

ORDINANCE NO. 2025-002

AN ORDINANCE OF THE CITY OF CLUTE, TEXAS, CONTAINING A PREAMBLE; AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF CLUTE, TEXAS; CREATING A LOCAL YOUTH DIVERSION ADMINISTRATIVE FEE; AMENDING CHILD SAFETY FEES AND DISMISSAL FEES TO CORRELATE WITH STATE LAW CONTAINING SAVINGS CLAUSES; CONTAINING A SEVERANCE CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AFTER BEING PUBLISHED TWO TIMES IN THE BRAZOSPORT FACTS.

WHEREAS, the City of Clute, Texas, is a "Home Rule City" and a "Home Rule Municipality" lying and situated in Brazoria County, Texas, as described in and defined by Section 5, Article XI of the Constitution of Texas and Section 1.005 of the Local Government Code of Texas, respectively; and,

WHEREAS, Article 45.312 of the Texas Code of Criminal procedure authorizes the clerk of the municipal court to collect from a child's parent a \$50 administrative fee, "Local Youth Diversion Administrative Fee" to defray the costs of a diversion of a child's qualifying municipal court case; and,

WHEREAS, Article 102.014 of the Texas Code of Criminal procedure sets forth allowable expenditures from the Municipal Child Safety Fund; and,

WHEREAS, Texas state law has increased the maximum dismissal fee for certain class C offenses in a sum not to exceed \$20.00; and

WHEREAS, the City Council of the City of Clute has determined to here now declare that the adoption of this ordinance is necessary to the health, safety and general welfare of the inhabitants of said City and the efficient administration of justice by our municipal court.

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

First, Chapter 38 – Courts, of the Code of Ordinances of the City of Clute, Texas is hereby amended to read as follows:

CHAPTER 38 - COURTS

Sec. 38-46 Dismissal Fees

Dismissal reimbursement fees shall be collected by the court clerk when a charge is remedied via a compliance dismissal in a sum not to exceed \$20.00 as permitted by state law

Sec. 38-50 Municipal Child Safety Fund

There is hereby created a fund to be known as the Municipal Child Safety Fund. Each defendant convicted in the Municipal Court of Clute of the following misdemeanor offenses shall pay a fine that will be deposited in the Municipal Child Safety Fund as set forth below:

- (a) ordinance, regulation, or order regulating the stopping, standing, or parking of vehicles as allowed by Section 542.202, Transportation Code, or Chapter 682, Transportation Code, may by order assess on each parking violation a fine in the amount of \$5.00;
- (b). an offense under Subtitle C, Title 7, Transportation Code, when the offense occurs within a school crossing zone as defined by Section 541.302 of that code, shall pay a fine of \$25.00. A person convicted of an offense under Section 545.066, Transportation Code, shall pay a fine of \$25.00 in addition to other taxable court costs.
- (c) an offense under Section 25.093, Education Code, shall pay a fine of \$20.
- (d) The Clerk of the court shall keep a record of all such fines collected and shall forward all collected fines to the municipal treasurer;
- (e) The fines collected shall be kept in a separate account, known as the Municipal Child Safety Fund and may only be expended to pay for a school crossing guard program, or as budgeted the City Council, may be transferred into the Local Youth Diversion Fund to offset the cost of the operations of the City's youth diversion programs.

Sec. 38-51 Local Youth Diversion Administrative Fee

- (a) There is hereby created a fund to be known as the Local Youth Diversion Fund;
- (b) Subject to the issue of indigency or other financial inability, the Court shall collect a sum of \$50.00 from the parent of each child entering into a youth diversion agreement with the Court;
- (c) The Clerk of the court shall keep a record of all fees collected and shall forward all collected fees to the municipal treasurer;
- (d) The fees collected shall be kept in a separate account, known as the Local Youth Diversion Fund, and may only be expended to offset the cost of the operations of the City's youth diversion programs.

Second, nothing contained in this ordinance shall cause any rights heretofore vested to be altered, affected or impaired in any way and all such rights may be hereafter enforced as if this ordinance had not been adopted.

Third, this ordinance is cumulative of and in addition to all other ordinances of the City of Clute, Texas, on the same subject and all such ordinances are hereby expressly saved from repeal; but

where this ordinance and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

Fourth, in the event any section or provision of this ordinance is found to be unconstitutional, void or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of this ordinance and such remaining sections and provisions shall remain in full force and effect.

Fifth, this ordinance shall take effect and be in force from and after the heading is published twice in the Brazosport Facts.

READ, PASSED AND ADOPTED this _____ day of _____, 2025.

Calvin Shiflet, Mayor,
City of Clute, Texas

ATTEST:

APPROVED AS TO FORM ONLY:

Rosie Poitevint, City Clerk

Christopher Duncan, City Attorney