

Ordinances Governing
MUNICIPAL COURT
in the
CITY OF ARLINGTON
TEXAS

Amended by Ordinance No. 16-011

(March 1, 2016)

(Chapter Designator: COURT)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
88-136	10/11/88	Repeal of the existing “Municipal Court” Chapter and the adoption of a new “Municipal Court” Chapter.
92-119	11/17/92	Amend Article I , <u>Establishment of the Court</u> , Section 1.01 , <u>Creation</u> , providing for the number of divisions of the Court.
93-76	07/27/93	Repeal of the existing “Municipal Court” Chapter and the adoption of a new “Municipal Court” Chapter.
94-143	10/11/94	Addition of Article VIII , <u>Teen Court</u> , establishing the Teen Court Program and the Teen Court Advisory Board.
95-157	10/31/95	Amend Article VI , <u>Administration of the Court</u> , Section 6.06 , <u>Municipal Court Security Fund</u> , creating a Municipal Court Building Security Fund requiring Defendants in Municipal Court to pay a security fee and stating the purpose of the fund.
95-164	11/14/95	Amend Article I , <u>Establishment of the Court</u> , Section 1.02 , <u>Jurisdiction</u> , relative to definition of “fine only” and amendment of punishment for criminal cases to “fine only”.
97-97	07/08/97	Amend Article VIII , Section 8.02 , <u>Teen Court Coordinator</u> , relative to redesignation of Teen Court Coordinator to Court Support Services Supervisor; Amend Section 8.03 , <u>Teen Court Advisory Board</u> , at Subsection 8.03(G)(4) , relative to redesignation of Teen Court Coordinator to Court Support Services Supervisor.
99-87	07/27/99	Amend Article VI , <u>Administration of the Court</u> , by the addition of Section 6.07 , <u>Municipal Court Technology fund</u> , relative to the creation of a municipal court technology fund.

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
04-054	05/25/04	Amend Article VI , <u>Administration of the Court</u> , Section 6.06 , <u>Municipal Court Security Fund</u> , Subsection (B) , relative to fee assessed; Amend Section 6.06 , Subsection (C) , relative to security funds; Amend Section 6.07 , <u>Municipal Court Technology Fund</u> , Subsection (C) , relative to fund purposes; Delete Subsection 6.07(D) relative to continuation of the municipal court security fund.
06-006	01/10/06	Amend Article I , <u>Establishment of the Court</u> , Section 1.02 , <u>Jurisdiction</u> , relative to jurisdiction of the municipal court; Amend Article VI , <u>Administration of the Court</u> , by the addition of Section 6.08 , <u>Juvenile Case Manager Fund</u> , relative to establishing a juvenile case manager fund
07-051	07/03/07	Amend Article I , <u>Establishment of the Court</u> , Section 1.01 , <u>Creation</u> ; Section 1.02 , <u>Jurisdiction</u> ; Amend Article V , <u>Appeals</u> ; Amend Article VII , <u>Inspection and Abatement Warrants</u> , Section 7.01 , <u>Definitions</u> , Subsection 4 , relative to the definition of “Inspector”; Amend Article VIII , <u>Teen Court</u> .
08-109	12/16/08	Amend Article VIII , <u>Teen Court</u> ; Section 8.02 , <u>Teen Court Advisory Board</u> .
09-020	04/07/09	Amend Article VI , <u>Administration of the Court</u> ; by the addition of Section 6.09 , <u>School Crossing Guard Program Court Cost</u> , relative to the creation of the school crossing guard program court cost.
12-064	12/18/12	Amend Article II , <u>Municipal Judges</u> , Section 2.05 , <u>Duties</u> , including the title of the Section; Section 2.06 , <u>Vacancies; Temporary Replacement</u> , Subsection (B) ; and Section 2.07 , <u>Removal</u> ; relative to Presiding Municipal Judge authority and responsibilities.

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
13-023	06/18/13	Amend Article VI , <u>Administration of the Court</u> , Section 6.03 , <u>Authority to Issue Citations</u> ; through the addition of Article IX , <u>Administrative Adjudication</u> , regarding civil adjudication authority and processing.
16-011	03/01/16	Amend Article IX , <u>Administrative Adjudication</u> , Section 9.01 , <u>Definitions</u> , by the amendment of the first paragraph, the addition of the definition of “Administrator”, and the amendment of the definition of “Director”; and Section 9.08 , <u>Arlington Building Rehabilitation Fund</u> , by the amendment of Subsections (B) and (C), relative to eligibility to receive funds from the Arlington Building Rehabilitation Fund.

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ARTICLE I

ESTABLISHMENT OF THE COURT

Section 1.01 Creation

There is hereby created a municipal court of record to be known as the Municipal Court of the City of Arlington, which shall be comprised of Municipal Court No. 1, Municipal Court No. 2, Municipal Court No. 3 and Municipal Court No 4. Any reference hereinafter to the Court or Municipal Court shall be understood to mean the Municipal Court of the City of Arlington. The court shall be deemed always open for the trial of causes. (Amend Ord 07-051, 7/3/07)

Section 1.02 Jurisdiction

A. Jurisdiction of the court shall be as granted by the Charter and ordinances of the City of Arlington, and any laws of this state that may now exist or may hereafter be passed by the legislature of this state, regulating or increasing the jurisdiction of the municipal courts in cities the size and grade of the City of Arlington. Such jurisdiction shall include exclusive original jurisdiction in all criminal cases occurring within the territorial limits of the City of Arlington that arise under the ordinances of the City of Arlington which are punishable by fine only not to exceed: Two Thousand Dollars and No Cents (\$2,000.00) in all cases arising under municipal ordinances that govern fire safety, zoning or public health and sanitation, including dumping of refuse; or Five Hundred Dollars and No Cents (\$500.00) in all other cases, and shall further include jurisdiction over cases arising in the extraterritorial jurisdiction of the City as provided by law. Such jurisdiction shall further include criminal cases arising under state law that occur within the territorial limits of the City of Arlington and which are punishable by fine only. An offense which is punishable by "fine only" is defined as an offense that is punishable by fine and such sanctions as authorized by statute not consisting of confinement in jail or imprisonment that are rehabilitative or remedial in nature. The court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction. The court

has jurisdiction in appeals taken from a dangerous animal determination made by the Animal Control Supervisor.

- B. Each municipal court of record shall have and exercise concurrent jurisdiction with the other municipal court of record courts, the jurisdiction being that which is conferred upon all municipal courts of record by Chapter 30 of the Texas Government Code and other law.
- C. In addition to the jurisdiction granted above in this article and in accordance with Section 30.00005 of the Texas Government Code, each municipal court of record has concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Texas Local Government Code, within the City of Arlington territorial limits and property owned by the City located in the City's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances.
- D. Every violation of an ordinance described by section 54.032 of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code or under Section 214.001(a) (1) of the Texas Local Government Code, or in accordance with other provisions as amended or otherwise allowed by law, may be enforced as an administrative offense using alternative administrative adjudication procedures. The adoption of use of alternative administrative adjudication procedure does not preclude the City from enforcing a violation of an ordinance described in this section through criminal penalties and procedures. (Amend Ord 07-051, 7/3/07)

Section 1.03 Commencement of Operation

- A. The court shall commence operating as a court of record on October 1, 1993.
- B. All cases filed in the court prior to such date, but not disposed of prior to that date, shall be tried in the court of record.
- C. For the purposes of this section, a case shall be deemed "disposed of" if a Judge has entered a finding of guilty or the defendant has entered a plea of guilty or nolo contendere.

