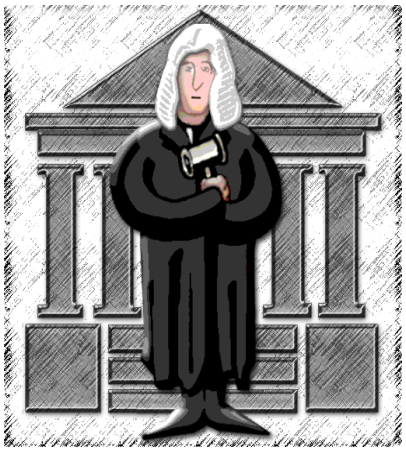

Civil Appeals Out of Your Municipal Court

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While attending law school, Ryan began clerking for the Lubbock City Attorney's Office. He received his third-year practice card and began prosecuting municipal court complaints and appearing in justice of the peace court for the City. As a result, he began defending governmental entities even before he graduated from law school and so began his career supporting local governments. Upon graduation, Ryan began working in Brownsville, Texas, with the same focus. In June of 2002, Ryan moved to San Antonio and joined a local law firm doing the same type of law. In 2012, Ryan started the Law Offices of Ryan Henry, PLLC. In June 2016 and 2017 Ryan was listed as one of the best lawyers in municipal law by S.A. Scene Magazine in the San Antonio area. Ryan is also on the board for the State Bar of Texas - Government Law Council.

Civil Appeals Out of Your Own Municipal Court

By: Ryan Henry

A. Story – The Good, The Bad, and the Ugly

The City Attorney for the home-rule municipality of Insanity City, Texas walks into the officer of his assistant city attorney, Clint "Blondie" Eastwoody. He hands Blondie the new municipal ordinance passed by the City Council last week. Blondie looks through the ordinance then looks up at his boss under the brim of his hat. His stare burns into the City Attorney's eyes with pure anger and resentment.

"You realize, don't you, Mr. Stevens...?" said Blondie evenly. "There is no way to enforce this ordinance in court."

"Sure there is." Said Stevens. "Look, here is the criminal enforcement section and here is the civil penalty section." Stevens indicted with his finger.

"You should have consulted the attorneys who will be enforcing this ordinance to understand how it works. My mule has more sense than the idiots who put together this ordinance.

"Don't get me wrong. Using civil penalties and enforcement ordinances can be a good thing. Especially where timing is a critical factor. But there are good points and bad points. And then there are legal issues which are just plain ugly. This ordinance does not take into account anything necessary for enforcement. It may be a great political tool to say 'oh look at us, we passed an ordinance our citizens wanted' but the political benefits can turn very ugly when I try and enforce this thing." Blondie explained while gesturing for Stevens to sit down across from his desk.

"How so?" Inquired Stevens but declining to sit.

"No offense, Mr. Stevens. You may be great at playing the politics and balancing the interests to get the council to understand difficult legal issues. That kind of skill is necessary to get things moving. But you have not prosecuted in municipal court or tried a case in county court … ever." Blondie said with no hint of apology in his tone. "You do not know what it takes to win there."

Stevens knew Blondie looked at the two of them very differently. Blondie saw himself as a warrior. A gunslinger for hire whose job was to go into court and win. Corny but that is the way Blondie saw himself. Blondie saw Stevens as a bureaucrat who was babysitting even bigger bureaucrats.

Blondie had it wrong, of course. Rangeling the different interests of the Council was a full-time effort. Laws start and stopped with the Council, but Stevens knew they looked to him for guidance and legal compliance. They wanted to accomplish certain tasks and wanted it done legally. Most of the Council were just trying to do the right thing. They would get frustrated with the way the law worked and the obstacles placed in their way by the legislature. Compromises must be made, for better or worse. Blondie did not have the personality to survive in the halls of power. He was better suited as a front-line fighter.

But maybe Blondie was right. You do not want to handicap your front-line warriors with poor tools or weapons. Stevens had to admit to himself Blondie had a good point. Stevens hated litigation, which was mainly what municipal court was all about. That is, at least as far as Stevens understood it. He did not know what happened in municipal court on a day-to-day basis. Blondie lives and breathes the stuff of municipal and county court. When you want to build a road, you go to the engineers. The same should be said for consulting the enforcer of a would-be civil penalty ordinance.

"I'll ignore your insubordinate tone for just a moment, Blondie." Said Stevens. "OK, you say the ordinance is a problem. How so and what would you do to fix it? We have another City Council meeting in a week. What do we tell them needs to be changed and why?"

Blondie's lip turned up on one side. Stevens swore it looked like he was trying to smile.

B. Designed for Appeal

If a city wants an ordinance which is enforceable it must design the ordinance not simply for municipal court, but for how the matter will be dealt with on appeal. It's the long game. Some of the rules are different when it hits county court or an intermediate court of appeals.

Admittedly, some ordinances are passed more for immediately political purposes and the council does not care if they are enforced up to the courts of appeal. But some others are certainly passed with the intention of full enforcement. City councils often misunderstand the ability to enforce their ordinances through the different courts.

However, the different methods of dealing with civil municipal court appeals vary greatly depending on the type of municipal court, the year created, the type of county, the

specific type of state statute or ordinance involved. The Texas Legislature has, in some regions, designated an official municipal court of appeals to handle appeals from municipal court. In other situations, the state law does not allow an appeal and still in others a specific state law requires an appeal to district court. So, there is no "one-size-fits-all" situation. In this paper and presentation, I may touch on some of the varying situations, but I will primarily focus on the default status of an appeal from municipal court going to county court. That subject alone is lengthy in discussion. But be aware, appeals to county court are contingent upon other specific statutory enactments which may supersede the default.

C. Five Surprising Differences

i. Some Counties Prevent Civil Appeals

County courts at law have appellate jurisdiction over all inferior courts. Tex. Crim. Proc. Code Ann. § 4.08 (West 2017)[1]. So, if Blondie appeals a civil enforcement order, it would have to go to the county court at law, absent some other specialized state statutory authority for the appeal.

Some counties have county courts at law with civil and criminal jurisdiction. Some counties have only county courts of criminal jurisdiction.

In the case of *In re Loban*, 243 S.W.3d 827, 828 (Tex. App.—Fort Worth 2008, no pet.) Relator Jason Loban had two dogs declared to be dangerous animals in the City of Grapevine Municipal Court of Record. He attempted to appeal to County Court at Law No. 3 but the county judge refused the case.

Both the City and Loban sought a mandamus to compel the county judge to exercise jurisdiction. Section 822.0421 of the Texas Health and Safety Code authorizes an appeal from a dangerous dog declaration; it provides that the owner of an alleged dangerous dog "may appeal the decision of the ... municipal court in the same manner as appeal from other cases from the ... municipal court." Tex. Health and Safety Code Ann. §822.0421 (Vernon 2004). However, by statute, county criminal courts in Tarrant County have no jurisdiction over civil matters. *See* Tex. Gov't Code Ann. §25.2223(a) (Vernon 2004) (providing that county criminal courts in Tarrant County have no jurisdiction over civil matters).

[1] Insanity City does not have a statutorily created municipal court of appeals.

A county court at law acquires jurisdiction over an appeal from a municipal court of record only if there is no county criminal court, county criminal court of appeal, or municipal court of appeal in the county. Because TarrantCounty *does* have county criminal courts, Tarrant County Court at Law No. 3 did not have jurisdiction over Loban's appeal. *In re Loban*, 243 S.W.3d at 830.

In other words, the city's litigating attorney attempting to either appeal or defend against a civil appeal from a municipal court of record must look to the county court makeup in order to determine whether an appeal is even possible. The Fort Worth Court of Appeals opined:

> This gap in the statutory right of appeal is apparently attributable to the fact that municipal courts previously had only criminal jurisdiction. *See City of Lubbock v. Green*, 312 S.W.2d 279, 282 (Tex.Civ.App.-Amarillo 1958, no writ) (stating that an appeal from municipal court "would lie only if the proceedings constituted a criminal case"); *see also* 23 David Brooks, Texas Practice: Municipal Law and Practice § 15.19 (1999) (same). When municipal courts became capable of exercising limited civil jurisdiction, the statutes authorizing appeals from a municipal court's decision were not correspondingly amended to address appeals

Loban, 243 S.W.3d at 831.

The Texas Attorney General has opined that "the Government Code does not appear to specifically provide for an appeal of a purely civil matter within a municipal court's jurisdiction." Op. Tex. Att'y Gen. No. GA-0316 (2005). As a result, under then Chapter 685 of the Transportation Code, hearings on probable cause for nonconsent tows were not appealable. *Id.* The chapter authorized a magistrate to make findings of fact and a conclusion of law, but not to issue a final judgment. *see* Tex. Transp. Code Ann. §685.009(d)(Vernon 2001). Instead, it merely stated who "shall pay" certain costs. *See* Tex. Transp. Code Ann. §685.002. Appeals do not lie from findings of fact and conclusions of law but from final judgments. Op. Tex. Att'y Gen. No. GA-0316 (2005). Chapter 685 has since been repealed and incorporated into other portions of the Transportation Code, but the logic of the Texas Attorney General remains.

Essentially, unless one of the limited grants of civil jurisdiction provides directly for an appeal, a civil appeal may not be possible. The ability to seek a civil appeal also may be limited to the types of county courts available in the area. When an appeal is provided, the mechanism to follow is topic specific. For example,

under Tex. Health and Safety Code Chapter 822 dealing with dangerous dogs, as amended by H.B. 1436 in the 84th Legislative Session, effective September 1, 2015, a person now has an express statutory right to appeal to a county court or county court at law any municipal order under Tex. Health and Safety Code Ann. §822.0421(d) or §822.0423 (West 2015).

Notwithstanding §30.00014, or any other law, a person filing an appeal from a municipal court order is not required to file a motion for a new trial to perfect an appeal. Tex. Health and Safety Code Ann. §822.0424 (West 2015).

H.B. 4147, which became effective in September 1, 2017, provides that if a county does not have a county court at law, an appeal from a municipal court of record can be made to the county court. However, that only fills part of the gap since, in Mr. Loban's case, the county did have a county court at law… it simply was restricted to criminal jurisdiction. Tex. Gov't Code Ann. §30.00014(a)(West 2017).

Wrencher v. State, 03-15-00438-CV, 2017 WL 2628068, at *1 (Tex. App.—Austin June 16, 2017, no pet.) the Austin Court of Appeals analyzed the jurisdiction of the Travis County courts at law over a dangerous dog determination appeal.

Wrencher's dog "Skip" was declared a dangerous dog by the Austin Municipal Court and Wrencher attempted to appeal to county court. Texas Health and Safety Code Ann §§822.0421(b) and 822.0423(d) authorized an appeal from a "dangerous dog" determination and provided that the owner of the claimed dangerous dog may appeal in the manner provided for the appeal of other cases from the municipal court. Texas Government Code Ann. §30.00014(a) provides a "defendant" has the right to appeal a "judgment or conviction" to county court. The County Court #8 dismissed the appeal for lack of jurisdiction either adopting the State's argument the section only applied to criminal matters or that no "defendant" was present since Wrencher is the one who appealed.

While citing to *Loban* for comparison purposes, the Third Court of Appeals held in this case that while County Court #8 was directed to give preference to criminal cases, its creation, like all other county courts at law in Travis County (now), was statutorily granted civil jurisdiction. Under §30.00014, a "defendant" is a person against whom a civil or criminal action is brought. It also

states, "judgment *or* conviction" leading to the conclusion that a person is to appeal a civil judgment to county court. As a result, Wrencher has the ability to appeal the dangerous dog determination to County Court #8.

However, not all counties have the expanded jurisdiction of their county courts at law to include civil matters. As a result, certain civil matters originating in municipal court may end in municipal court. Others may be allowed to proceed if either the topic has an express appeal provision or the specific county has been granted civil jurisdiction for its county courts at law.

ii. Appeal to County is Only Brief You Get

Even though the standards appear to be typical for an appeal from one court to a higher court, the appeal efforts going from municipal court to county court cover both the county court review and the review from the intermediary court of appeals.

Here is how it works. Blondie has a trial in municipal court wins. The defendant may or may not have to file a motion for new trial first, depending on the ordinance being enforced. The defendant appeals to county court at law. The review is not a *de novo* review but a review based on legal errors in the record. Tex. Gov't Code Ann. § 30.00021(a) (West 2017); Tex. Code of Crim. Proc. art. 44.17 (West 2017).

The record on appeal from a municipal court conviction must conform substantially to the provisions governing appellate records The Texas Rules of Appellate Procedure. Tex. Gov't Code Ann. §30.00016 (West 2017). Moreover, a court reporter does not need to record municipal trial proceedings unless requested by the judge or by a party. *See* Tex. Gov't Code Ann. § 30.00010 (West 2015). *Simpson v. State*, 14-00-01278-CR, 2001 WL 123937, at *1 (Tex. App.—Houston [14th Dist.] Feb. 15, 2001, no pet.).

The defendant requests and pays for the record to go to county court at law. Tex. Gov't Code Ann. §30.00014 (West 2017). Briefs are submitted on a truncated timeline with principle briefs being due within 15 days. Tex. Gov't Code Ann. §30.00021(b)(West 2017). The county court at law judge reviews the briefs and record and determines that Blondie, while a little overzealous in his efforts, still wins. The county court judge issues a written opinion similar to those from the courts of appeals. The court shall deliver a written opinion

Tex. Gov't Code Ann. §30.00024 (West 2017). The defendant decides to appeal to the intermediary court of appeals. Assuming he qualifies for such an appeal, he files his notice.

When the defendant desires to write a new brief to the court of appeals and address some of Blondie's more colorful arguments, he is in for a surprise. He is not allowed to write a new brief. All briefing, arguments, points of law, and factual positions must be contained within the county court brief. The county court briefs and records are simply transmitted to the court of appeals in one big package. Tex. Gov't Code Ann. §30.00027 (West 2017). No new briefing is permitted and no adjustments to arguments. Essentially, when Blondie was writing his appellate brief to the county court at law judge, he was actually writing to two audiences – the county court judge and the panel for the court of appeals. The same brief is read by both.

Blondie and the defendant do not get a new brief unless the matter goes to one of Texas' high courts.

iii. Court of Appeals has no mandamus power over County Court

When dealing with the actions of a county court judge, there are occasions where a judge simply refuses to follow the law. Typically, the solution is to mandamus the judge to force compliance. However, in the case of *Powell v. Hocker*, 516 S.W.3d 488 (Tex. Crim. App. 2017) the high criminal court of Texas interpreted the founding statute for the intermediary courts of appeals. In so doing, it held the intermediary courts of appeal have no power to mandamus a county court at law judge. In order to seek a mandamus, the party must file directly with the high court which has jurisdiction over the matter – civil is the Texas Supreme Court and criminal is the Texas Court of Criminal Appeals.

This means a case can go from municipal court, to county court at law, then directly to the Texas Supreme Court under a mandamus. Keep in mind such is not an appeal of the final order in municipal court, but a mandamus matter separate from the original proceeding.

Of additional note is the fact the high court interpreted the term "county court" in chapter 22 to mean a constitutional county court and not a county court at law. Title 2 of the Government Code, which is controlled by the definitions in Section 21.009, which defines

"county court" for purposes of Title 2 of that Code ("Judicial Branch") to be "the court created in each county by Article V, Section 15, of the Texas Constitution." Tex. Gov't Code Ann. § 21.009(1)(West 2017). By contrast, " 'Statutory county court' means a county court created by the legislature by its authority under Article V, Section 1, of the Texas Constitution, including county courts at law[.]" Tex. Gov't Code Ann. §21.009(2)(West 2017). This statutory interpretation can have implications in other statutes where the term "county court" is utilized without differentiating between the two types.[2]

iv. Texas Supreme Court Changed Definition of "Nuisance"

The Texas Supreme Court, on June 24, 2016, completely redefined the term "nuisance" for civil (and, by extension, criminal) abatement and enforcement purposes. *Crosstex N. Texas Pipeline, L.P. v. Gardiner*, 505 S.W.3d 580 (Tex. 2016), *reh'g denied* (Dec. 16, 2016) (holding that the term "nuisance" refers not to a defendant's conduct or to a legal claim or cause of action, but to a type of legal injury involving interference with the use and enjoyment of real property. Liability attaches when defendant intentionally causes it, negligently causes it, or—in limited circumstances—causes it by engaging in abnormally dangerous or ultra-hazardous activities.) Therefore, the City's current nuisance ordinances are subject to possible attack. They may not be applicable given the change in case law and the Council should examine the ordinances for updating.

However, the 85th legislative session made significant changes to the various definitions of "nuisance" including S.B. 1196 (internet nuisances); H.B. 240 (massage parlor nuisances); H.B. 256 (authorization for city attorney to abate certain Alcoholic Beverage Code violations); and H.B. 2359 (expanded general definitions of nuisances in Tex. Civ. Prac. & Rem. Code). As a result, you should update your ordinances anyway.

But please note, both the *Crosstex* case and the recent legislative updates address "common" nuisances, not public nuisances defined by the governing body. So, depending on how your ordinances are drafted for civil abatement of nuisances, you may

[2] For those that do not know, Texas has two forms of county courts. A constitutional county court as outlined in Chapters 26 of the Texas Government Code and a county court a law outlined by the individual statutes for each county found in the Texas Government Code Chapter 25.

have to tweak according to the defined type.

v. County Court May Be End of the Road

Assuming Blondie's defendant goes up to the county court at law to appeal, the case may end there. While the statutes note different parties have a right to appeal from municipal court to county court, the court of appeals jurisdiction is significantly more limited. Not every appeal by the county court can be heard by the court of appeals.

Section 30.00027 of the Texas Government Code provides:

> a) The appellant has the right to appeal to the court of appeals if:
>
> (1) the fine assessed against the defendant exceeds $100 and the judgment is affirmed by the appellate court; or
>
> (2) the sole issue is the constitutionality of the statute or ordinance on which a conviction is based.
>
> Tex. Gov't Code Ann. §30.00027 (West 2017).

This means the court of appeals only has jurisdiction over an appeal to county if it is a **criminal matter** with a fine exceeding $100 and the judgment is affirmed by the county court or the only issue (in a criminal or civil appeal) is the constitutionality of a "conviction" which may be a criminal conviction but may also be a civil penalty determination. The area around what is appealable to the court of appeals remains hazy.

Additionally, that limitation on jurisdiction also applies if the county court dismisses, reverses, or does anything other than affirms the judgment. In the case of *Texas Vital Care v. State*, the Texarkana Court of Appeals held that since the county criminal court dismissed, rather than affirmed the municipal court judgment, there is no right to appeal. *Texas Vital Care v. State*, 323 S.W.3d 609, 611 (Tex. App.—Texarkana 2010, no pet.)

So, if you take points 1, 2, 3 & 5 the end result seems to be a civil appeal may go to county or may not, is unlikely to go to the court of appeals as a civil judgment, mandamus and other writs jump over the court of appeals, and any determinations may go straight from county to a high court.

D. Two Kinds of Civil Power

i. Express Statutory Enforcement Power

When it comes to utilizing the power of a city to impose civil penalties or address ordinance compliance through civil means, most

require the municipal court be a court of record. For courts of record, they are permitted to hear appeals by citizens from administrative decisions of city officials. Tex. Gov't Code Ann. §30.00005 (West 2017). In many cases, the Texas Legislature has enacted specific statutes, inclusive of procedures and burdens.

