



LEGISLATIVE REVIEW COMMITTEE  
Meeting Action Report

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Committee: Transportation

Members: City Representative Beto O'Rourke (Chair)  
City Representative Susie Byrd  
City Representative Rachel Quintana  
City Representative Steve Ortega

Date of Meeting: September 10, 2009  
(The meeting commenced at 1:05p.m. and was adjourned at 1:34p.m.)

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I. Discussion and action on revising residential parking district ordinance establishing restrictions and fees and a penalty.

*Summary:*

Staff is recommending that the process for issuing residential parking permits be streamlined. Currently, all permit requests are brought before the City Council for approval. Staff proposes that the City Council review and approve the district. Once the district has been established permit requests within the district would be administratively reviewed and approved by staff.

*Action Taken:*

The LRC voted 4-0 to support staff's recommendation to streamline the residential parking district ordinance and to bring the issue before the City Council.

*Disposition:*

The proposal to revise the residential parking district ordinance will be brought before the City Council.

II. Discussion and action to create a temporary traffic control ordinance requiring permits for all construction in and use of City right of way, establishing restrictions and fees and a penalty.

*Summary:*

Staff is recommending that guidelines and restrictions be established to provide adequate public protection when work is conducted within the City of El Paso public right-of-way. For example, no work within the public right-of-way may be conducted without a traffic control permit and until a temporary traffic control plan is approved by the Traffic Engineer. A permit bond and insurance would also be required. Failure to obtain the permit could result in a stop work order, the imposition of fines and other enforcement measures.

*Action Taken:*

The LRC voted 4-0 for staff to review the proposal with the business community, to obtain comments, to identify the pros and cons of the proposal, and to bring the proposal/comments before the City Council within 30 days.

*Disposition:*

Staff will obtain input from the business community and bring the issue before the City Council within 30 days.

III. Discussion and action to revise the Pavement Cut Ordinance.

*Summary:*

Staff is recommending that the permit process be revised to include all utilities, define the inspection process and to define acceptable construction methods and standards for utility pavement cuts. The current process is "six cuts in 500 foot rule" which penalizes the next needed cut, allows degradation of the street and is not equally enforced. The proposal would set consistent standards for all pavement cuts for all users.

*Action Taken:*

The LRC voted 4-0 to support staff's recommendation, that the cost should be the same regardless of the age of the street, that the fee should cover inspection and enforcement costs, that contractors and utility companies be consulted to obtain comments, and to bring the issue before the City Council.

*Disposition:*

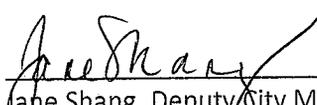
Staff will obtain input from contractors and utility companies and will bring the issue before the City Council.

SUBMITTED BY:



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City Representative Beto O'Rourke, District 8  
Chair, Transportation LRC



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Jane Shang, Deputy City Manager  
City Manager – Mobility Services



## CITY OF EL PASO, TEXAS

### LEGISLATIVE REVIEW COMMITTEE - TRANSPORTATION

**Date:** Thursday, September 10, 2009

**Time:** 1:00 p.m.

**Place:** City Hall, Two Civic Center Plaza, Council Chambers, 2<sup>nd</sup> Floor

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#### AGENDA

1. Call to order and introductions.
2. Discussion and action on approval of the Minutes for the Transportation LRC meeting of August 19, 2009.
3. Discussion and action on revising residential parking district ordinance establishing restrictions and fees and a penalty.  
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
4. Discussion and action to create a temporary traffic control ordinance requiring permits for all construction in and use of city right of way, establishing restrictions and fees and a penalty.  
[Engineering/Traffic Division, Ted Marquez, (915) 541-4035]
5. Discussion and action on revising the Pavement Cut Ordinance.  
[Engineering, Irene Ramirez, (915) 541-4431]
6. Set next meeting date and discussion item(s) for the agenda of the next meeting.
7. Adjournment.

#### EXECUTIVE SESSION

The Legislative Review Committee of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the Legislative Review Committee of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The Legislative Review Committee will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

NOTICE TO THE PUBLIC: This is a meeting of a legislative review committee of the El Paso City Council. The committee ordinarily consists of 4 Council members for purposes of establishing a quorum and the voting membership on the committee. However, any other member of the City Council may, on an ad hoc basis, join the meeting and participate in the discussions.

Sign language interpreters will be provided for this meeting upon request. Request must be made to this department at a minimum of 24 hours prior to the date and time of the meeting.

Copies of this agenda will be provided in Braille, large print or audio tape upon request. Request must be made a minimum of 48 hours prior to the date and time of the meeting.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.280 (RESTRICTIONS ON PARKING IN RESIDENTIAL PARKING DISTRICTS) OF THE EL PASO CITY CODE TO PROVIDE FOR THE ADMINISTRATIVE CREATION AND DISSOLUTION OF RESIDENTIAL PARKING DISTRICTS, ISSUANCE AND REVOCATION OF VISITOR, OWNER, NEW RESIDENT, TEMPORARY AND RESIDENT PARKING PERMITS AND ESTABLISHING FEES; THE PENALTY BEING AS PROVIDED IN SECTION 12.85 (PARKING VIOLATIONS) OF THE EL PASO CITY CODE.

