

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Attorney

AGENDA DATE: For Introduction, April 3, 2012, Public Hearing, April 10, 2012

CONTACT PERSON/PHONE: Elaine S. Hengen, Senior Assistant City Attorney, 541-4550

DISTRICT(S) AFFECTED: All

SUBJECT: An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), of the El Paso City Code, by adding section 12.85.065 (Final Judgments); and amending Section 12.85.070 (Enforcement), to clarify the procedure for enforcement; the penalty is as provided in Section 12.84.010 of the El Paso City Code.

BACKGROUND / DISCUSSION: This ordinance relates to the provisions in the City Code regarding enforcement of unpaid parking citations. This ordinance is brought forward in response to questions raised by the Police Department concerning vehicles at the City's new impound lot with unpaid parking tickets. This amendment clarifies the provisions regarding when a vehicle with unpaid citations can be impounded or booted and adds language consistent with revisions previously made to Title 12 in December, 2011, and will allow the City to hold vehicles with three unpaid citations at the City's impound lot until the citations are paid.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

AMOUNT AND SOURCE OF FUNDING:

BOARD / COMMISSION ACTION:

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____
ES Hengen

DEPARTMENT HEAD:

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.85 (PARKING VIOLATIONS BUREAU), OF THE EL PASO CITY CODE BY ADDING SECTION 12.85.065 (FINAL JUDGMENTS); AND AMENDING SECTION 12.85.070 (ENFORCEMENT), TO CLARIFY THE PROCEDURE FOR ENFORCEMENT; THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Chapter 12.85 (Vehicles and Traffic), Section 12.85.065 (Final Judgments), of the El Paso City Code, be added to read as follows:

12.85.065 – Final Judgments.

- A. Any of the following shall constitute a final judgment for purposes of this chapter:
1. A citation for a violation regarding the stopping, standing or parking of a vehicle as set forth in section 12.84.010 A of this code, upon the passage of thirty (30) days from the time of issuance of the citation, without the person charged having exercised the right to a hearing under Section 12.85.030 C and without said fine having been paid;
 2. A hearing officer's order finding a person to be in violation of a provision of this code regarding the stopping, standing or parking of a vehicle as set forth in section 12.84.010 A of this code, upon the passage of thirty (30) days from the filing of the hearing officer's order, without that person filing a petition of appeal together with all required costs and fees and without said fine having been paid; or
 3. The decision of the municipal judge pursuant to Section 12.85.060 D, without said fine having been paid.
- B. A final judgment under this section shall also constitute an order or constitute the imposition of a fine, cost or fee within the meaning of section 682.010 of the Texas Transportation Code, and shall be additionally be enforceable as provided under that section.

Section 2. That Chapter 12.85 (Vehicles and Traffic), Section 12.85.070 (Enforcement), of the El Paso City Code, be amended to read as follows:

12.85.070 – Enforcement.

- A. Any final judgment, as defined in Section 12.85.065, may be enforced by:
1. Impounding the vehicle;
 2. Placing a device ("boot") that prohibits the movement of a motor vehicle on the vehicle that is the subject of the order filed;

3. An additional fine if not paid within the specified time. An additional fine of ten dollars will be assessed every thirty days until paid; provided, however, that said "additional fine" will not exceed sixty dollars. Should the city declare an amnesty period for outstanding citations, the city council, by resolution, may reduce the amount of the fine for violators who pay voluntarily within the amnesty period;
 4. Denial of parking permits;
 5. In the event that a vehicle has been towed to a City of El Paso impound lot, holding the vehicle until any outstanding fines, fees and costs have been paid; or
 6. Refusing to allow the registration of the vehicle as provided by applicable state law.
- B. Provided, however, that no vehicle shall be impounded under subsection A 1 or 6 or immobilized under subsection A 2 under this chapter unless the offender has three or more final judgments as defined in Section 12.85.065 in any calendar year.

Section 3. Except as amended herein, Title 12 (Vehicles and Traffic) shall remain in full force and effect.

ADOPTED this 10th day of April 2012.

CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.85 (PARKING VIOLATIONS BUREAU), OF THE EL PASO CITY CODE BY ADDING SECTION 12.85.065 (FINAL JUDGMENTS); AND AMENDING SECTION 12.85.070 (ENFORCEMENT), TO CLARIFY THE PROCEDURE FOR ENFORCEMENT; THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.

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Section 1. That Chapter 12.85 (Vehicles and Traffic), Section 12.85.065 (Final Judgments), of the El Paso City Code, be added to read as follows:

12.85.065 – Final Judgments.

A. Any of the following shall constitute a final judgment for purposes of this chapter:

1. A citation for a violation regarding the stopping, standing or parking of a vehicle as set forth in section 12.84.010 A of this code, upon the passage of thirty (30) days from the time of issuance of the citation, without the person charged having exercised the right to a hearing under Section 12.85.030 C and without said fine having been paid;
2. A hearing officer's order finding a person to be in violation of a provision of this code regarding the stopping, standing or parking of a vehicle as set forth in section 12.84.010 A of this code, upon the passage of thirty (30) days from the filing of the hearing officer's order, without that person filing a petition of appeal together with all required costs and fees and without said fine having been paid; or
3. The decision of the municipal judge pursuant to Section 12.85.060 D, without said fine having been paid.

B. A final judgment under this section shall also constitute an order or constitute the imposition of a fine, cost or fee within the meaning of section 682.010 of the Texas Transportation Code, and shall be additionally be enforceable as provided under that section.

Section 2. That Chapter 12.85 (Vehicles and Traffic), Section 12.85.070 (Enforcement), of the El Paso City Code, be amended to read as follows:

12.85.070 – Enforcement.

~~A. Any order filed by a hearing officer under this chapter or final judgment of the municipal courts after appeal, as defined in Section 12.85.065, may be enforced by:~~

1. Impounding the vehicle;

2. Placing a device ("boot") that prohibits the movement of a motor vehicle on the vehicle that is the subject of the order filed;
3. An additional fine if not paid within the specified time. An additional fine of ten dollars will be assessed every thirty days until paid; provided, however, that said "additional fine" will not exceed sixty dollars. Should the city declare an amnesty period for outstanding citations, the city council, by resolution, may reduce the amount of the fine for violators who pay voluntarily within the amnesty period;
4. Denial of parking permits; or
5. In the event that a vehicle has been towed to a City of El Paso impound lot, holding the vehicle until any outstanding fines, fees and costs have been paid; or
6. Refusing to allow the registration of the vehicle as provided by applicable state law.

B. Provided, however, that no vehicle shall be impounded under subsection A 1 or 6 or immobilized under subsection A 2 under this chapter unless the offender has three or more delinquent unpaid citations in any calendar year final judgments as defined in Section 12.85.065 in any calendar year.

Section 3. Except as amended herein, Title 12 (Vehicles and Traffic) shall remain in full force and effect.

ADOPTED this 10th day of April 2012.

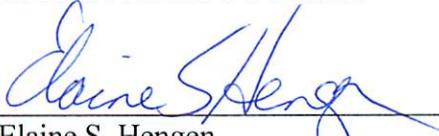
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