

City of Houston, Texas, Ordinance No. 2010-1063

AN ORDINANCE AMENDING SECTION 10-713 OF THE CITY OF HOUSTON CODE OF ORDINANCES RELATING TO PENALTIES, COSTS AND FEES IN ALTERNATE ADMINISTRATIVE ADJUDICATION PROCEDURES; CONTAINING PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, on October 13, 2010, City Council approved Ordinance 2010-815 establishing administrative adjudication of certain health and safety violations; and

WHEREAS, while the ordinance established the administrative penalties, costs and fees associated with the citation, no administrative hearing fees were established; and

WHEREAS, City Council determines that it is necessary to charge fees in order to recover the cost of service for providing the administrative hearing function; and

WHEREAS, City Council wishes to amend the Code of Ordinances to establish administrative hearing fees; **NOW, THEREFORE**,

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

Section 1. The findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this ordinance.

Section 2. That Section 10-713 of the Code of Ordinances, Houston, Texas, is hereby amended by redesignating Subsection (c) as Subsection (d) and adding a new Subsection (c) that reads as follows:

"(c) The administrative cost shall be \$409.58, subject to an annual adjustment by the director to reflect an increase or decrease in the CPI. The costs will be reviewed every three years in order to ensure accurate cost recovery. Any proposed adjustments beyond changes in the CPI-U will be presented to city council for approval."

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

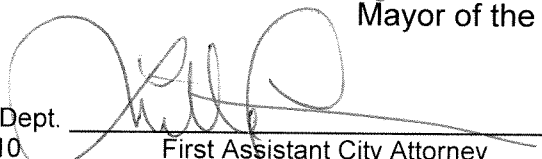
any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or 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 immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 22nd day of December, 2010.



Mayor of the City of Houston


Prepared by Legal Dept. _____
LKF:asw 12-03-2010 First Assistant City Attorney
Requested by Barbara E. Hartle, Presiding Judge, Municipal Courts Department
L.D. File No.

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
✓		JOHNSON
✓		CLUTTERBUCK
	ABSENT DUE TO BEING ILL	ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		COSTELLO
✓		LOVELL
	ABSENT ON PERSONAL BUSINESS	NORIEGA
✓		BRADFORD
✓		JONES
CAPTION	ADOPTED	