


REQUEST FOR COUNCIL ACTION

SUBJECT: Proposed amendment of Code of Ordinances by repealing Article XIX, Chapter 45, relating to Photographic Traffic Signal Enforcement Systems (red light cameras)		Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Legal Department		Origination Date August 17, 2011	Agenda Date AUG 19 2011
DIRECTOR'S SIGNATURE: 		Council District affected: All	
For additional information contact: David M. Feldman Phone: (832) 393-6412		Date and identification of prior authorizing Council action: Ords. 2007-985, 8/29/07; 2008-27, 1/9/08; 2010-846, 11/3/2010	
RECOMMENDATION: (Summary) Passage of an Ordinance amending the Code of Ordinances by repealing in its entirety Article XIX of Chapter 45, titled "Photographic Traffic Signal Enforcement Systems" (red light cameras).			
Amount and Source of Funding: N/A			
SPECIFIC EXPLANATION: The proposed ordinance amends the Code of Ordinance by repealing, in its entirety, Article XIX of Chapter 45, titled "Photographic Traffic Signal Enforcement Systems." Article XIX forms the basis for the City's current red light camera system and its repeal will remove the Code authority to continue that program. Section 2 of the proposed ordinance saves from repeal the provisions of Article XIX for the sole purpose of allowing the City to pursue collection of the violations of the red light camera provisions that occurred (1) prior to 12:01 a.m. on November 15, 2010, the date City Council canvassed the vote in the November 2010 election that approved the Charter amendment (codified as Section 23, Article IX, of the City Charter) AND (2) violations that occurred during the period beginning Sunday, July 24, 2011, and ending on the effective date of the proposed ordinance – 12:01 a.m on Wednesday, August 24, 2011.			
REQUIRED AUTHORIZATION			
Other Authorization:			

City of Houston, Texas, Ordinance No. 2011-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY REPEALING ARTICLE XIX, CHAPTER 45, PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEMS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A REPEALER; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That Chapter 45 of the Code of Ordinances, Houston, Texas is hereby amended by repealing Article XIX, Photographic Traffic Signal Enforcement. Systems.


Section 2. That the provisions of Article XIX of Chapter 45, which is repealed in Section 1 of this Ordinance, are saved from repeal for the limited purpose of their continuing application to any violation of said Article XIX that occurred (i) before 12:01 a.m. November 15, 2010, and (ii) during the period beginning at 12:01 a.m. July 24, 2011 and ending at 12:01 a.m. on the effective date of this Ordinance. For this purpose, a violation of Article XIX is deemed to have been committed if any element of the violation occurred during the periods defined in this Section.

Section 3. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the 24th day of August, 2011.

PASSED AND APPROVED this ____ day of _____, 2011.

Mayor of the City of Houston

Prepared by Legal Dept. 
RDC:asw 08/17/2011 City Attorney
Requested by Honorable Mayor Annise D. Parker
L.D. File No. _____