

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

DEPARTMENT: Police

AGENDA DATE: July 7, 2009 for Introduction.
Public Hearing on July 14, 2009

CONTACT PERSON/PHONE: Chief Gregory Allen, 564-7302.

DISTRICT(S) AFFECTED: All

SUBJECT: An Ordinance amending Title 12, (Vehicles and Traffic), to amend Chapter 12.08 (Administration and Enforcement), Section 12.08.220 (Impounding Vehicles) of the El Paso City Code, by adding subsection 12.08.220 A.21, authorizing a police officer to impound a motor vehicle stopped for a traffic law violation if the vehicle's owner or operator fails to show evidence of financial responsibility.

BACKGROUND / DISCUSSION: Amendment allows for towing of uninsured vehicles.

PRIOR COUNCIL ACTION:

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

Yes – March 3, 2009 – Item was deleted and sent to an LRC for review.

AMOUNT AND SOURCE OF FUNDING:

BOARD / COMMISSION ACTION:

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

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

DEPARTMENT HEAD: _____

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

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12, (VEHICLES AND TRAFFIC), TO AMEND CHAPTER 12.08 (ADMINISTRATION AND ENFORCEMENT), SECTION 12.08.220 (IMPOUNDING VEHICLES) OF THE EL PASO CITY CODE; BY ADDING SUBSECTION 12.08.220 A.21, AUTHORIZING A POLICE OFFICER TO IMPOUND A MOTOR VEHICLE STOPPED FOR A TRAFFIC LAW VIOLATION IF THE VEHICLE'S OWNER OR OPERATOR FAILS TO SHOW EVIDENCE OF FINANCIAL RESPONSIBILITY.

WHEREAS, owners or operators operating vehicles in the City of El Paso are required to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code; and

WHEREAS, the El Paso Police Department will provide the necessary training for its officers in the enforcement of Section 12.08.220 of the El Paso City Code relating to the impounding of vehicles where the owner or operator fails to show proof of financial responsibility as required under Chapter 601 of the Texas Transportation Code;

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

Section 1. That Subsection 12.08.220 (Impounding Vehicles) of the El Paso City Code shall be amended to add the following subsection 12.08.220 A.21; it shall read as follows:

Section 12.08.220 Impounding Vehicles. Subsection 12.08.220 A.21:

21. When a vehicle is stopped by a police officer for an alleged violation of the following serious traffic offenses: a state law applicable to the operation of a vehicle if the operator is intoxicated, reckless driving, or racing on highway; or the vehicle has been involved in an accident; and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.

Section 2. Except as herein amended, Section 12.08.220 of the El Paso City Code (Impounding Vehicles) shall remain in full force and effect.

Section 3. This Amendment shall be effective on September 5, 2009.

Signatures on Following Page

ADOPTED this 14th day of July 2009.

CITY OF EL PASO

John F. Cook, Mayor

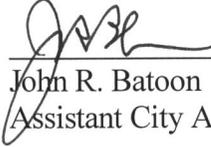
ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Gregory Allen, Chief of Police
El Paso Police Department

APPROVED AS TO FORM:



John R. Batoon
Assistant City Attorney