

**ORDINANCE NO. 2009-03**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, CHAPTER 78, ARTICLE VIII. AUTOMATED RED LIGHT ENFORCEMENT, BY DELETING SECTION 78-224. ADMINISTRATIVE ADJUDICATION HEARING AND BY PROVIDING A NEW SECTION 78-224. ADMINISTRATIVE ADJUDICATION HEARING, EXTENDING THE PERIOD IN WHICH THE ADMINISTRATIVE ADJUDICATION HEARING MUST BE HELD TO 180 DAYS; PROVIDING FOR SEVERABILITY; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting “Section 78-224. Administrative adjudication hearing” thereof, and providing a new Section 78-224 of Chapter 78, to provide as follows:

**“Sec. 78-224. Administrative adjudication hearing.**

(a) A person who receives a notice of violation under this article may contest the imposition of the civil penalty by requesting in writing an administrative adjudication of the civil penalty within the time provided in the notice (which period shall not be less than thirty (30) days following the mailing of the notice). Upon receipt of the request, the department shall notify the person of the date and time of the hearing on the administrative adjudication. The administrative adjudication hearing shall be held before a hearing officer appointed by the City Manager within one hundred eighty (180) days following receipt of the written request for such hearing.”

**Section 2.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 3.** It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 Tomball, 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 4.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5<sup>TH</sup> DAY OF JANUARY 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 19<sup>TH</sup> DAY OF JANUARY 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN LAZENBY	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN HARVEY	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

(signed) Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

(signed) Doris Speer  
Doris Speer, City Secretary