

**ORDINANCE NO. 90-2009**

**AN ORDINANCE OF THE CITY OF ORCHARD, TEXAS, PROVIDING FOR THE CREATION OF A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT BUILDING SECURITY FEE IN ACCORDANCE WITH ARTICLE 102.017 OF THE TEXAS CODE OF CRIMINAL PROCEDURE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER PROVISIONS RELATED TO THE SUBJECT.**

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**BE IT ORDAINED BY THE COMMISSION OF THE CITY OF ORCHARD, TEXAS:**

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

**Section 2.** The Municipal Court of the City of Orchard, Texas (the "Municipal Court") is hereby authorized and required to assess a Municipal Court Building Security Fee (the "Fee") in the amount of Three Dollars (\$3.00) against all defendants convicted of a misdemeanor offense in the Municipal Court. Each misdemeanor conviction shall be subject to a separate assessment of the Fee. A defendant is considered convicted if:

- (1) a sentence is imposed on the person;
- (2) the person is placed on community supervision, including deferred adjudication community supervision; or
- (3) the court defers final disposition of the person's case.

**Section 3.** The Municipal Court Clerk is hereby authorized and required to collect the Fee and to pay same to the treasury of the City. All Fees so collected and paid over to the treasury of the City shall be segregated in the Fund.

**Section 4.** The Fund shall be used only for the purposes of financing the purchase of items used to provide security services for the building or buildings housing the Municipal Court of the City. Security services items shall include any and all of the following items, as set forth in Article 102.017(d) of the Texas Code of Criminal Procedure:

- a. the purchase or repair of X-ray machines and conveying systems;
- b. handheld metal detectors;
- c. walkthrough metal detectors;
- d. identification cards and systems;

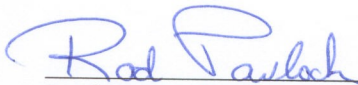
- e. electronic locking and surveillance equipment
- f. bailiffs, deputy sheriffs, deputy constables, or contract security personnel during times when they are providing appropriate security services;
- g. signage
- h. confiscated weapon inventory and tracking systems;
- i. locks, chains, alarms, or similar security devices;
- j. the purchase or repair of bullet-proof glass; and
- k. continuing education on security issues for court personnel and security personnel.

**Section 5.** The Fund shall be administered by or under the direction of the Commission of the City.

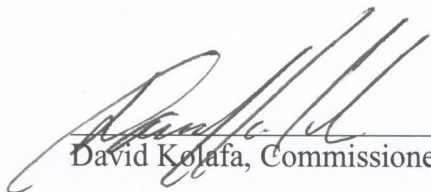
**Section 6.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

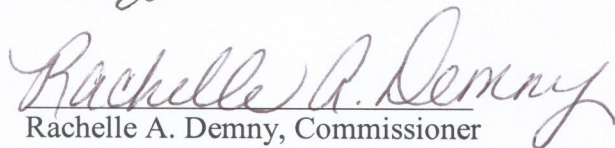
**Section 7.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate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

**PASSED AND APPROVED** by the Commission of the City of Orchard, Texas on the 13th day of May 2009.

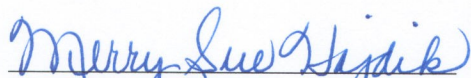
  
Rodney Pavlock, Mayor



  
David Kolafa, Commissioner

  
Rachelle A. Demny, Commissioner

ATTEST:

  
Merry Sue Hajdik, City Secretary