

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 7 "MUNICIPAL COURT," ARTICLE 7.02 "FEES, COSTS AND SPECIAL EXPENSES," OF THE CITY OF OVILLA CODE OF ORDINANCES; PROVIDING FOR THE IMPOSITION AND COLLECTION OF REIMBURSEMENT FEES FOR FAILURE TO APPEAR UNDER THE TEXAS TRANSPORTATION CODE AND A TIME PAYMENT REIMBURSEMENT FEE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, on June 15, 2019, the Texas Legislature passed Senate Bill 346 ("SB 346") which, in addition to other matters, modified and established court fees and fines to be imposed on persons convicted and misdemeanors in municipal courts; and

WHEREAS, SB 346 became effective on January 1, 2020; and

WHEREAS, in order to comply with SB 346, the City Council of the City of Ovilla passed Ordinance No. 2019-23 on November 11, 2019 which repealed and replaces Chapter 7, Article 7.02 of the City's Code of Ordinances; and

WHEREAS, changes to the new Article 7.02 are advisable in order reflect the City's authority to collect reimbursement fees allowed under SB 346; and

WHEREAS, the City Council finds and determines that it is necessary and in the best interests of the health, safety and welfare of the citizens of the City of Ovilla to amend Article 7.02 of the Code of Ordinances, as created in Ordinance No. 2019-23, to provide for the collection of reimbursement fees allowed under SB 346.

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

SECTION 1. AMENDMENT OF CHAPTER 7, ARTICLE 7.02, OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, AS CREATED BY ORDINANCE NO. 2019-23

Chapter 7, Article 7.02 of the Code of Ordinances of the City of Ovilla, as created by Ordinance No. 2019-23, is hereby amended as follows:

* * *

Sec. 7.02.003 Failure to Appear

(a) Any person convicted of failure to appear under Section 38.10(e) of the Texas Code of Criminal Procedure or Section 543.009 of the Texas Transportation Code shall, after due notice, be liable for a fine in the amount of \$25. Fines collected under this section shall be paid into the municipal treasury of the use and benefit of the city.

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(b) In accordance with and subject to the provisions of Section 706.006 of the Texas Transportation Code, a person who fails to appear for a complaint or citation for an offense described in Section 706.002(a) of the Texas Transportation Code shall be required to pay a reimbursement fee of \$10 for each complaint or citation.

* * *

Sec. 7.02.007 Time Payment Reimbursement Fee

(a) Time Payment Reimbursement Fee.

(1) In accordance with article 102.030 of the Texas Code of Criminal Procedure, there is hereby imposed a Time Reimbursement Fee in the amount of \$15 for any person that:

(A) has been convicted of a felony or misdemeanor; AND

(B) pays any part of a fine, court costs, restitution, or another reimbursement fee, on or after the 31st day after the date on which a judgment is entered assessing the fine, court costs, restitution, or other reimbursement fee.

(2) The Time Payment Reimbursement Fee shall be deposited in a separate account in the general fund of the City and shall be used for the purpose of improving the collection of outstanding court costs, fines, reimbursement fees or restitution, or for improving the efficiency of the administration of justice.

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered if and as necessary to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

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Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, ADOPTED and APPROVED by the City Council of Ovilla, Texas, on this the 10 day of FEBRUARY, 2020.



Richard Dormier, Mayor

ATTEST:



Pamela Woodall, City Secretary



APPROVED AS TO FORM:



Ron G. MacFarlane, Jr., City Attorney