

**ORDINANCE NO. 024-021**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 26, "COURTS," OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON BY ADDING SECTION 26-6, "COLLECTION FEES" IMPOSING A COLLECTION FEE IN AN AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE ORDERED TO BE PAID BY THE ADDISON MUNICIPAL COURT WHEN SAID DEBT AND ACCOUNTS RECEIVABLE ARE MORE THAN 60 DAYS PAST DUE AND HAVE BEEN REFERRED TO AN ATTORNEY OR PRIVATE VENDOR FOR COLLECTIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article 103.0031(a) of the Texas Code of Criminal Procedure authorizes the City Council for the Town of Addison to enter into a contract with a private attorney or vendor to collect unpaid fines, fees, court costs, forfeited bonds, and restitution ordered by the Addison Municipal Court and amounts in cases in which the accused has failed to appear in court as required by law; and

**WHEREAS**, Article 103.0031(b) of the Texas Code of Criminal Procedure allows the City Council for the Town of Addison to authorize the addition of a collection fee in the amount of thirty percent (30%) on each debt and account receivable in the Addison Municipal Court as described by Article 103.0031(a) that is more than sixty (60) days past due and has been referred to the private attorney for collection; and

**WHEREAS**, the City Council for the Town of Addison desires to amend Chapter 26, "Courts," of the Code of Ordinances of the Town of Addison by adding Section 26-6, "Collection Fee" to impose a collection fee as authorized by Article 103.0031(b) of the Texas Code of Criminal Procedure.

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

**SECTION 1.** That the recitals set forth in this Ordinance are true and correct.

**SECTION 2.** That Chapter 26, "Courts," of the Code of Ordinances for the Town of Addison, Texas, is hereby amended by adding Section 26-6, "Collection Fee," to read as follows:

**"CHAPTER 26 - COURTS**

**ARTICLE I. - IN GENERAL**

[...]

**Sec. 26-6. - Collection Fee**

- (a) A collection fee is hereby authorized and imposed, as provided by Article 103.0031, Texas Code of Criminal Procedure, in the amount of thirty percent (30%) on each of the following items, if the item is more than sixty (60) days past due and has been referred to the Town’s private 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 Addison Municipal Court; and
  - (2) Amounts in cases in which the accused has failed to appear:
    - (a) as promised under Subchapter A, Chapter 543, Texas Transportation Code, or other law;
    - (b) in compliance with a lawful written notice to appear issued under Article 14.06(b), Texas Code of Criminal Procedure, or other law;
    - (c) in compliance with a lawful summons issued under Article 15.03(b), Texas Code of Criminal Procedure, or other law;
    - (d) in compliance with a lawful order of a court serving the county or Town; or
    - (e) as specified in a citation, summons, or other notice authorized by section 682.002, Texas Transportation Code, that charges the accused with a parking or stopping offense.
- (b) 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.
- (c) The collection fee does not apply to the collection of commercial bail bonds.
- (d) Time served. 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 60 days past due.

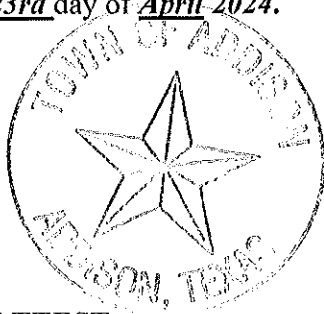
Secs. 26-7-26-30. – Reserved.”

**SECTION 3.** All ordinances of the Town in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinance, as amended hereby, be 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 other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 5.** This ordinance will take effect immediately from and after its adoption as provided by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas, on this the 23rd day of April 2024.



**TOWN OF ADDISON, TEXAS**

DocuSigned by:

*Bruce Arfsten*

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Bruce Arfsten, Mayor

**ATTEST:**

DocuSigned by:

*Valencia Garcia*

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Valencia Garcia, Interim City Secretary

**APPROVED AS TO FORM:**

DocuSigned by:

*Whitt Wyatt*

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Whitt Wyatt, City Attorney