#### **CITY OF HUMBLE**

#### **ORDINANCE NO. 07-644**

**AMENDING** CITY **OF** ANORDINANCE HUMBLE, ORDINANCE NO. 07-635, PASSED AND APPROVED THE 8<sup>TH</sup> DAY OF MARCH, 2007, AND BEING AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PHOTOGRAPHIC TRAFFIC ENFORCEMENT SYSTEM LIGHT  $\mathbf{BY}$ (RED **CAMERA** SYSTEM), **DELETING** SUBSECTION D OF SECTION 4 THEREOF AND SUBSTITUTING THEREFOR A NEW SUBSECTION D, BY DELETING SUBSECTION E OF SECTION 4 THEREOF AND SUBSTITUTING THEREFOR A NEW SUBSECTION E, BY DELETING SUBSECTION B OF SECTION 6 THEREOF AND SUBSTITUTING THEREFOR A NEW SUBSECTION B, BY DELETING SUBSECTIONS A AND F OF SECTION 7 THEREOF AND SUBSTITUTING THEREFOR NEW SUBSECTIONS A AND F, AND DELETING **SECTION 8 THEREOF** AND SUBSTITUTING THEREFOR A NEW SECTION 8; ESTABLISHING PROCEDURES AND INFORMATION TO BE CONTAINED IN NOTICES OF VIOLATIONS; PROVIDING FOR A CIVIL PENALTY OF \$75.00 FOR EACH VIOLATION; PROVIDING FOR APPEAL PROCEDURES; PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

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### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUMBLE, TEXAS:

Section 1. City of Humble, Texas, Ordinance No. 07-635, passed and approved the 8<sup>th</sup> day of March, 2007, and being AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A PHOTOGRAPHIC TRAFFIC ENFORCEMENT SYSTEM (RED LIGHT CAMERA SYSTEM), is hereby amended as set forth below. Words being deleted are indicated by strike through, as follows: "deleted." Words being added are indicated by underline, as follows: "underline." Additions to words or phrases underscored in the existing ordinance text are indicated by a double underline, as follows: "ordinances."

- A. Subsection D of Section 4 is hereby amended as follows:
- "D. A notice of violation shall be mailed to the owner of the motor vehicle no later than **fifteen** (15) **thirty** (30) days after the date the violation is alleged to have occurred. The notice of violation shall be mailed to:
  - 1. the owner's address as indicated on the registration records of the Texas Department of Transportation; or

- 2. if the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country that is analogous to the Texas Department of Transportation."
- B. Subsection E of Section 4 is hereby amended as follows:
  - "E. A notice of violation shall contain the following information:
    - 1. a description of the alleged violation;
    - 2. location of the intersection where the violation occurred;
    - 3. the date and time of the violation;
    - 4. the name and address of the owner of the vehicle involved in the violation;
    - 5. the license plate number displayed on the license plate of the vehicle involved in the violation;
    - 6. a copy of a recorded image depicting the license plate number of the vehicle;
    - 7. the amount of the civil penalty imposed for the violation;
    - 8. the <u>number of days the person has in which to pay or contest date by which</u> the civil penalty <u>must be paid and a statement that the person incurs a late payment penalty if the civil penalty is not paid or imposition of the penalty is not contested within that period;</u>
    - 9. a statement that a recorded image is evidence in a proceeding for the imposition of a civil penalty;
    - 10. a statement that the person named in the notice may pay the civil penalty in lieu of appearing at a non-judicial administrative adjudication;
    - 11. information informing the person:
      - a. of the right to contest the imposition of the civil penalty in a non-judicial administrative hearing;
      - b. of the manner and time in which the civil penalty may be contested that imposition of the civil penalty may be contested by submitting a written request for a non-judicial administrative hearing before the expiration of the period set forth in paragraph 8 above;
      - c. that failure to pay the civil penalty or contest liability in a timely manner is an admission of liability and a waiver of the person's right to appeal the imposition of the civil penalty;
      - d. that failure to appear at a non-judicial administrative hearing after having requested a

- hearing is an admission of liability; and
- e. that failure to timely pay the civil penalty may result in the imposition of a late payment fee of \$25.00.
- f. that the request for a non-judicial administrative charing may subject the person to a \$50.00 administrative hearing charge if found liable or if the person fails to appear;"

### C. Subsection B of Section 6 is hereby amended as follows:

"B. The civil penalty for which the owner or, when applicable, the operator is liable is Seventy-Five Dollars and No Cents (\$75.00), provided that for a third or subsequent violation in any twelve (12) month period, the amount of the penalty shall be Two Hundred Dollars and No Cents (\$200.00)."

## D. Subsection A of Section 7 is hereby amended as follows:

"A. A person who receives a notice of violation under this Ordinance may contest the imposition of the civil penalty by requesting in writing a non-judicial administrative hearing within the time provided in the notice, which period shall not be less than twenty one (21) thirty (30) days after notification of the violation."

## E. Subsection F of Section 7 is hereby amended as follows:

"F. A person who is found liable after a non-judicial administrative hearing, or who requests a hearing and thereafter fails to appear at the time and place of the hearing, is liable for administrative hearing costs in the amount of Fifty Dollars and No Cents (\$50.00) in addition to the amount of the civil penalty assess for the violation. A person who is found liable for a civil penalty after a non-judicial administrative hearing shall pay the civil penalty and costs within ten (10) thirty (30) days of the determination of liability.

### F. Section 8 is hereby amended as follows:

#### "Section 8. Appeal

A person who is found liable after a non-judicial administrative hearing may appeal that finding of liability to the Municipal Court by filing a notice of appeal with the clerk of the Municipal Court. The notice of appeal must be filed, in writing, not later than the 31<sup>st</sup> day after the date on which the non-judicial administrative hearing officer enters the determination of liability and shall be

accompanied by the payment of an appellate fee of Fifty Dollars and No Cents (\$50.00) costs required by law for the court. Unless the person, on or before the filing of the notice of appeal, posts a bond in the amount of the civil penalty and any late fees, an appeal does not stay the enforcement of the civil penalty. The person appealing such finding of liability shall file a notarized statement of personal financial obligation with the court to perfect such person's appeal. An appeal stays enforcement of the civil penalty. An appeal shall be determined by the Municipal Court trial de novo. The affidavits submitted under 7.F shall be submitted to the municipal judge in the trial de novo, and the issues must be proved by a preponderance of the evidence."

# **Section 2**. Severability.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Humble, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

# Section 3. Repeal.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED, A	AND ADOPTED this day of	2007.
	Donald G. McMannes Mayor	
ATTEST:		
Sue Daniel City Secretary		