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

**Section 1.** That Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.280 (Restrictions on parking in residential districts in which commercial and industrial uses are not permitted) of the El Paso City Code is hereby amended to read:

**12.44.280 Restrictions on parking in residential parking districts ~~in which commercial and industrial uses are not permitted.~~**

**A. Policy.** It is the policy of the city to reduce hazardous traffic conditions and congested parking conditions resulting from the use of streets within areas zoned for residential uses for the parking of vehicles by persons using commercial, industrial, governmental and education facilities ~~districts to protect designated residential districts from polluted air, excessive noise, and trash and refuse caused by the entry of such vehicles;~~ to protect the residents of designated residential districts from unreasonable burdens in gaining access to their residences; to preserve the character of designated residential districts as residential districts; to promote efficiency in the maintenance of those streets in a clean and safe condition; to preserve the value of the property in those districts; and to preserve the safety of motorists, children and other pedestrians, and the peace, order, comfort, convenience and welfare of the inhabitants of the city.

**B. Definitions The following definitions shall apply to this Section:**

“Block” means a continuous area adjacent to a street between street intersections on one or both sides of such street or, in the instance of a dead end street, the contiguous area from the last intersection of that street with another street to the end of such street on one or both sides of such street.

“Light Density Residential District” shall have the same meaning as defined in City Code 20.06.010 (A) table insert.

“Owner” means an owner of record in the El Paso County Clerk’s records of a property within a residential parking district

“Property” means a parcel of land containing at least one residential dwelling unit and has a property or parcel identification number issued by the Central Appraisal District.

“Resident” means the owner or tenant who occupies a residential property in a light density residential district.

“Residential” means premises containing one or more dwelling units in a light density residential district, such as single-family homes, duplexes, condominiums and apartment complexes with four or fewer units that contain habitable rooms for nontransient occupancy and are designed primarily for living, sleeping, cooking and eating therein, unless such premises are actually occupied and used exclusively for other purposes. Apartment complexes, dormitories, boardinghouses with five or more units, and hotels, hotel suites, motels, and day care centers shall not be considered residential.

**C. Creation of residential parking districts**

**1. Criteria.** The following conditions shall exist in order to create a residential parking district:

- a. Vehicles registered to people who are not residents of the block or blocks that are proposed to be in a residential parking district are parked in such block or blocks, utilizing more than sixty percent of the available curbside parking at the same times and days throughout a week or portion of a week; and

- b. Commercial, governmental, industrial or educational facilities exist close enough to the block that users of non-residential vehicles parked on the street in the block could readily use such facilities; and
- c. That unreasonable burdens exist for the residents of the block in securing adequate on street parking and gaining access to their places of residence because of street parking of non-residential vehicles; and
- d. An inadequate number of parking spaces exist for residents and non-residents to park their vehicles in the block; and
- e. There is a need for the residents of the area to obtain on street parking adjacent to or close by their place of residence; and
- f. A safety issue has been identified because of congested street parking; and
- g. The Traffic Engineer determines that a parking permit system would alleviate the lack of parking for residents of the neighborhood.
- h. The block shall be zoned as a Light Density Residential District.

## **2. Application for petition:**

- a. Application: One or more owners of property in a block must complete, sign and submit to the Traffic Engineer an application for creation of a Residential Parking District. The application shall be on a form approved by the Traffic Engineer. The applicant shall state the location of the block or blocks that the applicant is requesting to be included in the residential parking district and the factual information concerning parking conditions in the area identified in the application, including information concerning the conditions described in Section 12.44.280 C.1. b through f.
- b. Application fee: There shall be a non-refundable application fee in the amount set by the budget or other appropriate resolution of the City Council.
- c. Petition requirements: Once a completed application with accompanying application fee has been received by the Traffic Engineer, the Traffic Engineer will verify the existence of commercial, industrial, governmental or education facilities as described in this Section. If the Traffic Engineer makes such verification, he shall establish a geographic boundary for the proposed residential parking district. A petition will be given to the applicant, which, when returned must meet the following criteria to be considered valid.

1) The petition must be signed by at least one of the owners of each property in the block or blocks identified by the Traffic Engineer and set forth on the petition.

2) Petitions shall be on a form approved by the Traffic Engineer. Petitions shall contain (1) the signature of the owner, (2) the name of the owner in print, (3) the property or properties in the block owned by the owner, (4) the date the petition was issued by the Traffic Engineer to the applicant, (5) a precise statement that the purpose of the petition is to request the creation of a residential parking district and (6) the boundaries of the district. The owner's name and property address shall be clearly printed or typed. The Traffic Engineer shall not consider illegible addresses or printed names when qualifying the petition.

3) Petition shall be returned to the Traffic Engineer within 30 days from the time the Traffic Engineer provides the petition to the applicant as shown by the date on the petition.

4) Upon submission of the completed petition to the Traffic Engineer, the applicant shall sign a certificate on a form approved by the Traffic Engineer declaring that to the best of his knowledge and belief, each signature was signed by an owner of property in the proposed residential parking district identified in the petition.

