


**SAMPLE
ORDINANCES**

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ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE City Council of the _____ (type of entity that the municipality is known as, such as City, Town, or Village) OF _____, TEXAS:

SECTION 1: That Chapter _____, Section _____, of the Code of Ordinances, of _____, Texas is to read as follows:

A. Municipal Court Building Security Fund.

1. There is hereby created and established a Municipal Court Building Security Fund (the “Fund”) pursuant to Article 102.017 of the Code of Criminal Procedure.
2. The Municipal Court of the _____ (City) of _____, Texas (the “Municipal Court”) is hereby authorized and required to assess a Municipal Court Building Security Fee (the “Fee”) in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.
3. A person is considered to have been convicted in a case if:
 - judgment, sentence, or both are imposed on the person;
 - the person is placed on deferred disposition; or
 - the Court defers final disposition or imposition of the judgment and sentence.
4. The Fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.
5. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the _____ (City) of _____, Texas. All Fees so collected and paid over to the treasury of the _____ (City) of _____, Texas shall be segregated in the Fund.
6. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the City of _____, Texas. “Security devices and/or services” shall include any and all items described in Article 102.017(d-1) of the Code of Criminal Procedure.
7. The Fund shall be administered by or under the direction of the City Council of the _____ (City) of _____, Texas.

*Fee may only be assessed and collected on offenses occurring on or after August 28, 1995. The Fee may not be assessed or collected retroactively if the Fund is established at a later date than August 28, 1995.

SECTION 2: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the _____ (City) of _____, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

SECTION 3: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4: This ordinance shall be published and become effective in accordance with state law.

READ, CONSIDERED, PASSED, AND APPROVED ON FIRST READING by the City Council at a regular meeting the ___ day of _____ 20___, at which a quorum was present.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council at a regular meeting the ___ day of _____ 20___, at which a quorum was present.

PASSED, APPROVED, and ADOPTED on the ___ day of _____, 20___.

Attest: _____ (City) of _____, Texas

City Secretary

Mayor

Editor’s Note: This sample ordinance is provided for the benefit of city attorneys and prosecutors. Drafting an ordinance is a legislative function. Accordingly, members of the judiciary should not engage in such an activity.

State law does not require, nor authorize, general-law municipalities to have a second reading. Thus, whether a second and final reading is required will depend on the type of municipality. Specific rules relating to the style, approval, and publication of ordinances in general-law or home-rule municipalities can be found in Chapters 51, 52, and 53, L.G.C.

ORDINANCE NO. _____

AN ORDINANCE OF THE _____ (TYPE OF ENTITY THAT THE MUNICIPALITY IS KNOWN AS, SUCH AS CITY, TOWN, OR VILLAGE) OF _____, TEXAS, ESTABLISHING A MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION DATE.

Whereas, Article 102.0172 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Technology Fund;

BE IT ORDAINED BY THE City Council of the _____ (City) of _____, Texas:

SECTION 1: Establishment of Municipal Court Technology Fund

- A. There is hereby created and established a Municipal Court Technology Fund, herein known as the “Fund,” pursuant to Article 102.0172 of the Code of Criminal Procedure.
- B. The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

SECTION 2: Establishment of Amount of the Fee and Assessment and Collection

- A. The fee shall be in the amount of \$_____ (up to four (4) dollars).
- B. The fee shall be assessed and collected from the Defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A Defendant is considered convicted if:
 - (1) judgment, sentence, or both are imposed on the person;
 - (2) the person is placed on deferred disposition; or
 - (3) the Court defers final disposition or imposition of the judgment and sentence.
- C. The fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.*
- D. The Clerk of the Court shall collect the fee and pay the fee to the municipal treasurer or _____ (other official who discharges or performs the duties of the treasurer) of the _____ (City) of _____, Texas, who shall deposit the fee into the Municipal Court Technology Fund.

