

ORDINANCE NO. 07-2023

AN ORDINANCE AMENDING CHAPTER 9, "COURTS," ARTICLE I, "GENERAL," SECTION 9-7, "RULES OF PRACTICE AND PROCEDURE," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW

WHEREAS, Section 9-7 requires the Abilene Municipal Court to follow the rules of practice and procedure that govern state justice of the peace courts; and

WHEREAS, this requirement is in conflict with state law, as state law provides specific rules of procedure for municipal courts; and

WHEREAS, there is a need to amend the City Code of Ordinances to reference state municipal courts rather than state justice of the peace courts.

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

PART 1: That Chapter 9, Article I, Section 9-7 of the Abilene Municipal Code be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

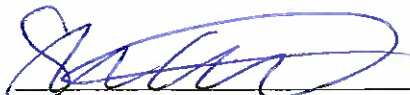
PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PASSED ON FIRST READING this 26th day of January, 2023.

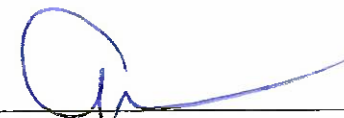
A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on 5th day of February, 2023, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 9th day of February, 2023, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 9th day of February, 2023.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

Exhibit A

Sec. 9-7. - Rules of practice and procedure.

The rules of practice and procedure as prescribed by state law governing trials in the state municipal courts shall govern the procedure and practice of the municipal court; and the City Council may prescribe such additional rules of practice and procedure as may not be inconsistent with state law.