

ORDINANCE NO. 087-052

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 10, OFFENSES-MISCELLANEOUS, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR AUTHORIZATION OF SPECIAL EXPENSE FEES IN CERTAIN CASES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

WHEREAS, the 1987 session of the Texas State Legislature passed, and the Governor of the State of Texas signed into law, Senate Bill 243 which amends Article 45.06 of the Texas Code of Criminal Procedure and Senate Bill 515 which amends Sec. 143A of the Uniform Act Regulating Traffic on Highways (Article 670ld, Vernon's Texas Civil Statutes) so as to authorize cities to collect a special expense fee for cases disposed of pursuant to said Sec. 143A of Article 670ld, V.T.C.S.; and

WHEREAS, after consideration of the burden placed upon the municipal court in administering Sec. 143A, Uniform Act Regulating Traffic on Highways (Article 670ld, Vernon's Texas Civil Statutes), the City Council finds and determines that the cost to the City far exceeds the statutorily mandated maximum special expense fee of Ten Dollars (\$10.00).

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

SECTION 1. That Chapter 10, Offenses-Miscellaneous, of the

Published 9/7/89

Code of Ordinances, Town of Addison, Texas, is hereby amended by adding Sec. 10-6 to read as follows:

Sec. 10-6. Special Expense Fee Authorized in Certain Cases.

The municipal court of the Town of Addison shall collect a special expense for costs incurred by services performed in cases in which the laws of this State require that the case be dismissed because of actions by or on behalf of the defendant which were subsequent to the date of the alleged offense. Pursuant to State law, such actions are limited to compliance with the provisions of Subsection (a), Section 143A, Uniform Act Regulating Traffic on Highways (Article 670ld, Vernon's Texas Civil Statutes) regarding dismissal of certain misdemeanor charges upon completion of a driving safety course. Such special expense fee shall not exceed Ten Dollars (\$10.00). Fees collected under this section shall be deposited in the municipal treasury. If the person requesting a driving safety course does not take the course, the person is not entitled to a refund of the fee required by this section.

SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.


SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a

misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 5. The fact that the present code of Ordinances does not provide for a special expense fee and is therefore, inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 8th day of September, 1987.

APPROVED:

  
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MAYOR

ATTEST:

  
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CITY SECRETARY