*Fee may only be assessed and collected on offenses occurring on or after September 1, 1999. The fee may not be assessed or collected retroactively if the Fund is established at a later date than September 1, 1999.

SECTION 3: Designated Use of the Fund and Administration

- A. The Fund shall be used only for the purpose of financing the purchase of or to maintain technological enhancements for the Municipal Court of the _____ (City) of _____, Texas. “Technological enhancements” shall include any and all items described in Article 102.0172(d) of the Code of Criminal Procedure.
- B. The Fund shall be administered by or under the direction of the _____ (City Council) of the _____ (City) of _____, Texas.

SECTION 4: Severability

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the City Council of the _____ (City) of _____, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 5: Repealing Conflict

All ordinances and parts of ordinances in conflict with the ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6: Publishing and Effective Date

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effect in accordance with state law upon passage, but no earlier that September 1, 1999.

SECTION 7: Administration of Fund

The purpose of the use of any funds remaining in the fund shall continue to be used and administered as required by this ordinance and for that purpose this ordinance remains in effect.

Passed, Approved, and Adopted on this the _____ day of _____, 20____.

Attest: _____ (City) of _____, Texas

City Secretary

Mayor

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ORDINANCE NO. _____

AN ORDINANCE OF THE _____ (TYPE OF ENTITY THAT THE MUNICIPALITY IS KNOWN AS, SUCH AS CITY, TOWN, OR VILLAGE) OF _____ TEXAS, ESTABLISHING THE CASE MANAGER FEE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 102.0174 of the Code of Criminal Procedure authorizes municipalities, by ordinance, to create a "juvenile case manager fund" (the "Fund") requiring defendants convicted of fine-only misdemeanor offenses to pay a case manager fee not to exceed five dollars (\$5.00) into such Fund, as a cost of court, if the municipality employs a juvenile case manager, and providing the purposes for which the Fund may be used;

BE IT ORDAINED BY THE City Council _____ (City) OF _____ TEXAS:

SECTION 1: That Chapter _____, Section _____, of the Code of Ordinances is hereby added and shall read as follows:

JUVENILE CASE MANAGER FEE AND FUND.

- A. There is hereby created a Juvenile Case Manager Fee (the "Fee"), as authorized by Articles 102.0174 and 45.056 of the Texas Code of Criminal Procedure. The Fee shall be in the amount of \$____ (not to exceed five (5) dollars).
- B. Except as otherwise herein provided, a defendant who is convicted of a fine-only misdemeanor offense in Municipal Court shall pay the Fee as a cost of court. A person is considered convicted of an offense if:
 - judgment, sentence, or both are imposed on the person;
 - the person is placed on deferred disposition; or
 - the court defers final disposition or imposition of the judgment and sentence.
- C. The Municipal Judge may waive the Fee in cases of demonstrated financial hardship on the part of a convicted defendant if the defendant is indigent, has insufficient resources or income to pay the fee, or is otherwise unable to pay all or part of the underlying fine or costs.
- D. All Fees collected by the Municipal Court shall be deposited into the Juvenile Case Manager Fund (the "Fund") established under this ordinance.
- E. The Fund may be used only to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager that is employed by the Municipal Court under Article 45.056(a) of the Code of Criminal Procedure. The Fund may not be used to supplement the income of an employee whose primary role is not that of a juvenile case manager.

SECTION 2: The City Council of the _____ (City), of _____ Texas hereby authorizes the Municipal Court to employ one or more full-time or part-time juvenile case managers to provide services in cases involving juvenile offenders before the Court consistent with the Court's statutory powers.

SECTION 3: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, for any reason is held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the _____ (City), of _____ Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 4: This ordinance shall be published and become effective in accordance with state law.

PASSED AND APPROVED on First Reading on the ____ day of _____, 20__.

PASSED, APPROVED, AND ADOPTED on Second Reading on the ____ day of _____, 20__.

Attest: _____ (City) of _____, Texas

City Secretary

Mayor

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