

ORDINANCE NO. 4992

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS, AND DELETIONS UNDER CHAPTER 2 “ADMINISTRATION,” ARTICLE IV “OFFICIALS AND EMPLOYEES GENERALLY,” DIVISION 1 “GENERALLY;” AND CREATING NEW DIVISION 6 “MUNICIPAL COURT” FOR THE PURPOSE OF PLACING ALL PROVISIONS REGARDING MUNICIPAL COURT JUDGES INTO NEW DIVISION 6; CREATING AND ESTABLISHING TWO DIVISIONS OF THE MUNICIPAL COURT OF THE CITY OF MESQUITE, TEXAS; AND CREATING THE OFFICE OF THE CITY OF MESQUITE, TEXAS, MUNICIPAL COURT ASSOCIATE JUDGE, AND OTHER RELATED GENERAL REVISIONS; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, the orderly judicial process within the City of Mesquite, Texas (“**City**”) requires the creation of two Divisions of the Municipal Court of the City of Mesquite, Texas, and the creation of the office of the City of Mesquite, Texas, Municipal Court Associate Judge to assist the Municipal Court Presiding City Judge in providing judicial services; and

WHEREAS, [Section 29.004](#) of the Texas Government Code states that a Municipal Court Presiding City Judge and any additional Municipal Court Alternate Judges are selected pursuant to a home-rule municipality’s charter provisions; and

WHEREAS, [Section 29.007](#) of the Texas Government Code provides for appointment of additional Municipal Court Associate Judges pursuant to a home-rule municipality’s charter provisions, or by ordinance adopted by the City Council; and

WHEREAS, Mesquite City Charter, Article IV, [Section 27](#), creates the Municipal Court of the City, and its jurisdiction; and

WHEREAS, the City is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

Municipal Court | Creating and establishing two Divisions of the Municipal Court of the City of Mesquite, Texas; and creation of the office of the Municipal Court Associate Judge.

October 17, 2022

Page 2 of 3

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this Ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

**SECTION 2. MESQUITE CITY CODE TEXT AMENDMENT:
Amending Chapter 2 – ADMINISTRATION.**

The Mesquite City Code is hereby amended as identified in **EXHIBIT A**, and said exhibit is attached hereto and made a part hereof, and in all other respects, said Code, Chapters, and Articles shall remain in full force and effect.

SECTION 3. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

Municipal Court | Creating and establishing two Divisions of the Municipal Court of the City of Mesquite, Texas; and creation of the office of the Municipal Court Associate Judge.

October 17, 2022

Page 3 of 3

SECTION 5. Effective Date.

That this ordinance shall take effect and be in force immediately upon its adoption pursuant to Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 17th DAY OF OCTOBER, 2022.

DocuSigned by:

Daniel Aleman Jr.

D999585317D142B...

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

DocuSigned by:

David L. Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 4992

City of Mesquite, Texas
Mesquite City Code, Chapter 2 – Administration,
Article IV – Officials and Employees Generally.

MESQUITE CITY CODE

* * *

Chapter 2 – ADMINISTRATION

[Editor’s Note: Make the following revisions with additions identified in green font and underlined, and deletions identified in ~~red font with strikethrough~~.]

* * *

ARTICLE IV. – OFFICIALS AND EMPLOYEES GENERALLY

DIVISION 1. – GENERALLY

* * *

Sec. 2-103. Municipal Court Judges ~~Reserved.~~

See DIVISION 6 – MUNICIPAL COURT.

~~Sec. 2-104. Alternate municipal court judge—Creation.~~

~~There is hereby created the office of alternate municipal court judge.~~

~~(Code 1960, § 2-28)~~

~~State law reference(s)—Alternate judges of the municipal court, V.T.C.A. Government Code, § 29.004.~~

~~Sec. 2-105. Same—Appointment, qualifications.~~

~~The city council shall appoint one (1) or more persons to serve as alternate municipal court judge. Any person appointed to such office shall be a resident of the city and shall hold such office at the pleasure of the city council.~~

