

ORDINANCE NO. O-2017-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 1, "STREETS AND TRAFFIC", ARTICLE V., "STOPPING, STANDING OR PARKING", BY AMENDING THE JUVENILE CASE MANAGER FEE AT TYLER MUNICIPAL COURT; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, State law, at Texas Code of Criminal Procedure Article 102.0174(b), provides that the governing body of a municipality may by ordinance create a Juvenile Case Manager Fund and may require a defendant convicted of a fine-only misdemeanor in municipal court to pay a Juvenile Case Manager Fee, not to exceed \$5.00, if the municipality employs such a juvenile case manager; and

WHEREAS, the Tyler Municipal Court employs a juvenile case manager; and

WHEREAS, pursuant to State law, a Juvenile Case Manager Fee in the amount of \$4.00 was previously established in Tyler City Code Section 1-90; and

WHEREAS, it is important to raise the current amount of \$4.00 to \$5.00 for the Juvenile Case Manager Fee at Tyler Municipal Court, as allowed by State law;

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

PART 1: That Tyler City Code Chapter 1, "General Provisions", Article VIII., "Municipal Court", is hereby amended by amending Section 1-90 to read as follows

Sec. 1-90. Juvenile case manager fund.

a. A defendant convicted of a misdemeanor offense in the Municipal Court shall pay a juvenile case manager fee of five dollars (\$5.00) as a cost of Court. A person shall be considered convicted if a sentence is imposed on the person or the person receives deferred disposition, including deferred proceedings under Texas Code of Criminal Procedure Article 45.052 or 45.053. (Ord. No. 0-2006-90, 10/24/06) (0-2008-128; 9/24/08) (Ord. No. O-2017-53; 7/12/17)

b. The judge may waive the fee required by Subsection (a) in a case of financial hardship.

c. In accordance with State law, the costs described in subsection (a) shall be deposited into a fund to be known as the Municipal Court juvenile case manager fund and administered under the direction of the Tyler City Council. The funds shall be used only to finance the salary and benefits of a juvenile case manager employed under Texas Code of Criminal Procedure Article 45.056. (Ord. No. 0-2006-90, 10/24/06)

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That this ordinance shall take effect immediately upon its adoption.

PASSED AND APPROVED this the 12th day of July, A.D., 2017.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY