

CITY OF LAVON
ORDINANCE NO. 2020-04-07

Update Municipal Court Fees

AN ORDINANCE OF THE CITY OF LAVON, TEXAS, DELETING SECTION 2.05.041 BUILDING SECURITY FEE AND SECTION 2.05.042 TECHNOLOGY FEE OF ARTICLE 2.05 MUNICIPAL COURT OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF LAVON, TEXAS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; SPECIFICALLY REPEALING ORDINANCE NUMBER 98-1-2, AS CODIFIED AS SECTION 2.05.041 BUILDING SECURITY FEE AND; SPECIFICALLY REPEALING ORDINANCE 99-08-01, AS CODIFIED AS SECTION 2.05.042 TECHNOLOGY FEE, OF THE CODE OF ORDINANCES; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, on January 15, 1998, by Ordinance No. 98-1-2, the City Council of the City of Lavon, Texas, created a Municipal Court Building Security Fund pursuant to Article 102.017, as amended, of the Texas Code of Criminal Procedure, to assess and collect a Municipal Building Security Fee, and such Ordinance was codified as Section 2.05.041, Building Security Fee, of Article 2.05, Municipal Court of Chapter 2, Administration and Personnel, of the Code of Ordinances of the City of Lavon, Texas; and

WHEREAS, on August 5, 1999, by Ordinance No. 99-08-01, the City Council of the City of Lavon, Texas, created a Municipal Technology Fund pursuant to Article 102.0172, as amended, of the Texas Code of Criminal Procedure, to assess and collect a Municipal Court Technology Fee, and such Ordinance was codified as Section 2.05.042, Technology Fee, of Article 2.05, Municipal Court of Chapter 2, Administration and Personnel, of the Code of Ordinances of the City of Lavon, Texas; and

WHEREAS, Senate Bill 346, adopted during the 86th Legislative Session and which became effective January 1, 2020, essentially deletes Chapter 102 of the Texas Code of Criminal Procedures as of January 1, 2020, and moves these provisions to Chapter 134 of the Texas Local Government Code; and

WHEREAS, effective January 1, 2020, Section 134.103 of the Texas Local Government Code established a Local Consolidated Fee of \$14.00 as court costs to be collected upon conviction of all nonjailable misdemeanor offenses, including a criminal violation of a municipal ordinance (“Local Consolidated Fee”); and

WHEREAS, the Local Consolidated Fee includes the Municipal Court Technology Fee, the Municipal Court Building Security Fee and the Juvenile Case Manager Fee, and consequently, the City is no longer required to have an ordinance adopted in order to assess and collect the Municipal Court Technology Fee, the Municipal Court Building Security Fee or the Juvenile Case Manager Fee; and

WHEREAS, the City Council hereby finds that Section 2.05.041, Building Security Fee, of Article 2.05, Municipal Court of Chapter 2, Administration and Personnel of the Code of Ordinances should be deleted in its entirety, and Ordinance No. 98-01-2, that was so codified, should be specifically repealed; and

WHEREAS, the City Council hereby finds that Section 2.05.042, Technology Fee, of Article 2.05, Municipal Court of Chapter 2, Administration and Personnel, of the Code of Ordinances should be deleted in its entirety, and Ordinance No. 99-08-01, that was so codified, should be specifically repealed.

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

Section 1. The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

Section 2. Section 2.05.041, Building Security Fee, of Article 2.05, Municipal Court of Chapter 2, Administration and Personnel, of the Code of Ordinances is hereby deleted in its entirety and shall be reserved for future use.

Section 3. Section 2.05.042, Technology Fee, of Article 2.05, Municipal Court of Chapter 2, Administration and Personnel of the Code of Ordinances is hereby deleted in its entirety and shall be reserved for future use.

Section 4. Ordinance No. 98-1-2, duly passed and approved on January 15, 1998 and codified as Section 2.05.041, Building Security Fee, of Article 2.05, Municipal Court of Chapter 2, Administration and Personnel, of the Code of Ordinances of the City of Lavon, Texas is hereby repealed in its entirety.

Section 5. Ordinance No. 99-08-01, duly passed and approved on August 5, 1999, and codified as Section 2.05.042, Technology Fee, of Article 2.05, Municipal Court of Chapter 2, Administration and Personnel, of the Code of Ordinances of the City of Lavon, Texas is hereby repealed in its entirety.

Section 6. All provisions of the ordinances of the City of Lavon, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed and all other provisions of the ordinances of the City of Lavon, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 7. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Lavon, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 8. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this Ordinance.

Section 9. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas,
this 21st day of April 2020.



Vicki Sanson
Mayor

ATTEST:



Kim Dobbs
City Administrator/City Secretary