D. The court shall continue to function under the "Municipal Court" Chapter enacted October 11, 1988, until such date as the court of record commences operation.

Section 1.04 Seal

The City Council shall provide the Municipal Court with a seal with a star of five (5) points in the center and the words "Municipal Court of Arlington, Texas." The impress of the seal shall be attached to all papers, except subpoenas, issued out of the court and shall be used by each Municipal Judge or the Municipal Clerk to authenticate all official acts of the Clerk and the Judge.

ARTICLE II
MUNICIPAL JUDGES

Section 2.01 Method of Selection

The method of selection for the Municipal Judges shall be by appointment by a majority of the City Council upon the nomination of the Mayor or any member of the City Council.

Section 2.02 Term of Office

All Judges shall serve a term of two (2) years, and for not more than ninety (90) days thereafter or until their successors have been selected and qualified, whichever occurs first.

Section 2.03 Qualifications

- A. A judge shall be a licensed attorney in good standing in this state and must have two or more years of experience in the practice of law in this state.
- B. While serving and holding office as a full time Municipal Judge, a person shall neither hold other office or employment with the City of Arlington or engage in the private practice of law. A person that serves as part time Municipal Judge may with Council permission, engage in the private practice of law while in office.
- C. A Judge shall be a resident of Tarrant County, but need not be a resident of the City.

Section 2.04 Compensation

A Judge is entitled to a salary from the City, the amount of which is determined by the City Council and may not be diminished during the Judge's term of office. The salary may not be based directly or indirectly on fines, fees or costs collected by the court. The City Council shall set the salary of an appointed Judge before his appointment.

Section 2.05 Duties and Authority

- A. The City Council shall appoint one (1) of the Judges as the Presiding Municipal Judge. The Presiding Municipal Judge shall have all powers and duties assigned by the City Charter, City ordinances, Chapter 29 and Chapter 30 of the Texas Government Code, and other State law. In addition to the judicial and magisterial duties granted by State law, the Presiding Municipal Judge shall be responsible for the following administrative duties:
1. Formulating local judicial rules of practice and procedure, including prescribing such rules and procedures, not inconsistent with the law of the State and the ordinances of the City, as are necessary for the orderly processing and adjudication of cases in the municipal courts;
 2. Developing administrative policies of the court and exercising administrative control and oversight over the other appointed municipal judges, including without limitation, authority to set work hours, schedule vacations and leave times, coordinate schedules, assign court duties, and conduct performance evaluations of the judges;
 3. Allocating workload among the judges and providing for the distribution of cases, offices, equipment and other budgetary items among the judges;
 4. Supervising personnel under the administrative control of the judiciary;
and
 5. Performing other administrative duties as may be appropriate, within the limits of the Code of Criminal Procedure, the City Charter and City ordinances or State law.
- B. Each additional court shall be presided over by a judge known as an Associate Municipal Court Judge.
- C. Each judge shall have those judicial and magisterial duties conferred on him by State law.
- D. The judges shall take judicial notice of State law, the ordinances of the City and of the territorial limits of the City.

- E. As directed or approved by the Presiding Municipal Judge, the judges may exchange benches and may sit and act for each other in any proceeding pending in the courts. An act performed by any of the judges is binding on all parties to the proceeding.
- F. The judges may grant writs of mandamus, attachment and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the court.

(Amend Ord 12-064, 12/18/12)

Section 2.06 Vacancies; Temporary Replacement

- A. If a vacancy occurs in the office of Municipal Judge in one (1) of the courts, the City Council shall appoint a qualified person to fill the office for the remainder of the unexpired term.
- B. The City Council may appoint one or more qualified persons to be available to serve for a municipal judge who is temporarily absent due to illness, family death, continuing legal or judicial education programs, or for any other reason. The Presiding Municipal Judge, or the municipal judge if there is no Presiding Municipal Judge, shall select one of the persons appointed by the City Council to serve during an absence. An alternate judge, while serving, has all the powers and shall discharge all the duties of a municipal judge. An alternate judge must have the same qualifications as a municipal judge. (Amend Ord 12-064, 12/18/12)

Section 2.07 Removal

A Judge may be removed from office by the governing body of the City at any time for incompetency, official misconduct, malfeasance or disability. (Amend Ord 12-064, 12/18/12)

ARTICLE III
COURT PERSONNEL

Section 3.01 Municipal Clerk

- A. The office of Municipal Clerk is hereby established.
- B. The Municipal Clerk shall be appointed by the City Manager.
- C. The Municipal Clerk shall appoint one or more deputy clerks, and said deputies shall act in and for the Municipal Clerk in the performance of their duties.
- D. The Municipal Clerk:
 - 1. Shall perform, as applicable, those types of duties prescribed by laws for the county clerk of a county court at law, and any other duty necessary to issue process and conduct business of the court;
 - 2. May administer oaths and affidavits, and make certificates and affix the court seal to such certificates;
 - 3. Shall maintain central docket records for all cases filed in the Municipal Court and maintain an index of all court judgments in the same manner as county clerks are required by law to prepare for criminal cases arising in county courts; and
 - 4. Shall be the official in charge of the jury selection process in accordance with the plan of selection adopted by a majority of the Municipal Judges.

Section 3.02 Court Reporter

- A. The City shall provide a court reporter for the purpose of preserving a record in cases tried before the municipal court of record. The clerk of the court shall appoint the court reporter who must meet the qualifications provided by law for official court reporters. The reporter shall be compensated by the City in the manner determined by the governing body of the City.
- B. 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 shall keep the record for the 20-day period beginning the date after the last day of the court proceeding, trial, or denial of motion for new trial, whichever occurs last.
- C. The court reporter is not required to record testimony in a case unless the judge or one of the parties requests a record. A party's request for a record must be in writing and filed with the court before trial.
- D. In lieu of providing a court reporter at trial, proceedings in a municipal court of record may be recorded by a good quality

electronic recording device. The court reporter need not be present at trial to certify the statement of facts. The recording shall be kept and stored for the 20-day period beginning the day after the last day of the proceeding, trial, or denial of motion for new trial, whichever occurs last. The proceedings that are appealed shall be transcribed from the recording by an official court reporter.

Section 3.03 Court Bailiffs

- A. The Chief of Police shall provide police officers to serve as Court Bailiffs.
- B. When functioning as a Court Bailiff, a police officer shall perform his duties under the direction and control of the Municipal Judge to whom he is assigned.
- C. The principle duties of a Court Bailiff shall be as follows:
 - 1. To preserve order and decorum while court is in session;
 - 2. Provide security to the Courts building;
 - 3. Assemble and supervise witnesses and jurors;
 - 4. Attend to the jury and inform the Judge about the needs and decisions of the jury;
 - 5. Maintain custody of prisoners in the courtroom and arrange for their transportation to jail when requested by the Judge;
 - 6. Oversee the transfer of monies from the Municipal Clerk's office.
 - 7. Oversee the transfer of paperwork to the appellate courts;
 - 8. Serve process issued out of the court.

Section 3.04 Judges' Administrative Personnel

The City Council shall provide the Judges with a secretary and other clerical support as the Council deems necessary for the proper operation of the court. Such personnel shall perform their duties under the direction and control of the Presiding Judge.