As a result, the subject of appeals from civil orders of a municipal court focuses on the court of record. The appeals process listed in Tex. Gov't Code Ann. § 30.00014-25 (West 2017) speaks in terms of judgments and appellants. The types of civil jurisdiction possessed by courts of record include but not limited to:

1. Civil power over junked vehicles. Tex. Gov't Code Ann. §30.00005; Tex. Transp. Code Chapter 683.
2. Power over dangerous structures. Tex. Gov't Code Ann. §30.00005; Tex. Loc. Gov't Code Chapter 214.
3. Civil penalties for violations of a city's red light camera program. Tex. Gov't Code Ann. § 29.003(g) (West 2017); Tex. Transp. Code Chapter 707.
4. Certain Dangerous Dog orders under Tex. Health & Safety Code Ann. § 822.0421(d) or §822.0423 (West 2017).

Texas Government Code §30.00014 states a defendant has the right of appeal from a judgment or conviction. Tex. Gov't Code Ann. § 30.00014 (West 2017). As a result, at first glance it appears as though a defendant can appeal a civil judgment. The appeal is to a county criminal court, county criminal court of appeal, or municipal court of appeal. If there are no such county courts in the venue, the county courts at law shall have jurisdiction of an appeal. Tex. Gov't Code Ann. § 30.00014(a) (West 2017). If there are no county courts at law, county courts have jurisdiction.

When dealing with specific statutory authority for municipal court civil jurisdiction, you must look to the individual statutes for the appeals process. For example, in Chapter 214 of the Texas Local Government Code, an appeal from a municipal order (which could be an order from a city official or an order from a municipal court) an aggrieved person appeals directly to district court, not county court. Tex. Loc. Gov't Code §214.0012 (West 2017).

ii. Ordinance Created Power

In addition to the subjects listed by statute, cities are permitted to enact

civil enforcement ordinances. The scope of the power depends on the type of city, charter language, and other authorizations.

Municipal courts have power over civil penalties created by ordinance for different health, safety, and nuisance violations. Tex. Gov't Code Ann. § 30.00005 (West 2017); Subchapter B of Chapter 54 of Texas Local Government Code and Tex. Loc. Gov't Code §217.002(West 2017).

While the procedural aspects of the express statutory provisions are more defined and tested, the variety of individual city ordinances create uncertainty. Every city is unique in its own way and local ordinances follow the unique natures. The ability to enforce city civil penalties for the types of regulations outlined will vary.

iii. Comment on Court of Record Structure

Municipal courts of record are provided for by Chapter 30 of the Government Code. A municipality may choose to have either a "municipal court" or a "municipal court of record" but not both. *See* Tex. Gov't Code Ann. §30.00003(e) (Vernon 2004). A primary distinction between these types of municipal courts is that a "municipal court" established under §29.002 of the Government Code is not a court of record. Thus, an appeal from such a municipal court is necessarily by trial *de novo* because there is no "trial record" for the county court to consider on appeal. *See State v. Blankenship*, 170 S.W.3d 676, 680 n. 7 (Tex. App.—Austin 2005, pet. ref'd); *Tweedie v. State*, 10 S.W.3d 346, 348 (Tex. App.—Dallas 1998, no pet.). By comparison, an appeal from a municipal court of record must be "based only on errors reflected in the record." Tex. Code of Crim. Proc. art. 44.17 (West 2015); *see also* Tex. Gov't Code Ann. § 30.00014(b) (West 2017).

