

ORDINANCE NO. 2015-04-23B

AN ORDINANCE OF THE OVERTON CITY COUNCIL ADDING TITLE III, CHAPTER 33, SECTION 60 TO THE CITY OF OVERTON CODE OF ORDINANCES; PROVIDING FOR A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE OF \$3.00 AGAINST ALL DEFENDANTS CONVICTED OF A MISDEMEANOR OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION, AND AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREIN.

WHEREAS, Article 102.017 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Building Security Fund

NOW THEREFORE, BE IT ORDAINED BY THE OVERTON CITY COUNCIL, Title III, Chapter 33, Section 60, of the Code of Ordinances, of Overton, Texas is to read as follows:

SECTION 1: ESTABLISHMENT OF MUNICIPAL COURT BUILDING SECURITY FUND

- A. There is hereby created and established a Municipal Court Building Security Fund, herein known as the "Fund" pursuant to Article 102.017 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 AN AMOUNT OF THE FEE, ASSESSMENT AND COLLECTION THEREOF;

- A. The Municipal Court Building Security Fee, herein known as the "fee" shall be in the amount of \$3.00.
- B. The fee shall be assessed and collected from the defendant upon conviction of a misdemeanor offense in the Municipal Court of the City of Overton, Texas as a cost of court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.

- C. A person is considered to have been convicted in a case 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.

- D. The fee shall be collected on convictions of an offense committed on or after July 18, 2002 (of for convictions on offenses committed on or after Ordinance 2014-07-29A is adopted).

- E. The Municipal Court Clerk is hereby authorized and required to collect the fee and pay same to the Treasurer of the City of Overton, Texas who shall deposit the fee into the Municipal Court Building Security Fund. All fees so collected and paid over to the Treasurer of the City of Overton; Texas shall be segregated in the Fund.

SECTION 3: DESIGNATED USE OF THE FUND AND ADMINISTRATION

- A. The Fund shall be used only for the purpose of financing the purchase of security devices and/or service for the building or building housing the Municipal Court of the City of Overton, 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.

- B. The Fund shall be administered by and under the direction of the City Council of the City of Overton, 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 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 Overton, 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 5: REPEALING CONFLICT

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

SECTION 6: PUBLISHING AND EFFECTIVE DATE

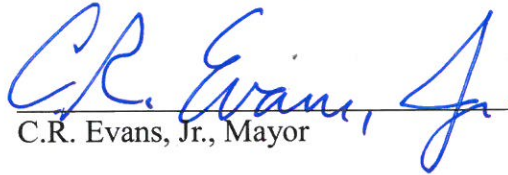
The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law. This ordinance shall become effective in accordance with state law upon passage, but not earlier than 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 full force and effect.

PRESENTED , READ, CONSIDERED AND APPROVED ON THIS 23RD DAY OF APRIL , 2015 BY A VOTE OF 5 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON

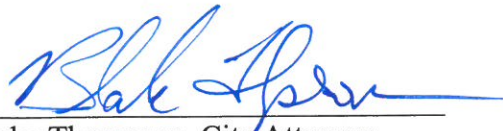

C.R. Evans, Jr., Mayor

ATTEST:


Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:


Blake Thompson, City Attorney