ARTICLE IV
PROCEEDINGS OF THE MUNICIPAL COURT

Section 4.01 Filing of Original Papers

- A. All proceedings in the court shall be commenced on a written complaint prepared by or under the direction of the City Attorney or an Assistant City Attorney, except when State law eliminates the need for a written complaint.
- B. When no written complaint is required, the proceeding shall commence upon the filing of the citation.
- C. The Municipal Clerk shall file the original complaint and the original of other papers in each case. The filed original papers constitute the records of the court and a separate record book is not required.
- D. The Municipal Clerk shall keep a separate folder for each case and shall note on the outside of the folder:
 - 1. The style of the case;
 - 2. The nature of the charged offense;
 - 3. The dates that the warrant was issued and returned;
 - 4. The date the examination or trial was held;
 - 5. Whether trial was held by jury or before a Judge;
 - 6. Trial settings;
 - 7. Any verdict of the jury;
 - 8. Any judgment of the court;
 - 9. Any motion for a new trial and the decision on the motion;
 - 10. Whether an appeal was taken; and
 - 11. The date and the manner in which the judgment and sentence were enforced.
- E. The Municipal Clerk shall provide for the security of juvenile offender files, as required by law.

Section 4.02 Jury

- A. Each person charged with an offense is entitled to a trial by a jury of six persons unless the right is waived according to law.
- B. A majority of the Municipal Judges may adopt a plan for the selection of persons for jury service from the voter registration rolls of Tarrant County. A plan adopted by the Municipal Court must:
 - 1. Require the compilation of jurors from the voter registration lists of all voting precincts within the City

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and the registry of permanently exempt persons residing in the City maintained by the county tax collector as prescribed by Section 62.108 of the Government Code of the State of Texas;

2. Require selection of jurors who are eligible to vote in the City and have the qualifications prescribed by Subchapter B, Chapter 62, of the Government Code of the State of Texas; and
 3. Require the court to establish a fair, impartial and objective method of selecting persons for jury service.
- C. The Municipal Clerk shall be the official in charge of the selection process.
- D. Each juror is subject to the laws governing exemptions and excuses from jury service in other courts.

Section 4.03 Rules Governing Proceedings

All proceedings in the court shall be governed by the laws of the State of Texas. In those areas not specifically covered by the Texas Code of Criminal Procedure and elsewhere in the Texas laws or by ordinance, a majority of the Municipal Judges shall establish such court rules as are necessary to establish reasonable and consistent procedures for the operation of the court that are not inconsistent with general law.

Section 4.04 Dismissal of Cases

No complaint shall be dismissed except upon the order of a judge in accordance with law.

Section 4.05 Prosecutions by City Attorney

All prosecutions in the Municipal Court shall be conducted by the City Attorney or by an Assistant City Attorney or by a Deputy City Attorney.

ARTICLE V

APPEALS

Section 5.01 Right to Appeal; Perfection of Appeal

- A. A defendant has the right of appeal from a judgment or conviction in a Municipal Court of record. The County Criminal Courts of Tarrant County have jurisdiction of appeals from the Municipal Court. The state has the right to appeal as provided by Article 44.01, Code of Criminal Procedure.
- B. The appellate court shall determine each appeal from a Municipal Court conviction and each appeal from the state on the basis of the errors that are set forth in the appellant's motion for new trial and that are presented in the clerk's record and reporter's record of facts prepared from the proceedings leading to the conviction or appeal. An appeal from the Municipal Court shall not be by trial de novo.
- C. To perfect an appeal, the appellant must file a written motion for new trial with the Municipal Clerk no later than the tenth (10th) day after the date on which judgment is rendered. The motion must set forth the points of error of which the appellant complains. The motion or an amended motion may be amended by leave of court at any time before action on the motion is taken, but not later than the twentieth (20th) day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending, but the extension may not exceed ninety (90) days from the original filing deadline. If the court does not act on the motion before the expiration of the thirty (30) days allowed for determination of the motion, the original or amended motion is overruled by operation of law.
- D. To perfect an appeal, the appellant must also give notice of the appeal. If the appellant requests a hearing on the motion for new trial, the appellant may give the notice of appeal orally in open court on the overruling of the motion. If there is no hearing, the defendant must give a written notice of appeal and must file the notice with the court not later than the tenth (10th) day after the date on which the motion is overruled. The court may for good cause extend that

time period, but the extension may not exceed ninety (90) days from the original filing deadline.

Section 5.02 Appeal Bond

- A. If the defendant is not in custody, the defendant may not take an appeal until the defendant files an appeal bond with the Municipal Court. The bond must be approved by the court and must be filed not later than the tenth (10th) day after the date on which the motion for new trial is overruled. If the defendant is in custody, the defendant shall be committed to jail unless the defendant posts the appeal bond.
- B. The appeal bond must be in the amount of One Hundred Dollars and No Cents (\$100.00) or double the amount of the fines and costs adjudged against the defendant, whichever is greater. The bond must state that the defendant was convicted in the case and has appealed, and it must be conditioned on the defendant's immediate and daily personal appearance in the court to which the appeal is taken.

Section 5.03 Record on Appeal

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 Code of Criminal Procedure.

Section 5.04 Clerk's Record

The clerk's record must substantially conform to the provisions relating to the preparation of a clerk's record in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

Section 5.05 Bills of Exception

Bills of exception must substantially conform to the provisions relating to the preparation of bills of exception in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

Section 5.06 Reporter's Record

A reporter's record included in the record on appeal must substantially conform to the provisions relating to the preparation of a reporter's record in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure.

Section 5.07 Completion, Approval and Transfer of Record

- A. Not later than the sixtieth (60th) day after the date on which the notice of appeal is given or filed, the parties must file with the Municipal Clerk:
1. The reporter's record;
 2. A written description of material to be included in the clerk's record in addition to the required material; and
 3. Any material to be included in the clerk's record that is not in the custody of the Municipal Clerk.
- B. On completion of the record, the Municipal Judge shall approve the record in the manner provided for record completion, approval and notification in the court of appeals.
- C. After the court approves the record, the Municipal Clerk shall promptly send it to the appellate court clerk for filing. The appellate court clerk shall notify the defendant and the prosecuting attorney that the record has been filed.

Section 5.08 Brief on Appeal

- A. An appellant's brief on appeal from the Municipal Court must present points of error in the manner required by law for a brief on appeal to the court of appeals.
- B. The appellant must file the brief with the appellate court clerk not later than the fifteenth (15th) day after the date on which the clerk's record and reporter's record are filed with that clerk. The appellant or the appellant's attorney must certify that the brief has been properly mailed to the appellee.

- C. The appellee must file the appellee's brief with the appellate court clerk not later than the fifteenth (15th) day after the date on which the defendant's brief is filed.
- D. Each party, on filing the party's brief with the appellate court clerk, shall deliver a copy of the brief to the opposing party and to the Municipal Judge.