To perfect an appeal from the judgment of a municipal court of record, an appellant must file a written motion for new trial with the municipal clerk setting forth the points of error of which the appellant complains. *See* Tex. Gov't Code Ann. §30.00014(c)(West 2017). Such motion must be filed no later than 10 days after the date the judgment is rendered. *Id.* The reviewing court must then determine the appeal "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 prepared from the proceedings leading to the conviction or appeal." *See id.* §30.00014(b) (emphasis added). Thus, when appealing from a

municipal court of record, to preserve an issue for consideration, a claim of error must be raised in the motion for new trial, and the record must reflect that the same claim was raised before the municipal court prior to conviction. This means that on appeal a claim of error is cognizable only if it is both (a) presented in the record; *and* (b) set forth in the motion for new trial."). *Leverson v. State*, 03-15-00090-CR, 2016 WL 4628054, at *2 (Tex. App.—Austin Aug. 30, 2016, no pet.). A court, for good cause may extend the time for filing or amending for up to 90 days. Tex. Gov't Code Ann. § 30.00014(c) (West 2017). However, if the court takes no action on the motion for new trial, the motion is overruled as a matter of law after the 30th day. Tex. Gov't Code Ann. § 30.00014(c) (West 2017).

Preservation of error is a systemic requirement on appeal. *Darcy v. State*, 488 S.W.3d 325, 327 (Tex. Crim. App. 2016); *Bekendam v. State*, 441 S.W.3d 295, 299 (Tex. Crim. App. 2014). A reviewing court should not address the merits of an issue that has not been preserved for appeal. *Blackshear v. State*, 385 S.W.3d 589, 590 (Tex. Crim. App. 2012); *Wilson v. State*, 311 S.W.3d 452, 473–74 (Tex. Crim. App. 2010).

Additionally, to perfect an appeal, the defendant must provide a notice of appeal and bond no later than the 10th day after the motion for new trial is ruled upon or overruled as a matter of law. Tex. Gov't Code Ann. § 30.00014(d) (West 2017). If the defendant is not in custody, the appeal is not perfected until an appeal bond is filed.

A lot of case law exists noting municipal appeals do not have to follow the Texas Rules of Appellate Procedure. However, Texas Government Code §30.00023 (West 2017) states the Texas Rules of Appellate Procedure an appeal from a court of record by default unless specifically changed by Chapter 30. Similarly, §30.00016 states the appellate record must substantially conform to those rules. Mainly this is due to the fact that the appeal mirrors an appeal to a court of appeals, so the importance of a conforming record is emphasized. The clerk's record and reporter's record are needed and the appellant shall pay for the reporter's record. Tex. Gov't Code Ann. §30.00019 (West 2017). The deadlines for requesting, filing, and transmitting the record are dictated by Tex. Gov't Code Ann. §30.00020 (West 2017). The municipal judge is required to approve the record before it is sent to the county court or other court of appeals. *Id.*

The appellant's brief must present points of error just as though the appellant was briefing a matter for the court of appeals under the Texas Rules of Appellate Procedure for criminal appeals. Tex. Gov't Code Ann. §30.00021(a) (West 2017).

However, both the appellant and appellee only have 15 days to file their briefs. Tex. Gov't Code Ann. § 30.00021(b) & (c) (West 2017).

The county court or other appellate court may affirm the judgment, reverse and remand, reverse and dismiss, or reform and correct. Tex. Gov't Code Ann. §30.00024 (West 2017). And while specialized municipal appellate courts may be habituated to it, many county courts will not normally want to issue a full written opinion sustaining or overruling the points of error. However, Texas Government Code §30.00024(c) specifically requires such an opinion. If the appellate court awards a new trial, the case is treated as if the municipal court had awarded the new trial and the appeal never happened... other than the fact a written opinion is issued. Tex. Gov't Code Ann. §30.00025 (West 2017).

E. Conclusion

I wanted to end this paper with Blondie in a gun fight and is the last person left standing. However, I could not think of a way to integrate that into a civil appeal theme. So, I will just recap the main points to take away.

1. Check everything, including the specific statute, the county you are in, the county court system, and the form of jurisdiction before you start drafting your ordinances.
2. Be prepared for a potentially messy enforcement action which may leap frog specific courts.
3. Design your ordinances around the appeals which are permissible in your location for the specific types of civil matters.
4. Know your county court judges as your only option for a mandamus may be going directly to a high court.
5. Always wear a bullet-proof vest under your poncho.