

CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 186

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING ORDINANCE NO. 109, AS AMENDED, BY ADDING A NEW SECTION 2A, CLARIFYING THAT THE REMISSION OF A FINE OR PENALTY BY THE CITY COUNCIL PURSUANT TO SECTION 54.003 OF CHAPTER 54 OF THE TEXAS LOCAL GOVERNMENT CODE DOES NOT AFFECT A CONVICTION BY THE MUNICIPAL COURT OR ANY ATTENDANT COURT COSTS OR FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 54.003 of Chapter 54 of the Texas Local Government Code provides that on a two-thirds vote of the members present, the governing body of a Type A general-law municipality may remit a fine or a penalty, or a part of a fine or penalty, imposed or incurred under law or under an ordinance or resolution adopted in accordance with law; and

WHEREAS, cases within the jurisdiction of the Lowry Crossing Municipal Court (the "court") include acts or omissions punishable by fine or penalty imposed by ordinances of the City; and

WHEREAS, the remission of a fine or a part of a fine, as authorized by Chapter 54, does not affect a conviction by the court; and

WHEREAS, the city council finds that it is in the public interest to amend Ordinance No. 109, as amended, which ordinance established the Lowry Crossing Municipal Court, to ensure that the public is aware that any remission of a fine or penalty or part of a fine or penalty, as authorized by Chapter 54 does not affect a conviction by the court; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

SECTION 1. MUNICIPAL COURT ORDINANCE AMENDED. That a new Section 2A is added to Ordinance No. 109, as amended, to read as follows:

"SECTION 2A. EFFECT OF REMISSION OF FINE

A. A remission of a fine or penalty or part of a fine or penalty by the city council pursuant to Section 54.003 of Chapter 54 of the Texas Local Government Code shall not affect a conviction rendered by the Municipal Court.

B. A remission of a fine or penalty or part of a fine or penalty by the city council pursuant to Section 54.003 of Chapter 54 of the Texas Local Government Code shall not affect any court costs or fees accompanying a conviction, and such court costs and fees must still be paid by the convicted person.

SECTION 2. EFFECTIVE DATE. That this ordinance shall take effect immediately after is passage as the law in such cases provides.

DULY ADOPTED by the City Council of the City of Lowry Crossing, Texas, on the 6TH day of APRIL, 2004.

APPROVED:

Brett Mayes, Mayor

ATTEST:

Eddie Sturgal
Eddie Sturgal, City Secretary

APPROVED AS TO FORM:

Angela K. Washington
Angela K. Washington, City Attorney

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Brett Mayes, Mayor

ATTEST:

Eddie Sturgal
Eddie Sturgal, City Secretary