Section 5.09 Disposition on Appeal

- A. According to law and the nature of the case, the appellate court may:
 - 1. Affirm the judgment of the Municipal Court;
 - 2. Reverse and remand for a new trial;
 - 3. Reverse and dismiss the case; or
 - 4. Reform and correct the judgment.
- B. Unless the matter was made an issue in the trial court or it affirmatively appears to the contrary from the clerk's record or reporter's record, the appellate court shall presume that:
 - 1. Venue was proven in the trial court;
 - 2. The jury, if any, was properly impaneled and sworn;
 - 3. The defendant was arraigned and pleaded to the complaint; and
 - 4. The Municipal Judge certified the charge before it was read to the jury.
- C. In each case decided by the appellate court, the court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented. The court shall set forth the reasons for its decision. The appellate court clerk shall mail copies of the decision to the parties and to the Municipal Judge as soon as the decision is rendered.

Section 5.10 Certificate of Appellate Proceedings

When the judgment of the appellate court becomes final, the clerk of that court shall certify the proceedings and the judgment and shall mail the certificate to the Municipal Clerk. The Municipal Clerk shall file the certificate with the papers in the case and note the certificate on the case docket. If the Municipal Court judgment is affirmed, further action to enforce the judgment is not necessary except to:

1. Forfeit the bond of the defendant;
2. Issue a writ of capias for the defendant; or
3. Issue an execution against the defendant's property.

Section 5.11 Effect of Order of New Trial

If the appellate court awards a new trial to the appellant, the case stands as if a new trial had been granted by the Municipal Court.

Section 5.12 Appeals to Court of Appeals

The appellant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds One Hundred Dollars and No Cents (\$100.00) and if the judgment is affirmed by the appellate court. The provisions of the Code of Criminal Procedure relating to direct appeals from a county or a district court to the court of appeals apply to the appeal, except that:

1. The record and briefs on appeal in the appellate court constitute the record and briefs on appeal to the court of appeals unless the rules of the court of criminal appeals provide otherwise; and
2. The record and briefs shall be filed directly with the court of appeals. (Amend Ord 07-051, 7/3/07)

ARTICLE VI

ADMINISTRATION OF THE COURT

Section 6.01 Budgetary Responsibilities

The Presiding Judge shall be assigned the budgetary responsibilities and procedures as such relate to all personnel and property within the Judges' Office, the courtrooms and all appurtenances connected therewith. The Municipal Clerk shall be assigned the budgetary responsibilities and procedures as such relate to court personnel and property within his administrative control.

Section 6.02 Collection and Disbursement of Funds

The Municipal Clerk shall establish formal procedures for the collection and disbursement of funds in accordance with policies established by the City Manager so that all fines, fees, costs and monies collected and disbursed may be accounted for properly. All fines shall be paid into the City treasury.

Section 6.03 Authority to Issue Citations

- A. A director of any City department, or his authorized representative, shall have the power to issue one (1) or more citations for violations of City ordinances to any person to appear in the court, if the director or representative has probable cause to believe that the person is criminally responsible for any offense within the jurisdiction of the court.
- B. A director of any City department, or his authorized representative, shall have the power to issue one (1) or more administrative or civil notices of violation, summonses, or citations for violations of City ordinances to any person to appear as directed, if the director or representative has reason to believe that the person is liable for any offense, which is subject to civil or administrative adjudication under this Code of Ordinances, and is within the jurisdiction of the court.
(Amend Ord 13-023, 6/18/13)

Section 6.04 Court Fees

Court costs or fees are hereby authorized to be imposed and collected in accordance with the provisions of state law, and the maximum fees therein expressed are hereby authorized to be imposed.

Section 6.05 Warrant Fees and Special Expenses

- A. Warrant fees are hereby authorized to be imposed and collected in accordance with the provisions of Article 45.06, Texas Code of Criminal Procedure, and the maximum fees therein expressed are hereby authorized to be imposed.
- B. Special expenses for services performed in cases in which the laws of this State require that the case be dismissed because of actions by or on behalf of the defendant which were subsequent to the date of the alleged offense are hereby authorized to be imposed and collected in accordance with the provisions of Article 45.06, Texas Code of Criminal Procedure.

Section 6.06 Municipal Court Security Fund

- A. Fund Created: There is hereby created a municipal court building security fund. This fund shall be administered under the direction of the governing body of the City of Arlington.
- B. Fee Assessed: All defendants convicted for a misdemeanor offense in municipal court shall pay a three dollar (\$3.00) security fee as a cost of court. A person is considered convicted for purposes of this ordinance if a sentence is imposed on the person, the person receives community supervision, including deferred adjudication, or the court defers final disposition of the person's case. The security fee shall be collected by the municipal court clerk and paid to the official who discharges the duties of municipal treasurer for deposit in the municipal court building security fund. (Amend Ord 04-054, 5/25/04)
- C. Fund Purposes: The municipal court building security fund may be used only to finance items when used for the purpose of providing security services for any buildings housing the municipal court of the City of Arlington, including:
 - 1. The purchase or repair of x-ray machines and conveying systems;
 - 2. Hand-held metal detectors;
 - 3. Walk-through metal detectors;
 - 4. Identification cards and systems;

5. Electronic locking and surveillance equipment;
6. Bailiffs, deputy sheriffs, deputy constables or contract security personnel during times when they are providing appropriate security services;
7. Signage;
8. Confiscated weapon inventory and tracking systems;
9. Locks, chains, alarms, or similar security devices;
10. The purchase or repair of bulletproof glass;
11. Continuing education on security issues for court personnel and security personnel; and
12. Any other item or service permitted by law. (Amend Ord 04-054, 5/25/04)

Section 6.07 Municipal Court Technology Fund

- A. Fund Created: There is hereby created a municipal court technology fund in accordance with Subchapter A, Chapter 102, Code of Criminal Procedure, Article 102.0172. This fund shall be administered under the direction of the governing body of the City of Arlington.
- B. Fee Assessed: All defendants convicted in municipal court, for a misdemeanor offense committed on or after September 1, 1999, shall be required to pay a four dollar (\$4) technology fee as a cost of court. A person is considered convicted for purposes of this ordinance if a sentence is imposed on the person, the person is placed on community supervision, including deferred adjudication community supervision, or the court defers final disposition of the person's case. The municipal court clerk shall collect the costs and pay the funds to the municipal treasurer, or to any other official who discharges the duties commonly delegated to the municipal treasurer, for deposit in a fund to be known as the municipal court technology fund.
- C. Fund purposes: The municipal court technology fund may be used only to finance the purchase of or to maintain technological enhancements for the municipal court of the City of Arlington, including:
 1. computer systems;
 2. computer networks;
 3. computer hardware;
 4. computer software;
 5. imaging systems;
 6. electronic kiosks;
 7. electronic ticket writers;
 8. docket management systems; and
 9. any other item or service permitted by law. (Amend Ord 04-054, 5/25/04)

Section 6.08 Juvenile Case Manager Fund

- A. Fund Created: There is hereby created a municipal court juvenile case manager fund, in accordance with Subchapter A, Chapter 102 of the Texas Code of Criminal Procedure, Article 102.0174. This fund shall be administered under the direction of the governing body of the City of Arlington.
- B. Fee Assessed: All defendants convicted for a misdemeanor offense in municipal court shall pay a two dollar (\$2.00) juvenile case manager fee as a cost of court; however, a municipal judge is authorized to waive the fee in a case of financial hardship. A defendant is considered convicted for purposes of this ordinance if a sentence is imposed on the defendant or the defendant receives deferred disposition, including deferred proceedings under Article 45.052 or 45.053 of the Texas Code of Criminal Procedure. The juvenile case manager fee shall be collected by the municipal court clerk and paid to the municipal treasurer or to any other official who discharges the duties commonly delegated to the municipal treasurer for deposit in the municipal court juvenile case manager fund.
- C. Fund Purposes: The juvenile case manager fund may be used only to finance the salary and benefits of any juvenile case manager employed under Article 45.056 of the Texas Code of Criminal Procedure. (Amend Ord 06-006, 1/10/06)

