

**ORDINANCE NO. 2010-01-26-002**  
(Revision of 2004-07-31-001)

**AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, ESTABLISHING MINIMUM MUNICIPAL COURT FINES FOR PERSONS WHO ELECT TO PAY SUCH FINES BY MAIL, IN PERSON AT THE COURT CLERK'S OFFICE, OR AT A TIME OTHER THAN A SCHEDULED COURT DATE WITH THE JUDGE; AND PROVIDING SEVERABILITY, OPEN MEETINGS, PENALTY AND EFFECTIVE DATE CLAUSES.**

**Whereas**, the City of Kempner, Texas (the "City") is authorized to adopt ordinances that are for the good government, peace, and order of the municipality and that are necessary and proper; and

**Whereas**, the City has established the Kempner Municipal Court, which has the power to set and impose fines not in excess of those amounts set by state law; and

**Whereas**, some Municipal Court defendants elect to plead "guilty" or "nolo contendere" and pay municipal court fines by mail, in person at the court clerk's office, or at times other than the defendant's scheduled court date when the judge is not present; and

**Whereas**, it is necessary and proper for the efficient operation of the municipal court for the City to establish minimum fines for those persons who elect to plead "guilty" or "nolo contendere" and pay a municipal court fine without meeting with the judge; and

**Whereas**, the City does not intend to limit the discretion of the municipal court judge to set fines for those defendant who appear in front of the judge for sentencing;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS THAT;**

**Section 1. Findings:** The foregoing recitals are hereby found to be true and correct and are incorporated into this ordinance as findings of fact by the City Council of Kempner, Texas

**Section 2. Applicability:** The minimum fines established herein (hereinafter referred to as "Window Fine") apply to persons who elect to enter a plea of "guilty" or "nolo contendere" and pay the fine for an offense over which the Kempner Municipal Court has jurisdiction by mail, in person at the court clerk's office, or at a time other than the person's scheduled court date and without meeting with the judge. This ordinance is not meant to limit the discretion of the municipal court judge to set fines for persons who appear before the judge for sentencing.

**Section 3. Minimum Window Fine Established:**

- (a) The schedule of minimum fines set forth in Exhibit "A" is hereby adopted and set as minimum Window Fines for the Kempner Municipal Court.
- (b) All other violations not specifically identified and set in Exhibit "A" are hereby set according to the following schedule:

Violations with a Fine Range of:

The Minimum Window Fine shall be:

\$1.00 - \$200.00

\$100.00

\$1.00 - \$500.00

\$325.00

\$1.00 - \$2,000.00

\$770.00

(c) The minimum Window Fines established by this ordinance do not include court costs.

**Section 4. Severability:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**Section 5. Effective Date:** This ordinance shall take effect immediately from and after its passage and publication in the manner set forth within the provisions of the Local Gov't Code.

**Section 6. Open Meetings:** That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt. 551, Loc. Gov't Code*.

**PASSED AND APPROVED on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

**Attest:**

**City of Kempner, Texas**

\_\_\_\_\_  
Frances Spinney, City Secretary

\_\_\_\_\_  
Gene Isenhour, Mayor

**EXHIBIT "A"**  
**SCHEDULE OF MINIMUM WINDOW FINES**

<b><u>VIOLATION:</u></b>	<b><u>MINIMUM WINDOW FINE:</u></b>
1. Speeding - 0 to 10 MPH over legal limit	\$ 5.00 per mile over legal limit
11 to 19 MPH over legal limit	\$ 7.00 per mile over legal limit
20 MPH and over legal limit	\$200.00
2. Failure to Control Speed	\$200.00
3. Unsafe Speed	\$200.00
4. Wrong Side of Road	\$200.00
5. Running Stop Sign or Signal Light	\$200.00
6. Illegal, Unsafe or Improper Turn	\$100.00
7. Failure to Drive Single Lane	\$100.00
8. Failure to Yield Right of Way	\$200.00
9. Overtaking and Passing a School Bus	\$200.00
10. Passing in a No Passing Zone	\$200.00
11. No Seat Belt	\$ 40.00
12. No Seat Belt PASSENGER over 15 years of age	\$ 40.00
13. No Seat Belt PASSENGER under 15 years of age	\$100.00
14. Defective Lights	\$ 40.00
15. Fail to Signal	\$ 50.00
16. Permitting Unlicensed or Minor to Drive	\$100.00
17. Failure to Show Financial Responsibility – First Offence	\$300.00
18. Commercial Drivers License Violations	MUST CONTACT JUDGE
19. Illegal Parking	MUST CONTACT JUDGE
20. Expired or No Vehicle Registration	\$100.00
21. Expire or No Inspection Sticker	\$100.00
22. No Drivers License	\$100.00
23. Work zone Violations with Workers Present	*FINE AMOUNT DOUBLES