

**ORDINANCE NO. 3505**

**AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING CHAPTER 54, ARTICLE X, OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES, AUTOMATED TRAFFIC SIGNAL ENFORCEMENT TO MODIFY CERTAIN ADMINISTRATIVE AND ENFORCEMENT PROVISIONS; PROVIDING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** The City of North Richland Hills is a home rule municipality with powers created by its charter, in addition to those granted by Sec. 542.201, 542.202, and Chapter 707 of the Texas Transportation Code; and

**WHEREAS,** The City Council enacted City Ordinance No. 2911 establishing Chapter 54, Article X, of the Code of Ordinances implementing the photographic traffic signal system enforcement program and enforcement thereof, and

**WHEREAS,** Ordinance No. 2946 was subsequently enacted amending Chapter 54, Article X, to conform with state law in accordance with Chapter 707 of the Texas Transportation Code; and

**WHEREAS,** The photographic traffic signal system enforcement program creates civil penalties for running red lights and promotes public safety;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:**

**SECTION 1:** That the title to Chapter 54, Article X, of the North Richland Hills Code of Ordinances shall be amended to read as follows:

**“ARTICLE X. – PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT”**

**SECTION 2:** That Chapter 54, Article X, Section 54-403 of the North Richland Hills Code of Ordinances is hereby amended to modify the title and add subsections (f), (g), and (h):

**“Sec. 54-403 Enforcement; Administration; Procedures.**

...

(f) The City Council may authorize a contract with a county in which the city is located or with the Texas Department of Motor Vehicles (DMV) to provide information necessary to determine whether the county assessor-collector or the DMV may refuse to register a vehicle under Chapter 702 of the Transportation Code. A contract entered into under this section must be entered into in accordance with Chapter 791, Texas Government Code, and is subject to the availability of the parties to provide or pay for the services required under the contract.

- (g) A peace officer shall issue a warning to each person to whom the officer issues a citation under this chapter stating that if the person fails to appear in court as provided by Sec. 54-404, or fails to pay a fine for the violation, the person may not be permitted to register a motor vehicle in this state.
- (h) The City, or the person or entity with which the City contracts for the administration and enforcement of the photographic traffic signal enforcement system program, may not provide information about a civil penalty imposed under this chapter to a credit bureau, as defined by Section 392.001, Texas Finance Code.”

**SECTION 3:** This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 4:** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5:** All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6:** The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and Chapter 54, Article X, Sec. 54-402 hereof to be published two times.

**SECTION 7:** This ordinance shall be in full force and effect upon publication as required by Section 6 herein.

**AND IT IS SO ORDAINED.**

PASSED AND APPROVED on this 14<sup>th</sup> day of May, 2018.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

ATTEST:

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Alicia Richardson, City Secretary

Approved as to Form and Legality:

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Maleshia B. McGinnis, City Attorney

Department Director:

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Jimmy Perdue, Chief of Police