Section 6.09 School Crossing Guard Program Court Cost

- A. Court Cost Created: There is hereby created a court cost, in accordance with Subchapter A, Chapter 102 of the Texas Code of Criminal Procedure, Article 102.014(b).
- B. Fee Assessed: A one dollar (\$1) court cost shall be assessed on each violation of an ordinance, regulation, or order regulating parking, stopping, or standing as allowed by Section 542.202, Texas Transportation Code, or Chapter 682, Texas Transportation Code. (Amend Ord 09-020, 4/7/09)

ARTICLE VII

INSPECTION AND ABATEMENT WARRANTS

Section 7.01 Definitions

For the purposes of this article, the following words shall have the meanings hereinafter designated:

1. Abatement Warrant - A written order, issued by a magistrate and directed to any inspector, as defined in this section, commanding him to enter specific premises for the purpose of abating or causing the abatement of a specific violation or violations of any City ordinance or other law that provides for such abatement by the City.
2. Inspection Warrant - A written order, issued by a magistrate and directed to any inspector, as defined in this section, commanding him to inspect specific premises to determine the presence of a violation or violations of any City ordinance or other law that provides for such inspections to be conducted by City inspectors and, when the inspector is also a peace officer, the Code of the City of Arlington, laws of the State of Texas and the United States.
3. Inspection and Abatement Warrant - A written order, issued by a magistrate and directed to any inspector, as defined in this section, commanding him to inspect specific premises to determine the presence of a violation or violations of any City ordinance or other law that provides for such inspections to be conducted by City inspectors, and if such violation or violations are found to exist, commanding him to abate or cause the abatement of said violation or violations of any City ordinance or other law that provides for such abatement by the City.
4. Inspector - Any peace officer of the State of Texas or any designated inspector for any department of the City of Arlington, Texas, which is charged with code enforcement or enforcement of any provision of the Code of the City of Arlington or state or federal laws.
(Amend Ord 07-051, 7/3/07)

Section 7.02 Warrants Authorized

Except as provided in Section 7.03, inspectors are hereby authorized to seek and obtain Inspection, Abatement, and Inspection and Abatement Warrants from a magistrate before making any inspection or abatement action incidental to the enforcement of any provision of the Code of the City of Arlington or other law that provides for such inspection and/or abatement by City inspectors and, when the inspector is also a peace officer, incidental to the enforcement of the Code of the City of Arlington, laws of the State of Texas and the United States. A magistrate is hereby authorized to issue such warrants subject to the requirements of this chapter.

Section 7.03 Warrants Not Required

Inspection, Abatement, and Inspection and Abatement Warrants shall not be required under the following circumstances:

- A. When permission to inspect or enter the premises for abatement purposes has been granted by someone apparently having charge or control of those premises; for the purpose of this subsection, permission to inspect or enter the premises for abatement purposes may be granted either verbally, in writing or by some other action indicating consent; or
- B. When there exists an imminent danger or peril to human life, limb or property, and any delays resulting from the application for a warrant would materially increase the likelihood of loss from such danger or peril; or
- C. When the inspection and/or abatement can be executed in areas held open to the general public; or
- D. When the inspection or entry for abatement purposes is of a business recognized by law as being a traditionally licensed and regulated enterprise for which no reasonable expectation of privacy exists.

Section 7.04 Requirements for Issuance of Inspection Warrant

- A. No Inspection Warrant shall be issued except upon citation to specific laws requiring or permitting inspections, or on the presentation of evidence of probable cause to believe that a violation or violations of the

Code of the City of Arlington, or state or federal statutes providing for such inspections to be made by City inspectors are present in the premises sought to be inspected. In determining probable cause, the magistrate is not limited to evidence of specific knowledge, but may consider any of the following:

1. The age and general condition of the premises;
 2. Previous violations or hazards found present in the premises;
 3. The type of premises;
 4. The purposes for which the premises are used; and
 5. The presence of hazards or violations in, and the general condition of, premises near the premises sought to be inspected.
- B. A sworn affidavit setting forth substantial facts toward establishing probable cause or the statutory basis for inspection shall be filed in every instance in which an Inspection Warrant is requested.

Section 7.05 Inspection Warrant Formalities

An Inspection Warrant issued pursuant to this chapter shall be sufficient if it contains the following requisites:

- A. That it run in the name of "The State of Texas";
- B. That it identify, as near as may be, those premises to be inspected;
- C. That it command an inspector to inspect forthwith the premises described; and
- D. That it be dated and signed by the magistrate.

Section 7.06 Requirements for Issuance of Abatement Warrant

No Abatement Warrant shall be issued except upon the presentation of a sworn statement by an inspector indicating direct personal knowledge of the existence of a specific violation of law in or at the premises sought to be entered. The sworn statement must specify the type of violation, what provision of law is violated, when it was observed by the inspector and under what circumstances and where on the premises the violation was observed. No Abatement Warrant shall be issued unless the inspector seeking it has personal knowledge of the violation specified in the sworn statement.

Section 7.07 Abatement Warrant Formalities

An Abatement Warrant issued pursuant to this chapter shall be sufficient if it contains the following requisites:

- A. That it run in the name of "The State of Texas";
- B. That it identify with specificity the violation to be abated;
- C. That it identify with specificity the law violated;
- D. That it identify, as near as may be, those premises or that portion of those premises where the violation to be abated exists;
- E. That it command an inspector forthwith to abate or cause to be abated the listed violation at the specified location; and
- F. That it be dated and signed by the magistrate.

Section 7.08 Inspection and Abatement Warrants

Upon presentation to a magistrate by an inspector of facts sufficient to constitute probable cause to believe that a violation exists which requires immediate abatement because it presents an imminent danger or threat to human life or health, an Inspection and Abatement Warrant may be issued by the magistrate. All of the requirements for issuance of both an Inspection Warrant and an Abatement Warrant must be met for the issuance of an Inspection and Abatement Warrant, except that the inspector's sworn statement is not required to reflect the inspector's personal knowledge of the existence of the violation to be abated where sufficient facts are presented to constitute probable cause to believe that the violation exists. An Inspection and Abatement Warrant issued pursuant to this chapter shall be sufficient if it contains all of the formalities for issuance of both an Inspection Warrant and an Abatement Warrant.

Section 7.09 Execution of Warrants

An inspector to whom an Inspection, Abatement, or Inspection and Abatement Warrant is delivered shall execute it without delay and forthwith return it to the proper magistrate. It may be executed within three (3) days from the time of its issuance, and shall be executed within a shorter period if so directed in the warrant by the magistrate. The inspector shall, upon going to the place ordered to be inspected or entered in order to have a violation abated, give notice of his purpose to the person who has charge of or is

a resident of the place or who has possession of the property described in the warrant. If such persons cannot be found, upon execution of the warrant, a copy of said warrant shall be affixed to the front door of the building or premises inspected or where abatement has occurred. In addition, if abatement of a violation has occurred, a written inventory of any tangible property removed from the premises pursuant to said abatement shall be prepared by the inspector, who shall legibly endorse his name to the inventory and either present a copy of the inventory to the person in charge or possession of the property or leave a copy affixed to the premises along with the warrant.

