

ORDINANCE NUMBER 20-06-1160

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS, BY REPEALING SECTION 12.02.032 BUILDING SECURITY FUND, SECTION 12.02.033 TECHNOLOGY FUND, SECTION 12.02.034 JUVENILE CASE MANAGER FUND AND AMENDING SECTION A2.001 “MUNICIPAL COURT FEES” OF ARTICLE A2.000, “MUNICIPAL COURT FEES” OF APPENDIX A, “FEE SCHEDULE” OF THE CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/ REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 85th Legislature determined that City approved ordinances determining certain established municipal court funds are no longer necessary; and

WHEREAS, the City Council of the City of Murphy (the “City Council”) has previously adopted language based upon authority as stated in various portions of the Code of Criminal Procedure (Article 102.017, Article 102.0172, Article 45.056 and Article 102.0174); establishing various municipal court funds and codified Article 12.02 “Municipal Court” as part of Chapter 12, “Law Enforcement and Courts” of Title I, “General Ordinances” of the Code of Ordinances of the City; and

WHEREAS, since the adoption of the Building Security Fund Ordinance, those regulations codified as part of Chapter 12, “Law Enforcement and Courts” of the Code of Ordinances, have become obsolete and the City Council has determined it necessary, advantageous, beneficial, and in the public interest to amend the Code of Ordinances to repeal Sec. 12.02.032 “Building security fund” in its entirety in order to eliminate any confusion with state mandated laws; and

WHEREAS, since the adoption of the Technology Fund Ordinance, those regulations codified as part of Chapter 12, “Law Enforcement and Courts” of the Code of Ordinances, have become obsolete and the City Council has determined it necessary, advantageous, beneficial, and in the public interest to amend the Code of Ordinances to repeal Sec. 12.02.033 “Technology fund” in its entirety in order to eliminate any confusion with state mandated laws; and

WHEREAS, since the adoption of the Juvenile Case Manager Fund Ordinance, those regulations codified as part of Chapter 12, “Law Enforcement and Courts” of the Code of Ordinances, have become obsolete and the City Council has determined it necessary, advantageous, beneficial, and in the public interest to amend the Code of Ordinances to repeal Sec. 12.02.034 “Juvenile case manager fund” in its entirety in order to eliminate any confusion with state mandated laws; and

WHEREAS, the City also adopted Section A2.001, “Municipal Court Fees” of Article A2.000, “Municipal Court Fees” of Appendix “A”, “Fee Schedule” of the Code of Ordinances setting forth various charges imposed by Chapter 12 as part of the City’s Fee Schedule, and such state mandated fees are to be collected and deposited to the General Fund; therefore, the City Council has determined it necessary and appropriate to amend Section A2.001 with the new language as written in state law; and

WHEREAS, the City Council has investigated and finds that these amendments are necessary to provide reasonable regulation of the municipal court fees.

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

SECTION 1. Incorporation of Premises.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendments.

2.01. Sec.12.02.032 “Building security fund” of Division 2. “Fines, Costs and Special Expenses” of Article 12.02 “Municipal Court” of Title I, “General Ordinances” the Code of Ordinances of the City of Murphy, Texas is hereby repealed in its entirety, and all other provisions of Chapter 12 not expressly amended hereby shall remain the same.

2.02. Sec.12.02.033 “Technology fund” of Division 2. “Fines, Costs and Special Expenses” of Article 12.02 “Municipal Court” of Title I, “General Ordinances” the Code of Ordinances of the City of Murphy, Texas is hereby repealed in its entirety, and all other provisions of Chapter 12 not expressly amended hereby shall remain the same.

2.03. Sec.12.02.034 “Juvenile case manager fund” of Division 2. “Fines, Costs and Special Expenses” of Article 12.02 “Municipal Court” of Title I, “General Ordinances” the Code of Ordinances of the City of Murphy, Texas is hereby repealed in its entirety, and all other provisions of Chapter 12 not expressly amended hereby shall remain the same.

2.04. Section A2.001 entitled “Municipal court fees”, of Article A2.000, “Municipal Court Fees” of Appendix A, “Fee Schedule” of the Code of Ordinances of the City of Murphy, Texas is hereby amended to read as follows:

These court costs are added to the fines assessed by the Murphy Municipal Court:

- (a) Building security fee: \$4.90 per conviction;
- (b) Technology fee: \$4.00 per conviction;
- (c) Local Truancy Prevention and Diversion fee: \$5.00 per conviction; and
- (d) Judicial Efficiency Fund: \$15.00 per conviction;

In accordance with Texas state law, these funds shall be created and maintained by the City and the funds shall be collected and used by the City.

* Offenses committed before 1/1/2020 will pay court costs in accordance with costs/fees set forth in Section A2.001 before this amendment.

All other provisions of Appendix “A”, “Fee Schedule” not expressly amended hereby shall remain in full force and effect.

SECTION 3. Severability Clause.

It is the intention of City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any phrase, clause, sentence or section of this ordinance shall be deemed unconstitutional or invalid by any judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining section, paragraph, sentence, clause or portion of this ordinance or any other provision of the Code of Ordinances of the City of Murphy.

SECTION 4. Savings/Repealing Clause.

The City of Murphy's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Effective Date.


This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law provides.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Murphy, Texas, on the 16th day of June 2020.




Scott Bradley, Mayor
City of Murphy

ATTEST:


Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM AND LEGALITY:


Wm. Andrew Messer, City Attorney