

**ORDINANCE NO. 91-2009**

**AN ORDINANCE OF THE CITY OF ORCHARD, TEXAS, PROVIDING FOR THE CREATION OF A MUNICIPAL COURT TECHNOLOGY FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT TECHNOLOGY FEE IN ACCORDANCE WITH ARTICLE 102.0172 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 Technology Fund (the "Fund"), pursuant to Article 102.0172, 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 Technology Fee (the "Fee") in the amount of Four and No/100 Dollars (\$4.00) 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.

**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 certain technological enhancements for the Municipal Court of the City. Technological enhancement items shall include any and all of the following items, as set forth in Article 102.0172(d) of the Code of Criminal Procedure:

- a. computer systems;
- b. computer networks;
- c. computer hardware;
- d. computer software;
- e. imaging systems;
- f. electronic kiosks;
- g. electronic ticket writers; and
- h. docket management systems.

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

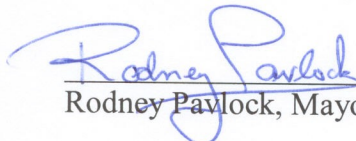
**Section 6.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 7** This Ordinance applies only to a cost on conviction for an offense committed on or after the effective date of this Ordinance.

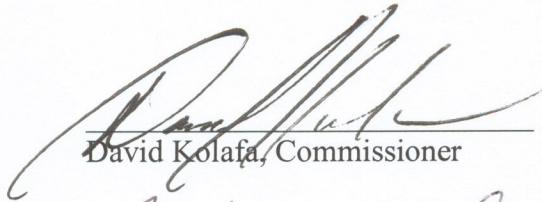
**Section 8.** In accordance with Article 102.0172 of the Code of Criminal Procedure, this Ordinance, and the assessment and collection of the Fee, expires on September 1, 2013. However, any funds remaining in the Fund shall continue to be used and administered as required by this Ordinance and for that purpose this Ordinance remains in effect.

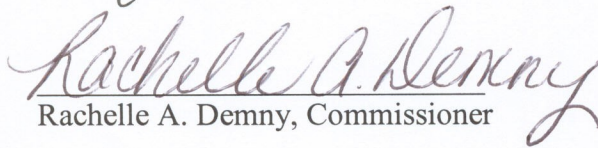
**Section 9.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate 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.

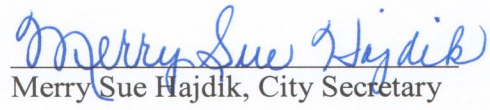
  
Rodney Pavlock, Mayor



  
David Kolafa, Commissioner

  
Rachelle A. Demny, Commissioner

ATTEST:

  
Merry Sue Hajdik, City Secretary