~~(Code 1960, § 2-29)~~

~~Sec. 2-106. Same—Duties.~~

~~Alternate municipal court judges shall supplement and assist the presiding city judge appointed under the provisions of Article IV, section 27 of the charter of the city. Such alternate municipal court judges shall have all the powers and duties of the presiding city judge while so acting.~~

~~(Code 1960, § 2-30)~~

~~Charter reference(s)—City judge, Art. IV, § 27, Art. VIII, § 3.~~

~~Sec. 2-107. Assistant municipal court judge; creation.~~

~~There is hereby created the office of assistant municipal court judge.~~

~~(Ord. No. 3856, § 1, 3-5-07)~~

~~Sec. 2-108. Appointment of assistant municipal court judge, qualifications.~~

~~The city council may appoint one person to serve as assistant municipal court judge. Any person appointed to such office shall be a resident of the City of Mesquite, Texas, and shall hold such office as provided by state law and the City Charter.~~

~~(Ord. No. 3856, § 1, 3-5-07)~~

~~Sec. 2-109. Duties of assistant municipal court judge.~~

~~The assistant municipal court judge shall supplement, and assist the judge of the municipal court appointed under the provisions of City Charter Article IV, Sec. 27 in the provision of all judicial services. Such assistant municipal court judge shall have all the powers and duties of the presiding city judge while so acting.~~

~~(Ord. No. 3856, § 1, 3-5-07)~~

Sec. 2-104. Sec. 2-110. - City Marshal—creation.

There is hereby created the position of City Marshal.

(Ord. No. 4348, § 1, 12-15-14)

Sec. 2-105. Sec. 2-111. - City Marshal Division.

- (a) The Director of Finance shall employ one (1) or more part-time City Marshals in the City Marshal Division of the Department of Finance. A City Marshal employed under this section shall be commissioned, appointed and designated as a peace officer under Article 2.12(3), "Who are Peace Officers," of the Texas Code of Criminal Procedure.
- (b) A City Marshal shall:
 - (1) Serve process issued by a City Court, including Class "C" misdemeanor warrants, subpoenas and summons;
 - (2) Transport prisoners being held on City of Mesquite warrants between city and county courts, booking and detention facilities;
 - (3) Serve as bailiffs of the Municipal Court;
 - (4) Provide building security for the Municipal Court; and
 - (5) Perform other duties as assigned by the Director of Finance.

(Ord. No. 4348, § 1, 12-15-14)

Sec. 2-106. Sec. 2-112. - Status of City Marshal.

- (a) A City Marshal is a part-time employee of the Finance Department and is not an employee or member of the Mesquite Police Department. As a part-time employee of the Finance Department, a City Marshal is not entitled to the pension or civil service benefits of a Mesquite Police Officer.
- (b) Pursuant to [Chapter 1](#), "Policies and Procedures," and [Chapter 6](#), "Probationary Periods," of the City of Mesquite General Government Policies and Procedures, a part-time City Marshal is an "at will" employee and may be terminated without cause or appeal.

(Ord. No. 4348, § 1, 12-15-14)

Secs. 2-107 — 2-120. - Reserved. Secs. 2-113 — 2-120. — Reserved.

* * *

DIVISION 5. – POLITICAL CONTRIBUTIONS.

* * *

Secs. 2-164 – Sec. 2-169. – Reserved. ~~Sec. 2-164, 2-165. – Reserved.~~

DIVISION 6. – MUNICIPAL COURT

Sec. 2-170. – In General.

The City has created and established the Municipal Court of the City of Mesquite, Texas, and its jurisdiction pursuant to Mesquite City Charter, Article IV, Section 27.

Charter reference— Municipal Court, Art. IV, § 27.

State Law reference— Municipal Courts, V.T.C.A. Government Code, Title 2, Subtitle A, Chapter 29.

Sec. 2-171. – Reserved.

Sec. 2-172. – Municipal Court; Divisions.

(a) *In general.* Mesquite City Charter, Article IV, Section 27, creates the Municipal Court of the City of Mesquite, Texas, and its jurisdiction.

(b) *Divisions of Municipal Court.* There is hereby created and established two divisions of the Municipal Court of the City of Mesquite, Texas, in accordance with Texas Government Code, Chapter 29, Section 29.007, its successor or as amended. The Municipal Court Clerk shall serve as clerk of all the Divisions with the assistance of the Deputy Clerk as needed. The Municipal Court Presiding City Judge shall determine the allocation and administration of judicial duties and services for both Divisions of the Municipal Court.

