



**GARLAND
CITY COUNCIL ITEM SUMMARY SHEET**

City Council Regular Session Agenda

.5.

Meeting Date: 03/19/2019

Item Title: Revisions to Ordinance Related to Safelight Program

Submitted By: Jeffrey Bryan, Chief of Police

Summary of Request/Problem

At the March 4, 2019 Council Work Session, Council discussed the Public Safety Committee recommended revisions to the ordinance related to the Safelight Program.

Recommendation/Action Requested and Justification

Approve an ordinance amending Chapter 26 "Police-Miscellaneous Provisions and Offenses" of the Code of Ordinances of the City of Garland.

Attachments

Safelight Ordinance

- DRAFT -

For Discussion Purposes Only – Non-Final and Unapproved

Additions are indicated by underlining

Deletions are indicated as strike-throughs

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 26, "POLICE-MISCELLANEOUS PROVISIONS AND OFFENSES", OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1

That Sec. 26.62(B) of Chapter 26, "Police - Miscellaneous Provisions and Offenses", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(B) For the purposes of section 707.003(e), Texas Transportation Code, a citizen advisory committee is hereby created to be known as the Photographic Traffic Signal Enforcement System Citizen Advisory Committee. The committee shall consist of nine members appointed by the City Council. The City Council may each appoint a member to the committee who shall serve a term to coincide with that of the appointing member of the City Council. The committee shall meet at least annually. To the extent that section 707.003, Texas Transportation Code is applicable to the City, if at all, the engineering study described in section 707.003(c) shall be reported to the City Council through the committee. ~~which, for the purposes of section 707.003(e), Texas Transportation Code, hereby appoints the members of the Plan Commission as a citizen advisory committee"~~

Section 2

That Sec. 26.62(D)(10)(b) of Chapter 26, "Police - Miscellaneous Provisions and Offenses", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"(b) That imposition of the civil penalty may be contested by submitting a written request for an administrative adjudication

hearing or a written declaration as provided in Sec. 26.63(A) before the expiration of the period specified under subsection (8);”

Section 3

That Sec. 26.63(A) of Chapter 26, “Police - Miscellaneous Provisions and Offenses”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

(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 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 under, and having the authority provided by, the provisions of chapter 24. A person who timely requests an administrative adjudication may, in lieu of making a personal appearance, submit a written declaration, under oath, containing a reasonably sufficient detail of the facts and legal arguments as to why a civil penalty should not assessed. The written declaration must be submitted within 60 days following the mailing of the notice of violation.”

Section 4

That Sec. 26.63(J) of Chapter 26, “Police - Miscellaneous Provisions and Offenses”, of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

“(J) The owner of a motor vehicle who is found liable after an administrative adjudication hearing may appeal that finding of liability to the municipal court by filing an appeal petition with the clerk of the municipal court. The appeal petition must be filed not later than the 31st day after the date on which the hearing officer entered the finding of liability and shall be accompanied by the payment of an appellate filing fee of \$50.00 and a notarized statement of personal financial obligation. A timely and properly perfected appeal stays the enforcement and collection of the civil penalty. An appeal shall be determined ~~by a judge of the municipal court~~ by trial de novo before the judge or a jury composed as provided in other cases in the municipal court. Affidavits and proof submitted under sections 707.013 and 707.014, Texas Transportation Code and any written declaration submitted under

Sec. 26.63(A) shall be admitted by the municipal judge in the trial de novo and submitted to the jury, if any, and the issues must be proved by a preponderance of the evidence. If a written declaration has been submitted under Sec. 26.63(A), de novo review shall be based upon and limited to the written record."

Section 5

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 6

That Chapter 26, "Police - Miscellaneous Provisions and Offenses", of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 7

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 8

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the ____ day of _____, 2019.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary