

ORDINANCE NO. 2020-07-14-01
(Revision of 2010-01-26-02)

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, ESTABLISHING MINIMUM MUNICIPAL COURT FINES FOR PERSONS WHO ELECT TO PAY SUCH FINES BY MAIL, IN PERSON AT THE COURT CLERK'S OFFICE, OR AT A TIME OTHER THAN A SCHEDULED COURT DATE WITH THE JUDGE; AND PROVIDING SEVERABILITY, OPEN MEETINGS, PENALTY AND EFFECTIVE DATE CLAUSES.

Whereas, the City of Kempner, Texas (the "City") is authorized to adopt ordinances that are for the good government, peace, and order of the municipality and that are necessary and proper; and

Whereas, the City has established the Kempner Municipal Court, which has the power to set and impose fines not in excess of those amounts set by state law; and

Whereas, some Municipal Court defendants elect to plead "guilty" or "nolo contendere" and pay municipal court fines by mail, in person at the court clerk's office, or at times other than the defendant's scheduled court date when the judge is not present; and

Whereas, it is necessary and proper for the efficient operation of the municipal court for the City to establish minimum fines for those persons who elect to plead "guilty" or "nolo contendere" and pay a municipal court fine without meeting with the judge; and

Whereas, the City does not intend to limit the discretion of the municipal court judge to set fines for those defendant who appear in front of the judge for sentencing;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS THAT;

Section 1. Findings: The foregoing recitals are hereby found to be true and correct and are incorporated into this ordinance as findings of fact by the City Council of Kempner, Texas

Section 2. Applicability: The minimum fines established herein (hereinafter referred to as "Window Fine") apply to persons who elect to enter a plea of "guilty" or "nolo contendere" and pay the fine for an offense over which the Kempner Municipal Court has jurisdiction by mail, in person at the court clerk's office, or at a time other than the person's scheduled court date and without meeting with the judge. This ordinance is not meant to limit the discretion of the municipal court judge to set fines for persons who appear before the judge for sentencing.

Section 3. Minimum Window Fine Established:

- (a) The schedule of minimum fines set forth in Exhibit "A" is hereby adopted and set as minimum Window Fines for the Kempner Municipal Court.
- (b) All other violations not specifically identified and set in Exhibit "A" are hereby set according to the following schedule:

Violations with a Fine Range of:

The Minimum Window Fine shall be:

\$1.00 - \$200.00

\$100.00

\$1.00 - \$500.00

\$325.00

\$1.00 - \$2,000.00

\$770.00

(c) The minimum Window Fines established by this ordinance do not include court costs.

Section 4. Severability: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

Section 5. Effective Date: This ordinance shall take effect immediately from and after its passage and publication in the manner set forth within the provisions of the Local Gov't Code.

Section 6. Open Meetings: That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt. 551, Loc. Gov't Code*.

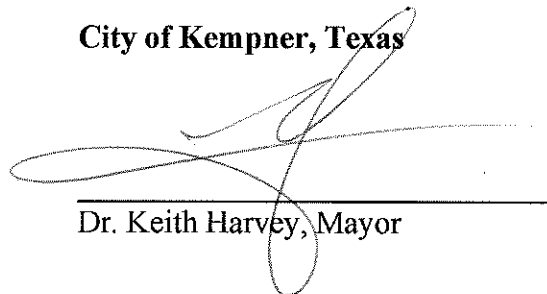
PASSED AND APPROVED on this the 14th day of Tuesday, 2020.

Attest:

City of Kempner, Texas



Hayleigh Robello, City Secretary



Dr. Keith Harvey, Mayor

EXHIBIT "A"
SCHEDULE OF MINIMUM WINDOW FINES

<u>VIOLATION:</u>	<u>MINIMUM WINDOW FINE:</u>
1. Speeding - 0 to 19 MPH over legal limit 20 MPH and over legal limit	\$ 7.00 per mile + court costs \$200.00+ court costs
2. Failure to Control Speed	\$200.00 + court costs
3. Unsafe Speed	\$200.00 + court costs
4. Wrong Side of Road	\$200.00 + court costs
5. Running Stop Sign or Signal Light	\$200.00 + court costs
6. Illegal, Unsafe or Improper Turn	\$200.00 + court costs
7. Failure to Drive Single Lane	\$200.00 + court costs
8. Failure to Yield Right of Way	\$200.00 + court costs
9. Overtaking and Passing a School Bus	Contact Court for fine amount
10. Passing in a No Passing Zone	\$200.00 + court costs
11. No Seat Belt	\$ 45.00 + court costs
12. No Seat Belt PASSENGER over 15 years of age	\$ 45.00 + court costs
13. No Seat Belt PASSENGER under 15 years of age	\$100.00 + court costs
14. Defective Lights	\$ 200.00 + court costs
15. Fail to Signal	\$ 50.00 + court costs
16. Permitting Unlicensed or Minor to Drive	\$100.00 + court costs
17. Failure to Show Financial Responsibility – First Offence	\$300.00 + court costs
18. Failure to Show Financial Responsibility – Other	\$750.00 + court costs
19. Commercial Drivers License Violations	MUST CONTACT JUDGE
20. Illegal Parking	MUST CONTACT JUDGE
21. Expired or No Vehicle Registration	\$100.00 + court costs
22. Expire or No Inspection Sticker	\$100.00 + court costs
23. No Drivers License	\$100.00 + court costs
24. Work zone Violations with Workers Present	*FINE AMOUNT DOUBLES
25. Use of Equipment not Approved (Window Tint)	\$150.00 + court costs