(1) *Division 1.*

a. The Municipal Court Presiding City Judge shall preside over the Municipal Court of the City of Mesquite, Texas, Division 1. The Municipal Court Presiding City Judge may transfer cases, exchange benches, and preside over any other Divisions of the Mesquite Municipal Court.

b. It shall be permissible for any other Mesquite Municipal Court Judge, regardless of what his or her title may be, to supplement, and assist the Municipal Court Presiding City Judge in the provision of all judicial services for Division 1.

(2) *Division 2.*

a. The Municipal Court Associate Judge shall preside over the Municipal Court of the City of Mesquite, Texas, Division 2. The Municipal Court Associate Judge may transfer cases, exchange benches, and preside over any other Divisions of the Mesquite Municipal Court.

b. It shall be permissible for any other Mesquite Municipal Court Judge, regardless of what his or her title may be, to supplement, and assist the Municipal Court Associate Judge in the provision of all judicial services for Division 2.

Charter reference— Municipal Court, Art. IV, § 27.

State Law references—

Municipal Courts, V.T.C.A. Government Code, Title 2, Subtitle A, Chapter 29 Municipal Courts.

Divisions and panels of the Municipal Court, V.T.C.A. Government Code, § 29.007.

Sec. 2-173. – Municipal Court Presiding City Judge.

- (a) *In general.* The Municipal Court Presiding City Judge shall be appointed, and shall serve in accordance with State law, the City Charter, and this Section.
- (b) *Office of the Municipal Court Presiding City Judge.* There is hereby created the office of City of Mesquite, Texas, Municipal Court Presiding City Judge.
- (c) *Appointment and removal.* In accordance with the City Charter, Article IV, Section 27, the City Council shall appoint one (1) person to serve as Municipal Court Presiding City Judge. Any person appointed to such office shall hold such office as provided by State law, and the City Charter.
- (d) *Qualifications.* Any person appointed to such office shall be a resident, qualified voter of the City of Mesquite, Texas, and shall hold such office as provided by State law, the City Charter, and this section.
- (e) *Duties and powers.* The Municipal Court Presiding City Judge shall have all duties and powers granted under the State’s constitution, State law, City Charter, and the Mesquite City Code.

Cross reference – Municipal Court; Divisions; Chapter 2, Article IV, Division 6, Sec. 2-172.

Charter reference— Municipal Court Presiding City Judge, Art. IV, § 27; and Art. VIII, § 3.

State Law references—

Judges of the Municipal Court, V.T.C.A. Government Code, § 29.004.

Term of office, V.T.C.A. Government Code, § 29.005.

Sec. 2-174. – Municipal Court Associate Judge.

- (a) *In general.* Any Municipal Court Associate Judge(s) shall be appointed, and shall serve in accordance with State law, the City Charter, and this Section.
- (b) *Office of the Municipal Court Associate Judge.* There is hereby created the office of City of Mesquite, Texas, Municipal Court Associate Judge.
- (c) *Appointment and removal.* The City Council may appoint one (1) person to serve as Municipal Court Associate Judge. Any person appointed to such office shall hold such office as provided by State law, and the City Charter.
- (d) *Qualifications.* Any person appointed to such office shall be a resident, qualified voter of the City of Mesquite, Texas, and shall hold such office as provided by State law, the City Charter, and this section.
- (e) *Duties and powers.* The Municipal Court Associate Judge shall supplement, and assist the Municipal Court Presiding City Judge, appointed under the provisions of Article IV, Section 27 of the Mesquite City Charter, in the provision of all judicial services. Such Municipal Court Associate Judge shall have all the powers and duties of the Municipal Court Presiding City Judge while so acting.

Cross reference – Municipal Court; Divisions; Chapter 2, Article IV, Division 6, Sec. 2-172.

Charter reference— Municipal Court, Art. IV, § 27; and Art. VIII, § 3.

State Law references—

Term of office, V.T.C.A. Government Code, § 29.005.

