

## **ORDINANCE 2530**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HURST, TEXAS AMENDING CHAPTER 13, OF THE HURST CODE OF ORDINANCE "MUNICIPAL COURT", BY ADDING A FINE NOT TO EXCEED TWENTY-FIVE DOLLARS FOR FAILURE TO APPEAR OR VIOLATION OF PROMISE TO APPEAR IN THE HURST MUNICIPAL COURT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council desires to adopt a fine for failure to appear or a violation of a promise to appear as authorized by Article 45.0203 of the Texas Code of Criminal Procedure; and

**WHEREAS**, all constitutional, statutory, and legal prerequisites for the passage of this Ordinance have been met, including but not limited to the Open Meetings Act; and

**WHEREAS**, the City is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State of Texas; and

**WHEREAS**, the City Council has determined that it is in the best interest of the health, safety, and welfare of the public to adopt this Ordinance.

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

**Section 1.** That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied herein in their entirety.

**Section 2.** Chapter 13 "Municipal Court" of the Code of Ordinances, City of Hurst, Texas, is hereby amended by adding a new section to read as follows:

**"Fine for Failure to Appear or Violation of Promise to Appear.**

- (a) There is hereby prescribed in the Hurst Municipal Court of Record the collection, after due notice, of a fine not to exceed \$25.00 for

an offense under Section 38.10(e) of the Texas Penal Code or Section 543.009 of the Texas Transportation Code.

- (b) Money collected from the fine shall be paid into the municipal treasury for the use and benefit of the City as authorized by Vernon's Ann. C.C.P. Art. 45.203 as same now exists or may be hereafter amended.

**Section 3.** This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of Hurst, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**Section 4.** If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance in spite of such invalidity, which remaining portions shall remain in full force and effect.

**Section 5.** This Ordinance shall be effective upon the second consideration and passage by the City Council of the City of Hurst, Texas.

**AND IT IS SO ORDERED.**

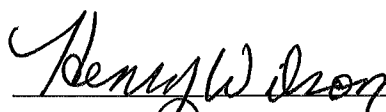
Passed on the first reading on the 14<sup>th</sup> day of February 2023 by a vote of 6 to 0.

Approved on the second reading on the 28<sup>th</sup> day of February 2023 by a vote of 6 to 0.

**ATTEST:**

  
Rita Erick, City Secretary

**CITY OF HURST**

  
Henry Wilson, Mayor

**Approved as to form and legality:**

  
City Attorney