

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS REPEALING AND RESCINDING THE ORDINANCE REGULATING MUNICIPAL COURT AS CONTAINED IN CHAPTER 7, MUNICIPAL COURT; AND AMENDING THE CITY OF WILLOW PARK CODE OF ORDINANCES CHAPTER 7, MUNICIPAL COURT, BY ADOPTING A NEW CHAPTER 7, MUNICIPAL COURT; PROVIDING FOR GENERAL PROVISIONS INCLUDING: PROVIDING FOR CREATION, JURISDICTION OF MUNICIPAL COURT; PROVIDING FOR A MUNICIPAL COURT JUDGE; PROVIDING FOR A COURT CLERK; PROVIDING FOR SESSIONS; PROVIDING FOR HOURS FOR RECEIVING FINES AND OTHER SERVICES BY THE CLERK; PROVIDING FOR A CITY JAIL; PROVIDING FOR FINES, COSTS AND SPECIAL EXPENSES, INCLUDING: PROVIDING FOR A TECHNOLOGY FUND; PROVIDING FOR A BUILDING SECURITY FUND; PROVIDING FOR A COLLECTION FEE; PROVIDING FOR A WARRANT FEE; PROVIDING FOR A DRIVING SAFETY COURSE FEE; PROVIDING FOR PAYMENT BY CREDIT CARD; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park (“City”), located in Parker County, Texas, is a Type A, general law municipality authorized under Texas state law to legislate in the best interests of its residents; and

WHEREAS, Section 51.001 of the Texas Local Government Code provides, in part, that the City “may adopt . . . an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality . . . and is necessary or proper for carrying out a power granted by law to the municipality”; and

WHEREAS, Section 51.012 of the Texas Local Government Code provides, in part, that a municipality may adopt an ordinance “that is necessary for the government, interest, welfare, or good order of the municipality as a body politic”; and

WHEREAS, the City Council finds that the City’s current ordinances as contained in Chapter 7 of its Code of Ordinances regulating Municipal Court needs to be amended as provided herein in furtherance of the government, interest, welfare or good order of the municipality as a body politic; and

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

SECTION 1. All of the above premises are found to be true and correct legislative determinations of the City Council and they are hereby incorporated into the body of this ordinance as if copied and set forth herein in their entirety.

SECTION 2. Repeal; Amendment. The Code of Ordinances of the City of Willow Park, Texas, Chapter 7, Municipal Court, is hereby repealed and rescinded in its entirety and a new Chapter 7, Municipal Court, is adopted to read in its entirety from the date of passage as follows:

"Chapter 7
Municipal Court

ARTICLE 7.01
GENERAL PROVISIONS

§ 7.01.001 Creation; jurisdiction.

There is hereby created and constituted a municipal court for the city, with full jurisdiction as provided for in V.T.C.A., Government Code, ch. 29. The municipal court for the city shall meet and hold regular sessions to hear and determine all cases arising before it, such sessions to be held and called by the municipal judge.

§ 7.01.002 Judge.

(a) The municipal court shall be presided over by the municipal court judge appointed by the city council for a term of office of two years. A municipal court judge who is not reappointed by the 91st day following the expiration of a term of office shall, absent action by the city council, continue to serve for another term of office beginning on the date the previous term of office expired. The municipal court judge shall be compensated from the city general fund in an amount set by the city council in their discretion. The municipal court judge shall be the presiding magistrate of the municipal court and shall have all of the powers and authority given to him by the laws of this state.

(b) If a municipal court judge is temporarily unable to act, the city council may appoint one or more persons meeting the qualifications for the position to sit for the regular municipal judge. The appointee has all powers and duties of the office and is entitled to compensation as set by the city council.

§ 7.01.003 Court clerk.

(a) The City Manager shall hire or appoint the clerk of the municipal clerk. The clerk and other court personnel shall perform their duties under the direction of the municipal court judge, but the city manager or their designee shall hire, direct, supervise and remove all personnel authorized in the annual budget for the clerk's office, including the clerk, as they deem appropriate.

(b) The position of municipal court clerk is created.

§ 7.01.004 Sessions.

The municipal court of the city shall meet and hold sessions as necessary to efficiently handle the

court's docket, or at other times deemed appropriate by the municipal court judge, in offices or space provided by the city.

§ 7.01.005 Hours for receiving fines and other services by clerk.

The clerk shall be available to receive fines for violations of city ordinances and the laws of the state and to perform other duties incident to the operation of a municipal court during normal business hours for city hall, excluding holidays approved by the city council.

§ 7.01.006 City jail.

The county jail is hereby designated as the official city jail.

