

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 095-037

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 10 ("OFFENSES - MISCELLANEOUS") BY ADDING A NEW SECTION 10-6B REQUIRING A DEFENDANT WHO FAILS TO APPEAR IN THE MUNICIPAL COURT FOR A COMPLAINT, CITATION OR COURT ORDER INVOLVING A TRAFFIC LAW AND WHO HAS NOT BEEN ACQUITTED OF THE UNDERLYING TRAFFIC OFFENSE FOR WHICH THE PERSON HAS FAILED TO APPEAR SHALL BE CHARGED AND PAY AN ADMINISTRATIVE FEE OF \$30.00 FOR EACH SUCH VIOLATION; PROVIDING DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, article 6687D, V.T.C.S., as amended by Senate Bill 1504 adopted by the 74th Legislature, Regular Session (1995), provides that the Town of Addison, Texas (the "City") may require a person who failed to appear in the City's Municipal Court regarding a traffic violation and who has not been acquitted of the underlying traffic offense for which the person failed to appear to pay an administrative fee of \$30.00.

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

Section 1. Amendment. Chapter 10 ("Offenses-Miscellaneous") of the Code of Ordinances of the Town of Addison, Texas is hereby amended in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the Code are not amended by this Ordinance but are hereby ratified and affirmed:

A. A new Section 10-6B is hereby added to Article 1 of Chapter 10 to read as follows:

"SECTION 10-6B ADMINISTRATIVE FEE - FAILURE TO APPEAR

A. *Definitions*. For purposes of this Section, 'traffic law' means a statute or City ordinance, a violation of which is a misdemeanor punishable by a fine in an amount that may not exceed \$1,000 that requires a driver's conduct or condition while operating a motor vehicle, or the condition of a motor vehicle while it is being operated, on a street, road, or highway.

B. *Administrative fee*. A person charged with the violation of a traffic law and who fails to appear in the Municipal Court of the City for a complaint, citation, or court order to pay a fine involving the said violation shall be charged

and shall pay an administrative fee of \$30 for each violation for which the person failed to appear; provided, however, that the administrative fee shall not be charged where the person has been acquitted of the underlying traffic offense for which the person failed to appear.

C. *Fee administration.* The Municipal Court Clerk shall keep separate records of the administrative fees collected under this Section, and such fees shall be deposited into the City treasury. The Finance Director may deposit the fees in an interest-bearing account and retain for the City the interest earned on the account. The Finance Director shall keep records of funds received and disbursed under this Section and shall provide a yearly report of all such fees to the State Comptroller of Public Accounts. The Finance Director shall remit \$20 of each fee collected under this Section to the State Comptroller on or before the last day of each calendar quarter and shall retain \$10 of each such fee to the credit of the City's general fund."

Section 2. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 3. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting the City's Municipal Court and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 4. Effective date. This Ordinance shall become effective from and after its date of passage as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 22nd day of August, 1995.



Rich Beckert, Mayor

ATTEST:



Carmen Moran, City Secretary

[SEAL]

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