

**ORIGINAL**

**ORDINANCE NO. 2005-O-43**

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, PROVIDING FOR THE CREATION OF THE MUNICIPAL COURT; PROVIDING FOR SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the Village of Volente desires to establish a Village Municipal Court pursuant to provisions of the Texas Government Code and the Texas Local Government Code to promote the public health, safety, and general welfare of the citizens of the Village of Volente;

**WHEREAS**, the provisions of this ordinance are designed to achieve the purposes set forth in the Texas Local Government Code, Section 29.002 of the Texas Government Code regarding the creation of municipal courts and Section 29.003 of the Texas Government Code regarding the jurisdiction of municipal courts;

**WHEREAS**, the Village of Volente has complied with the notice and public hearing requirements of the Texas Local Government Code and the Texas Open Meetings Act;

**WHEREAS**, the Village of Volente desires to adopt the following ordinance creating the Village Municipal Court:

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

**Sec.23.001 Municipal Court;**

- (1) There shall be established and maintained as authorized by Section 29.002 of the Texas Government Code a court, designated as the "Municipal Court" of the Village of Volente for the trial of misdemeanor offenses, with all the powers and duties as are now, or may hereafter be prescribed by laws of the State of Texas relative to municipal courts, including, but not limited to, Section 29.003 of the Texas Government Code
- (2) All costs, fees, special expenses and fines imposed by the Municipal Court shall be paid into the Village Treasury for the use and benefit of the Village except as otherwise required by State Law.

**Sec.23.002 Construction:** The terms and provisions of this article shall not be construed in a manner to conflict with *The Texas Local Government Code*, and if any term or provision of this article shall appear to conflict with any term, provision or condition of the Texas Local Government Code, such article term or provision shall be read, interpreted and construed in a

manner consistent with and not in conflict with such Code, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this article.

**Sec.23.003 Amendment and Repeal:** All ordinances or parts thereof conflicting or inconsistent with the provisions of this article as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this article and any other code or ordinance of the village, the terms and provisions of this article shall govern.

**Sec.23.004 Severability:** If any provision of this article or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**Sec.23.005 Effective Date:** This article shall take effect immediately from and after its adoption by the Village Council.

**Sec.23.006 Open Meetings:** It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code.*

PASSED AND APPROVED on the 19<sup>th</sup> day of APRIL, 2005.

  
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JAN YENAWINE, MAYOR OF THE  
VILLAGE OF VOLENTE

ATTEST:

  
JENNIFER ZUBELT, CITY SECRETARY