

**Ordinance No. 2005.14
Village of Salado
County of Bell
State of Texas
October 20, 2005**

CITATION ISSUANCE ORDINANCE

AN ORDINANCE ENACTING VOLUME 1, ARTICLE 2, CHAPTER 4 OF THE SALADO CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR THE ISSUANCE OF CITATIONS STEMING FROM ALLEGED CRIMINAL VIOLATIONS OF ORDINANCES; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; AND, SEVERABILITY

WHEREAS, the Board of Aldermen of the Village of Salado (“Board of Aldermen”) seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and

WHEREAS, the Board of Aldermen finds that state law does not provide rules and regulations relating to issuance of citations in criminal cases stemming from local ordinances by non-peace officers; and

WHEREAS, the Board of Aldermen has determined that that the local administration of justice requires that such rules and regulations exist; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village, and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, the Board of Aldermen finds that it is necessary and proper for the good government, peace or order of the Village of Salado to adopt an ordinance regulating the issuance of citations in criminal cases stemming from local ordinances by non-peace officers.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado:

MEMORANDUM FOR THE DIRECTOR

The subject of this memorandum is the proposed acquisition of [redacted] by [redacted]. The proposed acquisition is being reviewed by the Department of Justice, the Department of State, and the Federal Reserve Board. The proposed acquisition is being reviewed by the Department of Justice, the Department of State, and the Federal Reserve Board. The proposed acquisition is being reviewed by the Department of Justice, the Department of State, and the Federal Reserve Board.

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SECTION 1. ENACTMENT PROVISIONS

1.1. Popular Name

This Chapter shall be cited as the "Citation Issuance Ordinance."

1.2. Purpose

This Chapter provides procedural and substantive rules relating to the issuance of citations by peace officers or non-peace officers to defendants accused of violating criminal ordinances of the Village of Salado. The mandates and process established by this Chapter were specifically designed to achieve the effective and efficient administration of the Village's code enforcement program through the improved operation of the Village's municipal court.

1.3. Application

This Chapter applies to the issuance of citations alleging criminal violations within the jurisdiction of the municipal court. The procedures of this Chapter apply only to offenses alleged to occur on or after the date of enactment.

SECTION 2. DEFINITIONS

2.1. General

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2.2. Specific

Citation: An ordinance violation notice and notice to appear before the Salado Municipal Court, as provided for in this Chapter.

Person: Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

Village: the Village of Salado, an incorporated municipality located in Bell County, Texas.

SECTION 3. ADMINISTRATION

3.1 Relation to Related Laws

A citation issued pursuant to this Chapter does not relate to the issuance of a citation by a peace officer pursuant to Article 14.06(d) of the Code of Criminal Procedure or Section 543.003 of the Transportation Code.

3.2 Authority to Issue Citations

Pursuant to this Chapter, and the scope of their assigned duties, a citation may be issued by any of the following individuals as may be designated by the Board of Aldermen:

- (a) Police Officer
- (b) Code Enforcement Official
- (c) Building Inspector
- (d) Road Inspector
- (e) Health Inspector
- (f) Food Inspector
- (g) OSSF Inspector

3.3 Form & Content of Citation

A citation issued under this section must be in a form approved by the Municipal Court Clerk that includes the following information:

- (a) the name and address (or other identifying information such as date of birth, or driver's license number and physical description, and telephone number) of the person cited;
- (b) the offense for which the person is charged;
- (c) the date and location of the offense;
- (d) an appearance date;
- (e) a statement requiring the person receiving the citation to appear at municipal court on or before the appearance date indicated on the citation;
- (f) a statement of the person's promise to respond to the citation, pursuant to Article 27.14 of the Code of Criminal Procedure, by the appearance date indicated on the citation, including a place for the person cited to provide the person's signature; and
- (g) the signature of the person issuing the citation.

3.4 Pleading Subsequent to Issuance of Citation

All pleas arising from the issuance of a citation under this Chapter shall be made pursuant to Article 27.14 of the Code of Criminal Procedure.

SECTION 4. RELATED OFFENSES & PENALTY

4.1. Ordinance Violation of Promise to Appear

A person issued a citation, as authorized by this Chapter, commits an offense if the person fails to appear or enter a plea pursuant to Section 3.4 on or before the appearance date indicated on the citation.

4.2. Interference or Obstruction of Issuance

A person commits an offense if the person interferes with or obstructs the issuance of a citation under this Chapter.

4.3. Providing False or Fictitious Name

A person commits an offense if the person gives a false or fictitious name, address, or other information to an individual authorized to issue a citation under this Chapter.

4.4. Penalty

Each violation under this section is a misdemeanor offense punishable upon conviction by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.

SECTION 5. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 6. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 7. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

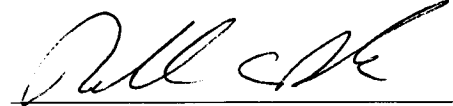
SECTION 8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

SECTION 9. PROPER NOTICE & MEETING


It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

VILLAGE OF SALADO, TEXAS



Rick Ashe, Mayor

ATTEST:


Dianna Zulauf, Village Secretary

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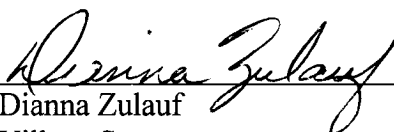
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CERTIFICATE

THE STATE OF TEXAS
COUNTY OF BELL

I, Dianna Zulauf, being the current Village Secretary of the Village of Salado, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2005.14, passed and approved by the Board of Aldermen of the Village of Salado, Texas, on the 20 day of October, 2005, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 20 day of October, 2005.



Dianna Zulauf
Village Secretary