Section 7.10 Days Allowed for Warrant to Run

The time allowed for the execution of an Inspection, Abatement, or Inspection and Abatement Warrant shall be three (3) whole days, exclusive of the day of its issuance and of the day of its execution. The magistrate issuing a warrant under the provisions of this article shall endorse on such warrant the date and hour of the issuance of the same.

Section 7.11 How Return is Made

Upon returning the Inspection, Abatement, or Inspection and Abatement Warrant, the inspector shall state on the back of the same, or on some paper attached to it, the manner in which it has been executed and shall likewise deliver to the magistrate a copy of any report and inventory resulting from any inspection or abatement.

Section 7.12 Power of Inspector Executing Warrant

The execution of a warrant issued pursuant to this article shall not include any authority to make arrests or to seize tangible goods of a violation, except in accordance with Chapter 18 of the Texas Code of Criminal Procedure.

Section 7.13 Records to be Kept

The magistrate shall keep a record of all proceedings had before him in the cases of Inspection, Abatement, and Inspection and Abatement Warrants as part of the official records of his court.

Section 7.14 Conflicts

No provision of this article is intended to conflict with any State or Federal law, and the powers and rights granted herein are intended to be in addition to any rights granted by State or Federal law.

ARTICLE VIII

TEEN COURT

Section 8.01 Teen Court

- A. The operation of the Teen Court Program is hereby established, under the supervision of the City Manager or his/her designee.
- B. The Teen Court Program shall be authorized to accept cases that are:
 - 1. Referred from the Municipal Court when approved by a Municipal Court Judge and all appropriate court costs and administrative fees have been paid; or
 - 2. Referred from the Arlington Police Department upon approval of the Tarrant County Juvenile Court; or
 - 3. Lawfully referred under any state statute.

Section 8.02 Teen Court Advisory Board

- A. A Teen Court Advisory Board is hereby established.
- B. The purpose of the Teen Court Advisory Board is to advise the City Council and staff on the operation of the Teen Court Program and to assist in the development of community resources for the purposes of advancing the Teen Court Program.
- C. The Teen Court Advisory Board shall be appointed by the City Council and shall consist of the following members:
 - 1. Nine (9) at-large adult members who have previously demonstrated an interest in working with youth;
 - 2. One (1) teen-aged representative who is a junior in good standing from each high school in the Arlington Independent School District;
 - 3. One (1) teen-aged representative who is a junior in good standing at a high school in the Mansfield

Independent School District which is located within the City of Arlington; and

4. One (1) teen-aged representative who is a junior in good standing at a private or home school located within the City of Arlington.
- D. Board members shall be appointed by the Arlington City Council as follows:
1. The Mayor and each City Council member shall nominate an adult member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement.
 2. The adult members of the Teen Court Advisory Board shall nominate teen members who have previously demonstrated an interest in participating in the teen court program with confirmation by majority vote of the City Council.
- E. All members except the youth representatives shall serve for a term of two (2) years. The youth representatives shall serve for a term of one (1) year.
- F. The Chairperson shall preside at all meetings, using standard parliamentary procedures and motions which the Board may pass upon a majority vote of the adult members present. Teen representatives shall be non-voting members of the Board.
- G. The Board shall hold regularly scheduled meetings, as determined by the Advisory Board Chairperson. The Board shall hold not less than one (1) meeting per quarter.
- H. Quorum. A quorum of the Board will be five (5) adult members.
- I. The role of the Teen Court Advisory Board is to:
1. Serve in an advisory role and make recommendations to the City Manager or his/her designee regarding the policies regulating the Teen Court Program;
 2. Submit all reports and/or recommendations related to the Teen Court Program requiring City Council

action to the Municipal Court Clerk or his/her designee;

3. Develop and provide community support and community resources and develop financial resources for the Teen Court Program in addition to the funding provided through the City budget process; and
4. Make recommendations to the Teen Court Coordinator regarding the recruitment, selection and training of adult and teen volunteers. (Amend Ord 08-109, 12/16/08)

ARTICLE IX

ADMINISTRATIVE ADJUDICATION

Section 9.01 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.

“Administrator” shall mean the person appointed by the City Manager to administer the Arlington Building Rehabilitation Fund or his or her designee.

“Building” shall mean any structure which is built for the support, shelter, or enclosure or partial enclosure of persons, animals, chattels, or movable property of any kind including pools.

“City” shall mean the City of Arlington, Tarrant County, Texas.

“Director” shall mean the director of the City department charged with the administration and enforcement of the provisions of this Article or his or her designee.

“Hearing” shall mean an administrative adjudication hearing for a violation under this Article, and may also include an appeal hearing at the municipal court.

“Hearing Officer” shall mean the Presiding Municipal Court Judge or Director or their designees appointed to conduct hearings in accordance with this Article.

“Issuing Officer” shall mean the person who issued the citation. The term includes a peace officer, or other enforcement agent as authorized by the Director.

“Municipal Court” shall mean the municipal court of the City of Arlington, Tarrant County, Texas.

“Owner” shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Person” shall extend and be applied to associations, corporations, firms, partnerships, bodies politic, corporate as well as to individuals.

“Premises” or “Property” shall mean a lot, plot or parcel of land, easement or public way, including any structures thereon.

“Structure” shall mean fence, shed, awning, retaining wall, or partial building. (Amend Ord 16-011, 3/1/16)

Section 9.02 Administrative Adjudication, Intent, Findings and Purpose

- A. Administrative Adjudication. Every violation of an ordinance described by Section 54.032 or Section 214.001(a)(1) of the Texas Local Government Code or adopted under Subchapter E, Chapter 683 of the Texas Transportation Code, or in accordance with other provisions as amended or otherwise allowed by law, may be enforced as an administrative offense using the alternative administrative adjudication procedure set forth in this Article. The adoption or use of this alternative administrative adjudication procedure does not preclude the City from enforcing a violation of an ordinance through criminal penalties and procedures.
- B. Intent. This section shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises and vehicle offenses. Nothing in this Article shall be construed to cancel, modify or set aside any other provision of the City’s Code of Ordinances.
- C. Findings.
1. The City Council finds that it may enforce each rule, ordinance, or police regulation of the City and may punish a violation of a rule, ordinance or police regulation in accordance with the Texas Local Government Code and home rule authority.
 2. The City Council finds and determines that alternative civil adjudication is a means to promote and verify property ordinance code compliance, certain parking, stopping, standing, junked vehicle and intersection offenses, and other compliance areas while providing efficient, fair, and impartial hearings with respect for the rule of law.

3. Debts and accounts receivable such as unpaid penalties, fines, fees, and court costs ordered paid by a court or hearing officer may be processed for collection after sixty days overdue with a collection contactor or a City department as authorized by law.
- D. Purpose. This article provides an alternative procedure for administrative hearing for ordinances:
1. for the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
 2. relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
 3. relating to dangerously damaged or deteriorated buildings or improvements;
 4. relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;
 5. relating to a building code or to the condition, use, or appearance of property in a municipality;
 6. relating to animal care and control;
 7. relating to water conservation measures, including water restrictions;
 8. relating to the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:
 - a. dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
 - b. regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other

uninvited persons as a place of harborage or could be entered or used by children; or

- c. boarded up, fenced, or otherwise secured in any manner if:
 - (1) the building constitutes a danger to the public even though secured from entry; or
 - (2) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by Subdivision (b).