Associate judges of the municipal court, V.T.C.A. Government Code, § 29.007.

Sec. 2-175. – Municipal Court Assistant Judge.

- (a) *In general.* Any City of Mesquite, Texas, Municipal Court Assistant Judge(s) shall be appointed, and shall serve in accordance with State law, the City Charter, and this Section.
- (b) *Office of the Municipal Court Assistant Judge.* There is hereby created the office of City of Mesquite, Texas, Municipal Court Assistant Judge.
- (c) *Appointment and removal.* The City Council may appoint one (1) person to serve as Municipal Court Assistant Judge. Any person appointed to such office shall hold such office as provided by State law, and the City Charter.
- (d) *Qualifications.* Any person appointed to such office shall be a resident of the City of Mesquite, Texas, a qualified voter of the City, and shall hold such office as provided by State law, the City Charter, and this section.
- (e) *Duties and powers.* The Municipal Court Assistant Judge shall supplement, and assist the Municipal Court Presiding City Judge, appointed under the provisions of Article IV, Section 27 of the Mesquite City Charter, in the provision of all judicial services. Such Municipal Court Assistant Judges shall have all the powers and duties of the Municipal Court Presiding City Judge while so acting.

(Ord. No. 3856, § 1, 3-5-07)

Cross reference – Municipal Court; Divisions; Chapter 2, Article IV, Division 6, Sec. 2-172.

Charter reference— Municipal Court, Art. IV, § 27; and Art. VIII, § 3.

State Law references—

Alternate judges of the municipal court, V.T.C.A. Government Code, § 29.004.

Term of office, V.T.C.A. Government Code, § 29.005.

Sec. 2-176. – Municipal Court Alternate Judge(s).

- (a) *In general.* Any City of Mesquite, Texas, Municipal Court Alternate Judge(s) shall be appointed, and shall serve in accordance with State law, the City Charter, and this Section.
- (b) *Office of the Municipal Court Alternate Judge.* There is hereby created the office of City of Mesquite, Texas, Municipal Court Alternate Judge.
- (c) *Appointment and removal.* The City Council may appoint one (1) or more persons to serve as Municipal Court Alternate Judge. Any person appointed to such office shall hold such office as provided by State law, and the City Charter.
- (d) *Qualifications.* Any person appointed to such office shall be a resident of the City of Mesquite, Texas, a qualified voter of the City, and shall hold such office as provided by State law, the City Charter, and this section.
- (e) *Duties and powers.* Municipal Court Alternate Judges shall supplement, and assist the Municipal Court Presiding City Judge, appointed under the provisions of Article IV, Section 27 of the Mesquite City Charter, in the provision of all judicial services. Such Municipal Court Alternate Judges shall have all the powers and duties of the Municipal Court Presiding City Judge while so acting.

(Code 1960, § 2-28); (Code 1960, § 2-29); (Code 1960, § 2-30).

Cross reference – Municipal Court; Divisions; Chapter 2, Article IV, Division 6, Sec. 2-172.

Charter reference— Alternate judges, Art. IV, § 27; and Art. VIII, § 3.

State Law references—

Alternate judges of the municipal court, V.T.C.A. Government Code, § 29.004.

Term of office, V.T.C.A. Government Code, § 29.005.

Secs. 2-177 — 2-179. - Reserved.

ARTICLE V. - POLICE

Sec. 2-180 ~~Sec. 2-166.~~ - Prisoners; record to be made of valuables taken from person.

Whenever any person under arrest by any police officer of the city shall be confined in the city jail and before his confinement in the city jail, he shall be searched by the police officer and any articles or things of value whatsoever shall be taken from the person imprisoned. It shall be the duty of the officer, whether day or night man, to make an itemized record of each and every article or thing of value whatsoever taken from the person of anyone so imprisoned, and it shall be the duty of the officer to sign the record as to each and every person imprisoned from whom any article or thing of value is taken. The person so imprisoned shall also sign the itemized record and upon his release from jail he shall sign a receipt for all articles returned.

(Code 1960, § 13-10.2)

Secs. 2-181 – 2-185. – Reserved. ~~Secs. 2-167—2-185.—Reserved.~~

* * *