

ORDINANCE NO. 2011-19

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, DENTON COUNTY, TEXAS PROVIDING FOR A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, Article 102.017 of the Code of Criminal Procedure provides for the establishment of a Municipal Court Building Security Fund;

BE IT ORDAINED BY THE Town Council of the Town Council of the Town of Providence Village, Texas:

SECTION 1: *Establishment of Municipal Court Building Security Fund*

A. Municipal Court Building Security Fund

1. There is hereby created and established a Municipal Court Building Security Fund (the "Fund") pursuant to Article 102.017 of the Code of Criminal Procedure.

2. The Municipal Court of the Town of Providence Village, Texas (the "Municipal Court") is hereby authorized and required to assess a Municipal Court Building Security Fee (the "Fee") in the amount of \$3.00 against all Defendants convicted of a misdemeanor offense by the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee.

3. A person is considered to have been convicted in a case if:

- (1) judgment, sentence, or both are imposed on the person;
- (2) the person is placed on deferred disposition; or
- (3) the Court defers final disposition or imposition of the judgment and sentence.

4. The Fee shall be collected on convictions for offenses committed on or after this ordinance is adopted.

5. The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the Town of Providence Village, Texas. All Fee so collected and paid over to the treasury of the Town of Providence Village, Texas shall be segregated in the Fund.

6. The Fund shall be used only for the purpose of financing the purchase of security devices and/or services for the building or buildings housing the Municipal Court of the Town of Providence Village, Texas. "Security devices and/or services" shall include any and all items described in Article 102.017(d-l) of the Code of Criminal Procedure.

7. The Fund shall be administered by or under the direction of the Town Council of the Town of Providence Village, Texas.

SECTION 2: Severability

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the Town Council of the Town of Providence Village, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

SECTION 3: Repealing Conflict

All ordinances and parts of ordinances in conflict with the ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4: Publishing and Effective Date

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effect in accordance with state law.

READ, CONSIDERED, PASSED, AND APPROVED ON FIRST READING by the Town Council at a regular meeting the 8th day of August, 2011, at which a quorum was present.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the Town Council at a regular meeting the 22nd day of August, 2011, at which a quorum was present.


PASSED, APPROVED and ADOPTED on the 22nd day of August, 2011.

ATTEST:



City Secretary

APPROVED:



Brian Roberson, Mayor