9. relating to junked vehicles visible from a public place or the public right-of-way; and

10. authorized by state law for administrative adjudication.

E. Administrative Penalty. A fine or penalty for the violation of an ordinance adjudicated under this Article may not exceed \$500. However, a fine or penalty for the violation of an ordinance adjudicated under this Article that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, may not exceed \$2,000.

F. Costs and Fees.

- 1. Costs and fees are hereby authorized to be imposed and collected for offenses adjudicated under this Article. A person found liable for a violation under this Article shall pay any required fees and costs in an amount set by resolution of the City Council.
- 2. In addition to other costs and fees created and imposed under this Article, there shall be an appeal fee and late payment fee in an amount set by resolution of the City Council.
- 3. All persons found liable for an offense adjudicated under this Article shall be required to pay a technology fee in an amount set by resolution of the City Council. The technology fee shall be collected by the municipal court clerk and paid to the official who discharges the duties of municipal treasurer for deposit in the court technology fund.

4. All persons found liable for an offense adjudicated under this Article shall be required to pay a security fee in an amount set by resolution of the City Council. The security fee shall be collected by the municipal court clerk and paid to the official who discharges the duties of municipal treasurer for deposit in the building security fund.

Section 9.03 Enforcement; Procedures; Citation

- A. An administrative citation issued under this Article must contain:
 1. the date, location, and description of the violation alleged;
 2. a notice that the person charged with violating the ordinance has the right to a hearing and information as to how to request a hearing; and
 3. the number of days that the person has in which to pay the civil penalty or contest the penalty.
- B. An administrative citation serves as the summons or citation referenced in Chapter 54 of the Texas Local Government Code.
- C. A copy of the citation must be kept as a record in the ordinary course of business of the City by the Director, and is rebuttable proof of the facts it states.
- D. Service of a Citation.
 1. An attempt must be made to personally serve an administrative citation by handing it to the person charged if the person is present at the time of service or by leaving the citation at the person's usual place of residence with any person residing at such residence who is of suitable age and discretion and informing that person of the citation's contents.
 2. If an attempt to personally serve the citation fails, the citation may be served to the person by registered or certified mail, return receipt requested, at an address indicated by the appraisal district records of the appraisal district in which the property is located, secretary of state records, or any tax or utility record. If service is made in this manner and mail is returned "unclaimed" or "refused," the validity of the citation is not affected, and the citation is considered as delivered.

3. If an attempt to personally serve the citation fails, the citation must then be served upon the person charged by posting the citation on either:
 - a. the front door of the premises or property; or
 - b. a placard staked to the yard of the premises or property in a location visible from a public street or alley.

E. Answering a Citation.

1. A person who has been issued a citation shall answer to the charge of the violation as directed on the administrative citation. A person who fails to answer the citation as directed is considered to have admitted liability for the violation charged.
2. An answer to the administrative citation may be made by:
 - a. returning the administrative citation, on or before the 30th calendar day after issuance of the citation, with the applicable administrative penalty, which action constitutes an admission of liability; or
 - b. making an appearance as directed on the administrative citation on or before the 30th calendar day after issuance of the citation and requesting a hearing.

- F. Failure to Appear at an Administrative Hearing. A person issued a citation who fails to appear at any hearing under this Article is considered to have admitted liability for the violation charged. The hearing officer shall issue, in writing, an administrative order of liability and assess against the person charged with the violation an appropriate amount of administrative penalties, fees, and costs.

Section 9.04 Hearing Officers; Qualifications, Powers, Duties, and Functions

- A. Hearing officers shall be Municipal Court Judges or appointed by the City Manager to administratively adjudicate violations of ordinances described by this Article or in accordance with other provisions as amended or allowed by law.
- B. A hearing officer must meet all of the following qualifications:

1. Be familiar with state and local laws regarding substandard structures, junked vehicles, City health and safety ordinances, and all areas subject to administrative adjudication listed in this Article or otherwise allowed by state law.
 2. Be a citizen of the United States.
 3. Be a licensed attorney in good standing.
 4. Have two or more years of experience in the practice of law in the State of Texas.
- C. A hearing officer shall have the following powers, duties, and functions:
1. To administer oaths.
 2. To accept admissions to, and to hear and determine contests of, premises and property violations.
 3. To issue orders compelling the attendance of witnesses and the production of documents, which orders may be enforced by a municipal court.
 4. To make findings of liability or no liability to violations, and in the event of a liable finding, to assess administrative penalties, fees, and costs.
 5. To question witnesses and examine evidence offered.

Section 9.05 Administrative Adjudication Hearing and Appeal

- A. Every hearing for the adjudication of an administrative citation under this section must be held before a hearing officer.
- B. At a hearing under this section, the administrative citation is rebuttable proof of the facts that it contains. The formal rules of evidence do not apply to the hearing, and any relevant evidence will be admitted if the hearing officer finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary. The hearing officer shall make a decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all rebuttable proof established by this Article or other applicable law.

- C. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, and to rebut evidence. A person charged with a civil offense under this Article may request in writing no later than five days before the hearing that the Issuing Officer appear at the hearing; except that, if the person charged fails to make a timely, written request to have the Issuing Officer present at the hearing, the person charged will be deemed to have waived the right to call and examine the Issuing Officer.
- D. The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation, giving due weight to all testimony and evidence offered.
- E. The proceedings of the administrative hearing will be recorded electronically. The person charged may, at his expense, have a court reporter present in the hearing room during the proceedings.
- F. After hearing all the evidence, the hearing officer shall render an order either:
 - 1. finding the person charged liable for the violation, notifying the person of the right of appeal, and assessing the applicable civil penalty or penalties, fees, and costs to the extent allowed and authorized by ordinance or resolution of the Arlington City Council, such resolution being automatically incorporated herein for all purposes; or
 - 2. finding the person charged not liable for the violation.
- G. The administrative order of the hearing officer must be filed with the municipal court.
- H. Appeal.
 - 1. A person found liable for a violation by a hearing officer at an administrative adjudication hearing may appeal the determination to the municipal court. If the initial hearing officer was a municipal court judge, then the appeal is to the municipal court chief judge or his designee.
 - 2. To perfect an appeal, the person shall not later than the 31st calendar day after the hearing officer's order is issued:
 - a. file a written appeal request in municipal court;

- b. post a cash deposit or bond acceptable to the City in the amount of the penalties, fees, and costs assessed at the hearing; and
 - c. pay an appeal fee.
3. If a person found liable for a violation does not timely appeal the hearing officer's administrative order, the order will become a final judgment. A perfected appeal stays enforcement and collection of the penalty, fees, and costs imposed against the person. If the administrative penalties, fees, and costs assessed in the final judgment are not paid within 31 calendar days after the date of the hearing officer's order, the administrative penalties, fees, and costs may be referred to a collection agency and the cost to the city for the collection services will be assessed as costs, at the rate agreed to between the city and the collection agency, and added to the judgment or as otherwise allowed by law.
4. The municipal court shall set an appeal hearing within 90 days of the request for a hearing and send notice of the appeal hearing to the person requesting an appeal. An appeal shall be determined by the municipal court by hearing de novo. Upon receipt of an appeal, the municipal court shall schedule an appeal hearing and notify the person and the City Attorney's Office of the date, time, and location of the hearing.
5. At the appeal hearing, the municipal judge shall:
 - a. affirm the administrative order of the hearing officer finding the appellant liable; or
 - b. reverse the hearing officer's order and find the appellant not liable.
6. At the appeal hearing, upon an order by the municipal judge of:
 - a. Liable, affirming the administrative order of the hearing officer, the cash deposit or bond shall be applied and forfeited; and
 - b. Not Liable, reversing the administrative order of the hearing officer, the cash deposit or bond shall be refunded to the person, but under no circumstances shall the appeal fee be refunded.

