

ORDINANCE NO. 764

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AUTHORIZING AND IMPOSING A COLLECTION FEE IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY, AND AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR WHEN SUCH DEBT OR ACCOUNT RECEIVABLE IS MORE THAN 60 DAYS PAST DUE AND HAS BEEN REFERRED TO AN ATTORNEY OR PRIVATE VENDOR FOR COLLECTION

WHEREAS, the City of Hedwig Village, Texas (the "City") wishes to defray its costs of collection that it incurs under a contract for collection of delinquent court fines and fees between the City and a collection firm as authorized under the provisions of Article 103.0031, Texas Code of Criminal Procedure; and

WHEREAS, under said article, the governing body of the City is empowered to authorize the addition of a 30% on each debt and account receivable, including fines and fees, and on each amount in cases in which the accused has failed to appear, when each is more than 60 days past due and has been referred for collection.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:

Section 1. The recitals set forth in this Ordinance are true and correct.

Section 2. Collection Fees.

- A. A collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of 30% of debts and accounts receivable, such as unpaid fines, fees, court costs, forfeited bonds and restitution ordered paid by a municipal court or hearing officer serving the city when such debt or account receivable is more than 60 days past due and has been referred to an attorney or private vendor for collection; and
- B. A collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of 30% of amounts in cases in which the accused has failed to appear:
 - (1) As promised under Subchapter A, Chapter 543, Transportation Code, or other law;
 - (2) In compliance with a lawful written notice to appear issued under Article 14.06(b), Texas Code of Criminal Procedure, or other law;

- (3) In compliance with a lawful summons issued under Article 15.03(b), Texas Code of Criminal Procedure;
- (4) In compliance with a lawful order of a court serving the city; or
- (5) As specified in a citation, summons, or other notice authorized by Section 682.002 Transportation Code, that charges the accused with a parking or stopping offense,

when such amounts are more than 60 days past due and have been referred to an attorney or private vendor for collection.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 6. This Ordinance shall be effective immediately upon its passage, approval, and adoption by the City Council of the City of Hedwig Village, Texas.

PASSED, APPROVED and ADOPTED this, the 19th day of December 2019.



Brian T. Muecke, Mayor
City of Hedwig Village, Texas

ATTEST:



Kelly Johnson, City Secretary
City of Hedwig Village, Texas