

ORDINANCE NO. 2024-11011

AN ORDINANCE REPEALING SECTIONS 12-7 AND 12-8 AND AMENDING SECTION 12-9 OF CHAPTER 12 ENTITLED "MUNICIPAL COURTS OF RECORD" OF THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, TO REPEAL CERTAIN FEES THAT ARE NOW ESTABLISHED BY RESOLUTION; PROVIDING SAVINGS, REPEALER, AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Irving, as a home-rule municipality, has the full power of local self-government pursuant to Section 51.072(a) of the Texas Local Government Code, and is authorized by Section 51.001 of the Texas Local Government Code to enact ordinances for the good government, peace, or order of the city and to protect the health, safety and welfare of its citizens; and

WHEREAS, the City Council has the ability to establish fees to offset the cost of administering services or a regulatory program; and

WHEREAS, the City Council desires to consolidate all of its adopted fees into a Consolidated Fee Schedule, to be adopted by Council Resolution; and

WHEREAS, the City Council finds that repealing the fees contained in this ordinance will have no fiscal impact, as they shall still be assessed and collected pursuant to the Consolidated Fee Schedule adopted by Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: That Sections 12-7 and 12-8 of Chapter 12 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, are hereby repealed in their entirety and reserved for future use.

SECTION 3: That Section 12-9 of Chapter 12 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read in its entirety as follows:

Sec. 12-9 Municipal Court Collection Fees

- (a) An additional collection fee as established by a resolution of the Irving City Council on each of the following items is authorized if the item is more than sixty (60) days past due and has been referred to the attorney or vendor for collection:
 - (1) Debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by the municipal court for the City of Irving or a hearing officer serving the City of Irving under V.T.C.A., Transportation Code Ch. 682; and
 - (2) Amounts in cases in which the accused has failed to appear:

- a. As promised under V.T.C.A., Transportation Code Ch. 543, subchapter A, or other law;
 - b. In compliance with a lawful written notice to appear issued under article 14.06(b) or other law;
 - c. In compliance with a lawful summons issued under article 15.03(b) or other law;
 - d. In compliance with a lawful order of a court serving the county or municipality; or
 - e. As specified in a citation, summons, or other notice authorized by the V.T.C.A., Transportation Code § 682.002 that charges the accused with parking or stopping offense.
- (b) With respect to cases described by subsection (2) above, the amount to which the thirty (30) percent collection fee applies is:
- (1) The amount to be paid that is communicated to the accused as acceptable to the court under its standard policy for resolution of the case; or
 - (2) The amount ordered paid by the court after plea or trial.
- (c) An item subject to collection services and the collection fee under this section is considered more than sixty (60) days past due under subsection (a) if it remains unpaid on the sixty-first day after the following appropriate date:
- (1) With respect to an item described by subsection (a)(1), the date on which the debt, fine, fee, forfeited bond, or court cost must be paid in full as determined by the court or hearing officer; or
 - (2) With respect to an item described by subsection (a)(2), the date by which the accused promised to appear or was notified, summoned, or ordered to appear.
- (d) A defendant is not liable for the collection fees authorized under this section if the court of original jurisdiction has determined the defendant is indigent, or has insufficient resources or income, or is otherwise unable to pay all or part of the underlying fine or costs.
- (e) If the City of Irving has entered into a contract for collection services and a person pays an amount that is less than the aggregate total to be collected under the contract and including the collection fee, then the allocation to the comptroller, the county or municipality, and the private attorney or vendor shall be reduced proportionately.
- (f) The collection fee does not apply to the collection of commercial bail bonds.
- (g) Time served and community service. The collection fee may be applied to any balance remaining after a partial credit for time served or community service if the balance is more than sixty (60) days past due.
- (h) Calculation of collection fee. Unless the contract with the collecting entity provides otherwise, the Irving Municipal Court shall calculate the amount of any collection fee due to the City of Irving or to the private attorney or public or private vendor performing the collection services and shall receive all fees, including the collection fee.

SECTION 4. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Irving, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 6. Should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof.

SECTION 7. This ordinance shall take effect immediately upon passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on October 3, 2024.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney