ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 13 (STREETS SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.20 (MISCELLANEOUS STREET AND SIDEWALK USE REGULATIONS), SECTION 13.20.110 (BUS BENCH FRANCHISES) TO TRANSFER THE ENFORCEMENT AUTHORITY OVER BUS BENCH FRANCHISES TO THE MASS TRANSIT DEPARTMENT AND TRANSFER ALL REQUIRED FRANCHISE PAYMENTS TO THE MASS TRANSIT DEPARTMENT.

WHEREAS, on June 11, 2002, the City Council of the City of El Paso adopted Ordinance Number 15113 relating to bus bench franchises, authorizing the transfer of enforcement duties to the Building Services Department, imposing civil penalties for violations, establishing fees and resolution procedures and related issues;

WHEREAS, on November 11, 2003 the City Council of the City of El Paso adopted Ordinance Number 15603, which revised Ordinance 15113 relating to bus bench terms and related civil penalties; and

WHEREAS, the City Council of the City of El Paso now finds that additional revisions to the El Paso City Code are necessary in order to transfer enforcement duties and those payments required of franchisees relative to bus bench franchises to the Mass Transit Department (Sun Metro);

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

I. That Title 13 (Streets Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) Subsection B of the El Paso City Code shall be deleted in its entirety and replaced with the following:

B. Each franchise, unless otherwise indicated by this section, shall be governed by the terms of its franchise agreement, pursuant to the rules instituted, and amended from time to time, by the Mass Transit Department Board. Enforcement of the franchise agreements and their rules shall be the responsibility of the Director of the Mass Transit Department, or designee.

II. That Title 13 (Streets Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) Subparts 2 and 3 of Subsection C of the El Paso City Code shall be deleted in their entirety and replaced with the following:

2. The annual franchise fee required of each franchisee shall be one hundred and 00/100 dollars ($100.00). Payment shall be made to the Mass Transit Department on or before January 1 of each year.

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3. An additional fee of two and 00/100 dollars ($2.00) per approved bench, per month, shall be paid to the Mass Transit Department of the City. This fee shall be paid quarterly.

III. That Title 13 (Streets Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) Subpart 2 and 5 of Subsection D (Enforcement.) of the El Paso City Code shall be deleted in their entirety and replaced with the following:

2. The Director of the Mass Transit Department shall be charged with the enforcement duties related to franchisee compliance with franchise agreements and the rules noted above.

5. Upon written notice to the franchisee and a seventy two (72) hour period for the franchisee to remedy, the Director of the Mass Transit Department may request the Streets Department to remove any illegally placed benches, unsafe benches or other benches found to be in violation of the rules or any applicable franchise. All expenses related to such removal, including but not limited to disposal, shall be reimbursed by the bench owner.

IV. Except as expressly amended herein, all other provisions of Title 13 (Streets Sidewalks and Public Places), Chapter 13.20 (Miscellaneous Street and Sidewalk Use Regulations), Section 13.20.110 (Bus Bench Franchises) of the El Paso City Code, shall remain in full force and effect.

PASSED AND APPROVED THIS _____ DAY OF _____2007.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

_____
Raymond L. Telles
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Tim Omick, Director
Mass Transit Department

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