

Chapter 38 COURTS

Chapter 38 COURTS ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - MUNICIPAL COURT

FOOTNOTE(S):

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Cross reference— Administration, ch. 2; law enforcement, ch. 62; offenses and miscellaneous provisions, ch. 70; traffic and vehicles, ch. 94. ([Back](#))

State Law reference— Municipal court, V.T.C.A., Government Code ch. 29; court procedures, Vernon's Ann. C.C.P. art. 45.01 et seq.; officers' fees, Vernon's Ann. C.C.P. art. 45.09. ([Back](#))

ARTICLE I. IN GENERAL

[Secs. 38-1—38-30. Reserved.](#)

Secs. 38-1—38-30. Reserved.

ARTICLE II. MUNICIPAL COURT ^[2]

[Sec. 38-31. Purpose, jurisdiction and definitions.](#)

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Sec. 38-31. Purpose, jurisdiction and definitions.

- (a) *Purpose.* This article is adopted so that the city council may promote the public health, safety, morals and general welfare within the city, and within its extra-territorial jurisdiction, as prescribed by state law, through the enforcement of the city's ordinances and the efficient disposition of cases arising from such ordinances.

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- (b) *Jurisdiction.* The provisions of this article shall apply within the city limits and within the extra-territorial jurisdiction (ETJ) of the city as prescribed by state law.
- (c) *Definitions.*
- (1) *Appellate court* means the county criminal court, the county criminal court of appeals, or the municipal court of appeals; or the county court at law if there is no county criminal court, county criminal court of appeals, or municipal court of appeals.
 - (2) *City* means the City of Alpine, an incorporated municipality in Brewster, County Texas.
 - (3) *City council* or *council* means the governing body of the City of Alpine.
 - (4) *Municipal court* means Municipal Court in the City of Alpine.
 - (5) *Municipal judge* means the presiding judge and alternate judges of the Municipal Court in the City of Alpine.

(Ord. No. 2011-10-02, § 1, 11-15-2011; Ord. No. 2014-07-02, 7-15-14)

Sec. 38-32. Establishment of municipal court.

The Alpine Municipal Court of Record is abolished, effective immediately, upon the passage Ord. No. 2014-07-02, adopted July 15, 2014, and the Alpine Municipal Court is recreated immediately upon the abolishment of the court of record. The municipal judge, presently in office will continue in the role as municipal judge and complete her term of office in the Alpine Municipal Court.

(Ord. No. 2011-08-02, § 1—3, 9-6-2011; Ord. No. 2011-10-02, § 2, 11-15-2011; 2012-04-02, 5-1-2012; Ord. No. 2014-07-02, 7-15-14)

Sec. 38-33. Relation to other ordinances.

This article shall not be construed to require or allow any act which is prohibited by any other ordinance. This article is specifically subordinate to any ordinance or regulations of the city pertaining to building and construction safety or to pedestrian and traffic safety.

(Ord. No. 2011-10-02, § 3, 11-15-2011)

Sec. 38-34. Municipal court building security fee adopted as a court cost.

- (a) *Fee imposed.* Pursuant to the Code of Criminal Procedure, Article 102.017, there is adopted a municipal court building security fee of \$3.00 per conviction as a court cost.
- (b) *Use of fee.* This fee will be used only to finance security personnel or to finance items which are used for the purpose of providing security services for buildings housing a municipal court.
- (c) *Offenses for which fee is imposed.* Offenses included are the conviction of all criminal offenses, except as noted in the following:
 - (1) Conviction of misdemeanor offenses relating to pedestrians or the parking of motor vehicles;
 - (2) Cases disposed of under Code of Criminal Procedure, Article 45.051—Suspension of Sentence and Deferral of Final Disposition;
 - (3) Cases disposed of under Code of Criminal Procedure, Article 45.0511—Driving Safety Course or Motorcycle Operator Course Dismissal;