ARTICLE 7.02
FINES, COSTS AND SPECIAL EXPENSES

§ 7.02.001 Technology fund.

- (a) Imposed. There is hereby imposed, as a cost of court, a technology fee of \$4.00 per conviction in the municipal court.
- (b) Interpretation of conviction. For the purposes of this section, a person is considered convicted if:
 - (1) A fine is imposed on the person;
 - (2) The person receives community supervision, including deferred adjudication; or
 - (3) The court defers final disposition of the person's case.
- (c) Use of funds. A fund designated by this section may be used only to finance the purchase of or to maintain technological enhancements for a municipal court, including:
 - (1) Computer systems;
 - (2) Computer networks;
 - (3) Computer hardware;
 - (4) Computer software;
 - (5) Imaging systems;
 - (6) Electronic kiosks;
 - (7) Electronic ticket writers; and
 - (8) Docket management systems.
- (d) Administration. The municipal court technology fund shall be administered by or under the direction of the city council.

§ 7.02.002 **Building security fund.**

- (a) Pursuant to powers granted by art. 102.017 of the Texas Code of Criminal Procedure, a municipal court building security fund is hereby established for the city.
- (b) Source of funds; payment of fee. The building security fund shall be funded by a \$3.00 charge on each person convicted of a misdemeanor offense in the municipal court of the city. The \$3.00 fee shall be taxed as costs of court on each conviction of a misdemeanor offense. Conviction shall include payment of a fine, imposition of community service, imposition of probation, suspension or deferred disposition.
- (c) Collection. The clerk of the court or as otherwise designated by the city manager will collect the costs and pay them to the office of the city director of finance for deposit in a fund to be known as the municipal court building security fund.
- (d) Use of funds. The building security fund designated by this section may be used only to finance items when used for the purpose of providing security services for buildings housing a district, county, justice, or municipal court, as appropriate, including:
 - (1) The purchase or repair of X-ray machines and conveying systems;
 - (2) Handheld metal detectors;
 - (3) Walkthrough metal detectors;
 - (4) Identification cards and systems;
 - (5) Electronic locking and surveillance equipment;
 - (6) Bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
 - (7) Signage;
 - (8) Confiscated weapon inventory and tracking systems;
 - (9) Locks, chains, alarms, or similar security devices;
 - (10) The purchase or repair of bulletproof glass; and
 - (11) Continuing education on security issues for court personnel and security personnel.

§ 7.02.003 **Collection fee.**

In accordance with section 103.0031 of the Texas Code of Criminal Procedure, there is hereby imposed an additional fee of thirty percent (30%) on all debts and accounts receivable, i.e.: fines, fees, court costs, restitution, and other debts that are more than sixty (60) days past due and have been referred to a private firm for collection.

§ 7.02.004 **Warrant fee.**

A fee or special expense not to exceed \$25.00 may be assessed and collected for the issuance and service of a warrant of arrest for an offense of failure to appear under Tex. Penal Code Section 38.10 or under Texas Transportation Code Section 543.009, or under Tex. Code of Criminal Procedure article 17.04, relative to a personal bond to appear.

§ 7.02.005 **Driving safety course fee.**

The municipal court may require the person requesting a driving safety course to pay a fee set by the court at an amount that does not exceed \$10.00 including any special fees authorized by statute or municipal ordinance to cover the cost of administering this section. Fees collected under this subsection by the municipal court shall be deposited in the municipal treasury.

§ 7.02.006 **Payment by credit card.**

Municipal officials who collect fees, fines, court costs, or other charges are authorized to accept payment by credit card.”

Section Three. Cumulative Repealer. All ordinances and resolutions, or parts of ordinances and resolutions, in conflict with this Ordinance, are hereby repealed, and are no longer of any force and effect.

Section Four. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining section, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section Five. Effective Date. This Ordinance shall take effect immediately upon its adoption and enactment by the City Council.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Willow Park, Texas, on this the ____ day of _____, 2023.

Doyle Moss, Mayor

ATTEST:

Crystal Dozier, City Secretary

APPROVED AS TO FORM:

William P. Chesser, City Attorney

The Willow Park City Council is acting on Ordinance No. _____, did on the ____ day of October vote as follows:

	FOR	AGAINST	ABSTAIN
Doyle Moss	_____	_____	_____
Eric Contreras, Place 1	_____	_____	_____
Chawn Gilliland, Place 2	_____	_____	_____
Greg Runnebaum, Place 3	_____	_____	_____
Lea Young, Place 4	_____	_____	_____
Nathan Crummel, Place 5	_____	_____	_____