

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2013-03122013

**AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 35, "MUNICIPAL COURT ," SECTION 35.01 AND 35.02, "BUILDING SECURITY FEE AND TECHNOLOGY FEE" RELATIVE TO FEES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 35, Section 35.01 of the Code of Ordinances of the City of Cockrell Hill, Texas ("Code"), sets forth fees regarding the collection of building security fee; and

**WHEREAS**, Chapter 35, Section 35.02 of the Code of Ordinances of the City of Cockrell Hill, Texas ("Code"), sets forth fees regarding the collection of court technology fee; and

**WHEREAS**, the City Council of the City of Cockrell Hill finds that the ordinance should be amended by adding language that states the city council shall set both fees from time to time which is not to exceed the maximum set by state law; and

**WHEREAS**, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 35, Section 35.01 and 35.02 of the Code to be specific as to how court security and technology fee is to be assessed.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS, THAT:**

**Section 1.** All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**Section 2.** The Code of Cockrell Hill, Chapter 35, is hereby amended to read as follows:

**"CHAPTER 35: MUNICIPAL COURT**

- 35. 01 Municipal Court Building Security Fund
- 35.02 Municipal Court Technology Fund

**§ 35M1 MUNICIPAL COURT BUILDING SECURITY FUND.**

(A) *Definitions.* For the purposes of this section, a person is considered convicted if:

- (1) A sentence 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.

*(B) Establishment of security fund; fee; collection of fee.*

(1) In accordance with the provisions of this section, and to the extent provided for by law, there is established a Municipal Court Building Security Fund for the use and purposes provided herein.

(2) The Municipal Court Building Security Fund fee shall be established by the City Council from time to time and shall not exceed the maximum set by state law.

(3) The Fund shall be administered by or under the direction of the City Council

(4) Any defendant convicted in a trial, as herein defined, for a misdemeanor offense in Municipal Court, shall be required to pay a security fee in an amount as established by the City Council from time to time as a cost of court.

(5) The Clerk of the Court, or his or her designated representative, shall collect the security fee as a cost of court and pay the fee to the Municipal Treasurer for deposit into the Municipal Court Building Security Fund.

*(C) Purpose of security fund fee; use.* The Security Fund may be used only to finance the following items when used for the purpose of providing security services for the Municipal Court building:

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- (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 or other security hardware; or
- (10) Any other item allowed for by law.  
(97 Code, § 2-1) (Ord. 1996-I, passed 12-10-96)

§ 35.02 MUNICIPAL COURT TECHNOLOGY FUND.

*(A) Establishment of Municipal Court Technology Fund,*

- (1) There is created and established a Municipal Court Technology Fund, here-in-now known as the Fund, pursuant to the Tex. Code Criminal, Proc., Art. 102.0172.
- (2) The Fund may be maintained in an interest bearing account and may be maintained in the general revenue account.

*(B) Establishment of amount of fee and assessment and collection.*

- (1) The fee shall be in the amount as established by the City Council from time to time and shall not exceed the maximum set by state law.
- (2) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the Municipal Court as a cost of court. A defendant is considered convicted if the following occur:
  - (a) A sentence is imposed on the person;

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(b) The person is placed on community supervision, including deferred adjudication community supervision; or

(c) The Court defers final disposition of the person's case.

(3) The fee shall be collected on conviction for an offense committed on or after September 1, 1999,

(4) The Clerk of the Court shall collect the fee and pay the fee to the Municipal Treasurer or City Administrator/City Secretary, who shall deposit the fee into the Municipal Court Technology Fund.

### *(C) Designated use of the fund and administration.*

(1) The Fund shall be used only to finance the purchase of technological enhancements for the Municipal Court of the city, including the following:

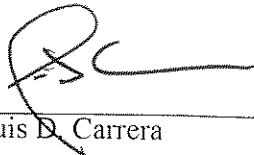
- (a) Computer systems;
- (b) Computer networks;
- (c) Computer hardware;
- (d) Computer software;
- (e) Imaging systems;
- (f) Electronic kiosks;
- (g) Electronic ticket writers; or
- (h) Docket management systems.

(2) The Fund shall be administered by or under the direction of the City Council. (Ord. 1999-D, passed 9-14-99)


**Section 3.** If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances 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 it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 4.** This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

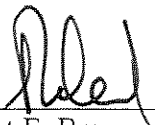
**PASSED AND APPROVED** the 12th day of March, 2013.

  
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Luis D. Carrera Mayor

ATTEST:

  
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Bret Haney Asst City Administrator

APPROVED AS TO FORM:

  
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Robert F. Brown City Attorney