7. The municipal judge's ruling is a final judgment. If the municipal judge affirms the hearing officer's order, any administrative penalties, fees, or costs assessed must be paid within 30 calendar days after the municipal judge's ruling. If the municipal judge reverses the hearing officer's order, any administrative penalties, fees, or costs originally assessed are discharged.

I. Increasing Penalties for Subsequent Offenses.

1. Upon a finding of Liable for an offense at an administrative adjudication hearing or an appeal hearing under this Article, the municipal judge or hearing officer may:
 - a. Assess a penalty in an amount that is two times more than the penalty that would otherwise be assessed, not to exceed the maximum allowed by law, exclusive of costs and fees, if the person has been previously found liable one time for the same offense.
 - b. Assess a penalty in an amount that is three times more than the penalty that would otherwise be assessed, not to exceed the maximum allowed by law, exclusive of costs and fees, if the person has been previously found liable two or more times for the same offense.
2. If the municipal judge increases the penalty at an appeal hearing under this Section, the cash deposit or bond shall be forfeited and the person shall pay the additional penalty assessed within 30 calendar days after the municipal judge's ruling.

- J. If a person does not timely pay the applicable penalties, fees, and costs assessed ordered to be paid by a municipal judge or hearing officer under this Section, a late payment fee shall be assessed.

Section 9.06 Effect of Liability; Exclusion of Civil Remedy; Enforcement

- A. The imposition of a civil penalty under this Article is not a criminal conviction, except that a finding of liable may be considered a conviction for purposes of abatement procedures, permit or certificate of occupancy revocation procedures, or any other procedures outlined under the Arlington Code of Ordinances.

- B. A civil penalty may not be imposed upon a person for an offense under this Article if the person was arrested or was issued a criminal citation and notice to appear by a peace officer for a violation of state law or city ordinance, for the same specific incidence as the civil offense.
- C. The City may enforce the hearing officer's administrative order by filing a civil suit for collection of the administrative penalties, fees, and costs and by obtaining an injunction to prohibit specific conduct that violates the ordinance or administrative order or to require specific conduct necessary for compliance with the ordinance or administrative order.

Section 9.07 Notices to Certain Property Owners

- A. A governmental entity that is required by statute, rule, regulation, or ordinance to send a notice to an owner of real property for the purpose of enforcing a municipal ordinance may include the following statement in the notice: "According to the real property records of _____ County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office not later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not." The notice must be delivered in person or by certified mail, return receipt requested.
- B. If a governmental entity sends a notice to the owner of the property to which the notice relates, as shown on or after the 10th day before the date notice is sent by the real property records of the county in which the property is located, and the record owner no longer owns the property, the record owner shall execute an affidavit provided with the notice by the governmental entity stating:
 - 1. that the record owner no longer owns the property; and
 - 2. the name and last known address of the person who acquired the property from the record owner.

- C. The record owner shall deliver the affidavit in person or by certified mail, return receipt requested, to the governmental entity not later than the 20th day after the date the record owner receives the notice.
- D. If the governmental entity receives an affidavit under Subsection (C), the governmental entity shall send the appropriate notice to the person named in the affidavit as having acquired the property. A notice sent under this subsection must include the statement authorized by Subsection (A).
- E. A governmental entity that receives an affidavit under Subsection (C) shall:
 - 1. maintain the affidavit on file for at least two years after the date the entity receives the affidavit; and
 - 2. deliver a copy of the affidavit to the chief appraiser of the appraisal district in which the property is located.
- F. A governmental entity is considered to have provided notice to a property owner if the entity complies with the statute, rule, regulation, or ordinance under which the notice is sent and if it:
 - 1. complies with Subsection (A) and does not receive an affidavit from the record owner; or
 - 2. complies with Subsection (D) and does not receive an affidavit from the person to whom the notice was sent under Subsection (D).
- G. If a governmental entity complies with this section and does not receive an affidavit under Subsection (C), the record owner is presumed to be the owner of the property for all purposes to which the notice relates.
- H. For purposes of this section, "real property" does not include a mineral interest or royalty interest.

Section 9.08 Arlington Building Rehabilitation Fund

- A. Upon payment of the penalty assessed after a finding of Liabile in the adjudication of an offense under this Article, twenty-five dollars (\$25) of the penalty shall be designated for the Arlington Building Rehabilitation Fund.

- B. The Arlington Building Rehabilitation Fund shall be used for the sole purpose of rehabilitating and repairing properties and premises in the City for persons who are eligible to receive assistance from the Arlington Building Rehabilitation Fund under this Section. (Amend Ord 16-011, 3/1/16)
- C. Administration of the Arlington Building Rehabilitation Fund.
1. The City Manager, or his or her designee, shall appoint an Administrator of the Arlington Building Rehabilitation Fund. The Administrator shall adopt policies and procedures consistent with this Article for the administration of the Arlington Building Rehabilitation Fund.
 2. Eligibility
 - a. To be eligible to receive funds from the Arlington Building Rehabilitation Fund, a person must:
 - (1) be financially unable to rehabilitate or repair the person's property or premises to comply with applicable City Ordinances, as determined by the Administrator; and
 - (2) file a request with the Administrator for the purpose of rehabilitating or repairing the person's property or premises until it complies with City ordinances.
 - b. The Administrator may establish uniform criteria for eligibility determination consistent with this Article. In determining whether a person is eligible to receive assistance from the Arlington Building Rehabilitation Fund, the Administrator may consider whether the person qualifies for other property repair or rehabilitation assistance available through the City.
 3. A person who makes a request to the Administrator is voluntarily requesting that the Administrator use the Arlington Building Rehabilitation Fund to rehabilitate or repair the person's property or premises for the sole purpose of bringing the property or premises into compliance with city ordinances.
 4. The Administrator is responsible for ensuring that the property or premises is inspected and that a detailed, written project plan is prepared that

includes the work proposed, the amount of time the work will take, and the cost of the work.

5. A person who files a request with the Administrator does so voluntarily and agrees to indemnify the City against any liability resulting from the project, any damages that may occur related to the project, and any damages resulting from any early termination of the project.
6. If the project is terminated prior to completion for any reason, the Administrator may disburse money from the Arlington Building Rehabilitation Fund to pay the contractor for completion of work approved by the Administrator.
7. The project may be inspected by the City for the sole purpose of determining whether the property or premises complies with City ordinances.
8. No project plan may be initiated by the Administrator unless the project cost is less than or equal to the amount in the Arlington Building Rehabilitation Fund at any one time. If the Arlington Building Rehabilitation Fund is temporarily out of money, the Administrator may not initiate a project plan until such time as there are additional funds equal to or exceeding the amount of the project's cost. (Amend Ord 16-011, 3/1/16)