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- (4) Unless exempted by the court, cases disposed of under Code of Criminal Procedure, Article 45.052—Dismissal of Misdemeanor Charge on Completion of Teen Court Program;
 - (5) Cases disposed of under Code of Criminal Procedure, Article 45.053—Dismissal of Misdemeanor Charge on Commitment of Chemically Dependent Person;
 - (6) Cases where a defendant is required to attend an alcohol awareness course under Alcoholic Beverage Code, Section 106.1157.
 - (7) Cases disposed of under Health and Safety Code, Section 161.253—Tobacco Awareness Program; and
 - (8) Cases disposed of under Parks and Wildlife Code, Section 31.130—Boater Education Course Permitted in Lieu of Fine.
- (d) *Conviction defined.* A person is considered convicted if:
- (1) A sentence is imposed on the person;
 - (2) The person receives community supervision, including deferred adjudication; or
 - (3) The court defers final disposition of the person's case.

(Ord. No. 2012-04-03, 5-1-2012)

Sec. 38-35. Municipal court technology fund.

- (a) *Establishment of municipal court technology fund.*
- (1) There is hereby created and established a municipal court technology fund, herein known as the "fund," pursuant to Article 102.0172 of the Code of Criminal Procedure.
 - (2) The fund may be maintained in an interest bearing account and may be maintained in the general revenue account.
- (b) *Establishment of amount of the fee and assessment and collection.*
- (1) The fee shall be in the amount of \$4.00.
 - (2) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the municipal court as a cost of court. A defendant is considered convicted if:
 - a. Judgment, sentence, or both are imposed on the person;
 - b. The person is placed on deferred disposition; or
 - c. The court defers final disposition or imposition of the judgment and sentence.
 - (3) The fee shall be collected on convictions for offenses committed on or after the ordinance from which this section derives is adopted [June 18, 2013].
 - (4) The clerk of the court shall collect the fee and pay the fee to the treasurer/finance director or a duly designated assistant of said finance director of the City of Alpine, Texas, who shall deposit the fee into the municipal court technology fund.
- (c) *Designated use of the fund and administration.*
- (1) The fund shall be used only for the purpose of financing the purchase of or to maintain technological enhancements for the Municipal Court of the City of Alpine, Texas. "Technological enhancements" shall include any and all items described in Article 102.0172(d) of the Code of Criminal Procedure.
 - (2) The fund shall be administered by or under the direction of city council.

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(Ord. No. 2013-06-01, §§ 1—3, 6-18-2013)

Sec. 38-36. Judge to serve as administrative hearing officer/civil judge.

- (a) The judge of the municipal court of the City of Alpine, Texas is hereby appointed as administrative hearing officer/civil judge, as applicable, in matters arising under Texas Health and Safety Code § 822.001 et seq., Texas Transportation Code § 682.001 et seq., and Texas Local Government Code § 214.001(p) [sitting as a "civil Municipal Court"].
- (b) The judge of the municipal court is hereby appointed as administrative hearing officer/civil judge, as applicable, in matters arising under Texas Local Government Code Chapter 54, wherein the city council desires the municipal court to have jurisdiction concurrent with the district court in matters arising within the city's territorial limits and property owned by the city in the city's extraterritorial jurisdiction, as allowed in Texas Government Code, § 30.00005(d). Also provided, that the judge of the municipal court is authorized to issue search warrants for purposes of investigating a health and safety or nuisance abatement violation; and seizure warrants for the purpose of securing, removing, or demolishing offending property and removing debris from same, as allowed in Texas Government Code, § 30.00005(d).
- (c) The city council does not, by the enactment of this section, remove any current jurisdiction of the municipal court; rather, the sole purpose of this section is to extend the jurisdiction of the municipal court to the matters enumerated in subsection (a) of this section.

(Ord. No. 2013-06-02, §§ 1—3, 6-18-2013)

FOOTNOTE(S):

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Editor's note— Ord. No. 2014-07-02, adopted July 15, 2014, abolished the Alpine Municipal Court of Record and recreated the Alpine Municipal Court. ([Back](#))