

ORDINANCE NO. 2026-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 1 "GENERAL PROVISIONS" ARTICLE 1-1 "CODE OF ORDINANCES" SECTION 1-1-9 "GENERAL PENALTY; CONTINUING VIOLATIONS; RIGHT OF ENTRY; ENFORCEMENT OFFICERS" AND CHAPTER 7 "MUNICIPAL COURT" ARTICLE 7-2 "COSTS, FEES AND SPECIAL EXPENSES" SECTION 7-2-1 "GENERALLY" AND ; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS NOTICED AND WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE

WHEREAS, Art. 45A.264 of the Texas Code of Criminal Procedure allows for a municipality by ordinance to prescribe rules as proper to enforce the collection of fines imposed by a municipal court and expressly authorizes the collection of a fine for certain enumerated offenses; and

WHEREAS, the offense of 'failure to appear' is provided for under section 38.10 (e) of the Texas Penal Code and the offense of 'violation of promise to appear' is provided for under section 543.009 of the Texas Transportation Code; and

WHEREAS, there is a need to update the city Code of Ordinances to be consistent with the current laws and regulations of the State of Texas to authorize the collection of fines as required by state law.

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

Section 1. That the statements of fact in the Preamble are found to be true and correct and are approved as the City Council's legislative findings of fact.

Section 2. That the Code of Ordinances, City of Odessa, Texas, Chapter 1 "General Provisions" Article 1-1 "Code of Ordinances" Section 1-1-9 "General penalty; continuing violations; right of entry; enforcement officers" is hereby amended as follows:

§ 1-1-9. General penalty; continuing violations; right of entry; enforcement officers.

(a) Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this code or any such ordinance governing fire safety, zoning and public health and sanitation other than vegetation and litter violations shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00). The violation of any such provision of this code or any such ordinance governing traffic offenses shall be punishable by a fine not to exceed two hundred dollars (\$200.00). The violation of any provision of this code or any ordinance governing a failure to appear, the offense of 'failure to appear' under the Texas Penal Code, and the offense of 'violation of promise to appear' under the Texas Transportation Code, shall be punishable by a fine not to exceed twenty-five dollars (\$25.00). The violation of any other provisions of this code shall be punishable by a fine not to exceed five hundred dollars (\$500.00). Each day any violation of this code or any other ordinance shall continue shall constitute a separate offense, with the exception of a violation for 'failure to appear' and a 'violation of promise to appear'.

(b) through (e) remain unchanged

Section 3. That Code of Ordinances, City of Odessa, Texas, Chapter 7 "Municipal Court" Article 7-2 "Costs, Fees and Special Expenses" Section 7-2-1 "Generally" is hereby amended by adding subsection 7-2-1(2) as follows:

§ 7-2-1. Generally.

The courts costs, fees and special expenses for proceedings related to the municipal court, by the laws of the state, to be charged the defendant on conviction or deferred adjudication, and in effect at the time of the proceedings in the municipal court, are expressly approved and adopted by the city and made applicable to the proceedings in the municipal court of the city. Such court costs, fees and expenses shall also include, but not by way of limitation, the following:

(1) A fee of ten dollars (\$10.00) for a person to request a teen court program to provide for the costs of administering the teen court program. The fees shall be deposited in the municipal treasury. A person who requests a teen court program and fails to complete the

program is not entitled to a refund of the fee. The fee is authorized pursuant to article 45A.401, Texas Code of Criminal Procedure.

- (2) A fine not to exceed twenty-five dollars (\$25.00) for the offense of failure to appear under Section 38.10(e), Penal Code, or Section 543.009, Transportation Code. Money collected from the fine shall be paid into the municipal treasury for the use and benefit of the municipality. The fine is authorized pursuant to article 45A.264, Texas Code of Criminal Procedure.

§ 7-2-2. Remains unchanged

Section 4. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 5. That the Council recognizes that scrivener's errors may occasionally occur in ordinances and resolutions and has therefore authorized the Mayor to correct any scrivener's errors in this ordinance without the need for re-adoption, provided that such correction does not alter the substantive meaning or intent of the Ordinance. For purposes of this section, a scrivener's error includes, but is not limited to, misspellings, grammatical errors, numbering errors, and incorrect cross-references.

Section 6. That this ordinance, since it does not impose any penalty or fine, shall go into effect following adoption on second approval as provided by City Charter Sections 61 and 65, without the need for publication.

The foregoing ordinance was first approved on the 9th day of June, A.D., 2026, by the following vote:

Eddie Mitchell	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	ABSENT
Greg Connell	AYE
Chris Hanie	AYE
Raymon C. Stoker IV	AYE
Benard Calvin Hendrick VII	AYE

The foregoing ordinance was adopted on second and final approval on the 23rd day of June, A.D., 2026, by the following vote:

Eddie Mitchell	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Raymon C. Stoker IV	AYE
Benard Calvin Hendrick VII	AYE

Approved this the 23rd of June, A.D., 2026.

Benard Calvin Hendrick VII, Mayor

ATTEST:

Norma Aguilar, City Secretary

APPROVED AS TO FORM:

James D. Parker, City Attorney