

AN ORDINANCE AMENDING CHAPTER 28, ARTICLE X., SECTION 28-273 TO ADD A CLAUSE PROVIDING THE ABILITY FOR THE CITY TO PURSUE OUTSTANDING BALANCES OWED FOR THE PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT PROGRAM; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION 1. That Chapter 28, Article X., Section 28-273 is hereby amended as follows:

Sec. 28-273. - Enforcement; procedures.

(a) The department is responsible for the enforcement and administration of this article. The department may contract with an outside party to install, operate, inspect and maintain the system.

(b) In order to impose a civil penalty under this article, the department shall mail a notice of violation to the owner or responsible party liable for the civil penalty not later than the thirtieth (30th) day after the date the violation is alleged to have occurred to:

- (1) the owner's address as shown on the registration records of the Texas Department of Transportation;
- (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 analogous to the Texas Department of Transportation; or,
- (3) in the situation where a responsible party is liable for a violation of this article, as attested to by the owner of the motor vehicle, to the address provided by the owner and/or an address derived from any public database not later than thirty (30) days after a presumption of liability is established pursuant to subsection 28-274(k).

(c) A notice of violation issued under this article shall contain all notice items required under chapter 707 of the Texas Transportation Code, as amended.

(d) A notice of violation under this article is presumed to have been received on the fifth (5th) day after the date the notice of violation is mailed.

(e) The department may mail a warning notice to the owner or responsible party instead of issuing a notice of violation.

(f) The department may pursue all legal methods available to collect outstanding balances owed.

SECTION II: That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.


SECTION III: That should any section or part of any section or paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV: That the Code of Ordinances of the City of Killeen, Texas as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V: That this ordinance shall be effective immediately.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killen, Texas, on this the 18th day of November 2014, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, §551.001 *et. seq.*

APPROVED:

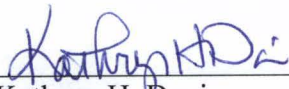


Scott Cospers
MAYOR

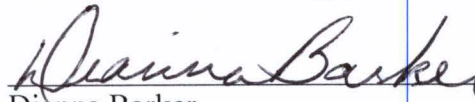


APPROVED AS TO FORM:

ATTEST:



Kathryn H. Davis
CITY ATTORNEY



Dianna Barker
CITY SECRETARY

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM	Consider an amendment to Chapter 28, allowing for collections through a scofflaw program.
ORIGINATING DEPARTMENT	Police Department

BACKGROUND INFORMATION

The Photographic Traffic Signal Enforcement program was initiated in 2007. We have seen a pattern, with the exception of one year, of decreases in violations. We've seen overall improvement with accidents. The reduction in these numbers shows the program is accomplishing what it was intended to do. However, there has been an increase in the number of individuals in arrears regarding the violations. There is concern that without enforcement of the fines, we will lose the trend in improved driving defeating the purpose of the program.

DISCUSSION/CONCLUSION

Because of the increase in arrearages and in the best interest of the City, staff would like to pursue the outstanding balances in accordance with Texas State Law through a scofflaw program. TEXAS TRANSPORTATION CODE Chapter 707 allows for holds to be placed on the owner's vehicle registration if a violation is not paid.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends the approval of the amendment to the City Code of Ordinance, Chapter 28, Photographic Traffic Signal Enforcement System for the purpose of creating a scofflaw program.