If the court so finds, the court shall order the reporter to prepare the record without charge to the defendant. Before the recorded proceedings are transcribed, the defendant shall, unless found by the court to be unable to pay for the reporter's record, post a cash deposit with the municipal court for the estimated cost of the record. The cash deposit shall be based on an estimate provided by the court reporter or the length of proceedings as indicated by the electronic record the proceedings, if any, the cost of the court reporter, typing, and other incidental services. If the cash deposit exceeds the actual cost of the reporter's record, the court reporter shall refund the difference to the defendant. If the cash deposit is insufficient to cover the actual cost of the transcription, the defendant must pay the additional amount before the transcription may be submitted. If a case is reversed on appeal, the court will refund to the defendant any amounts paid for the reporter's record.
- 9.6. The record on appeal must substantially conform to the provisions relating to the preparation of a record on appeal in the Texas Rules of Appellate Procedure and the Texas Code of Criminal Procedure, as amended.

**End of Exhibit A**

**Adoption and Summary of Amendments**

<b>Ordinance Number</b>	<b>Date</b>	<b>Summary</b>
19-06	June 13, 2019	<ul style="list-style-type: none"><li>• Original Adoption</li><li>• Repealed 02-01</li></ul>





# OFFICE OF COURT ADMINISTRATION

205 WEST 14<sup>TH</sup> STREET, SUITE 600 • (512) 463-1625 • FAX (512) 463-1865  
P.O. BOX 12066 • AUSTIN, TEXAS 78711-2066

<http://www.txcourts.gov>

DAVID SLAYTON  
Administrative Director

## MUNICIPAL COURT REPORT OF CHANGE IN STATUS

Court Name: Municipal Court of Record in the Town of Lakewood Village

☐ New Court or Court Reactivated

Creation Date or Date Reactivated: June 3, 2019

Address: 100 Highridge Drive

City: Lakewood Village

ZIP Code: 75068

Phone: 972-294-5555

Fax: 972-292-0812

Court Email: [linda@lakewoodvillagetx.us](mailto:linda@lakewoodvillagetx.us)

Website: [www.lakewoodvillagetx.us](http://www.lakewoodvillagetx.us)

Case Management System Vendor:

[Court of Record?](#) ☐ No

☒ Yes, established by:

☒ Local Ordinance

☐ State Legislative Enactment

Please also complete and submit a **Report of Change/Vacancy in Municipal Court Judge** for each judge of the court.

☒ Existing court, but newly established [Court of Record](#)

Established by:

☒ Local Ordinance

☐ State Legislative Enactment

☐ Existing court, but no longer a [Court of Record](#)

☐ Court Abolished

Date Abolished:

Contact information of person submitting report:

Name: Linda Asbell, Town Secretary

Phone: 972-294-5555

Email: [linda@lakewoodvillagetx.us](mailto:linda@lakewoodvillagetx.us)

Return by email to [DirectoryUpdates@txcourts.gov](mailto:DirectoryUpdates@txcourts.gov), fax to (512) 463-1865, or mail to the attention of Judicial Information at the P.O. Box listed above.