**3. Traffic engineer's evaluation:** Upon receipt of a petition meeting the requirements of this Section, the Traffic Engineer shall evaluate the nature and extent of the problems, if any, caused by non-residential parking in each block of the proposed residential parking district using the criteria set forth in Section 12.44.280 C.1. a. through f. If deemed necessary by the Traffic Engineer, more detailed studies shall be conducted including but not limited to an inventory of legal curbside parking spaces available.

**4. Notice.** The Traffic Engineer shall notify the applicant within 30 days of the day the petition is submitted to the office of the Traffic Engineer whether the applicant has met the requirements for the creation of a residential parking district section, citing any requirements that have not been met.

**5. Designation of date.** If the Traffic Engineer determines that the requirements of this section have been met, he shall designate a date on which the residential parking district is created and the parking requirements of that district begin.

6. **Appeal.** When the Traffic Engineer does not find that the applicant has met the requirements to create a residential parking district, the Traffic Engineer shall send the Applicant notice of his decision. The applicant may appeal the decision to the City Council by submitting an appeal to the Traffic Engineer on a form approved by the Traffic Engineer. The appeal must be submitted within fifteen consecutive calendar days after the date of Applicant's receipt of the notice of the Traffic Engineer's decision. The appeal shall state the basis for the appeal specifying any findings by the Traffic Engineer that the appellant asserts is in error.

**D. Removal of parking restrictions, dissolution of residential traffic parking districts.**

1. **Right to apply.** Except as provided in this Section, an owner of property in a residential parking district may petition to have the parking restrictions of such district removed as to the block in which such person owns property or petition to have the entire residential parking district be dissolved.

**2. Application for petition:**

a. Application: One or more owners of property in a block within a residential parking district shall complete, sign and submit to the Traffic Engineer an application to remove the parking restrictions of a residential traffic parking district from one or more blocks within the district or to dissolve the entire district. The application shall be on a form approved by the Traffic Engineer. The applicant shall state the location of the block or blocks that are the subject of the application or the location of the residential parking district if the dissolution of the district is sought.

b. Application fee There shall be a non-refundable application fee in the amount set by the budget or other appropriate resolution of the City Council.

c. Petition requirements: When an application has been received by the Traffic Engineer, the he shall verify the location of the block or district. A petition will be given to the applicant, which, when returned must meet the following criteria to be considered valid.

1) The petition must be signed by at least one of the owners of each property in the block, blocks or district identified by the Traffic Engineer in the petition.

2) Petitions shall be on a form approved by the Traffic Engineer. Petitions shall contain (1) the signature of the owner, (2) the name of the owner in print (3) the property or properties in the block owned by the owner, (4) the date the petition was issued by the Traffic Engineer to the applicant, (5) a precise statement that the purpose of the petition is to remove the traffic parking restrictions of the residential parking district for the block or blocks identified in the petition or that the purpose is to dissolve a residential parking district (6) the boundaries of the district or block(s) that are the subject of the petition. The owner's name and property address shall be clearly printed or typed. The Traffic Engineer shall not consider illegible addresses or printed names when qualifying the petition.

3) Petition shall be returned to the Traffic Engineer within 30 days from the time the Traffic Engineer provides the petition to the applicant as shown by the date on the petition.

4) Upon submission of the completed petition to the Traffic Engineer, the applicant shall sign a certificate on a form approved by the Traffic Engineer declaring that to the best of his knowledge and belief, each signature was signed by an owner of property in the block or blocks or district identified in the petition.

**3. Traffic engineer's evaluation:** Upon receipt of a petition meeting the requirements of this Section, the Traffic Engineer shall verify that the required signatures were provided in the petition and that the remaining requirements of this section have been met.

**4. Notice.** The Traffic Engineer shall notify the applicant within 30 days of the day the petition is submitted to the office of the Traffic Engineer whether the applicant has met the requirements of this section, citing any requirements that have not been met.

**5. Designation of date.** If the Traffic Engineer determines that the requirements of this section have been met, he shall designate a date on which the parking requirements of that district shall end in the block or blocks identified in the petition or the date that the residential parking district is dissolved and instruct the appropriate city departments to remove all signage and revoke all permits.

**6. Appeal.** When the Traffic Engineer does not find that the applicant has met the requirements to remove parking restrictions from a block or a residential parking district,

the Traffic Engineer shall send the Applicant notice of his decision. The applicant may appeal the decision to the City Council by submitting an appeal to the Traffic Engineer on a form approved by the Traffic Engineer. The appeal must be submitted within fifteen consecutive calendar days after the date of Applicant's receipt of the notice of the Traffic Engineer's decision. The appeal shall state the basis for the appeal specifying any findings by the Traffic Engineer that the appellant asserts is in error.

7. **One year waiting period.** The Traffic Engineer shall not accept applications for a petition to remove the parking restrictions of a residential parking district from one or more blocks that are within such district or to dissolve a residential parking district within one year from the date of designation of such district by the Traffic Engineer, except as provided in this section.

8. **Six month waiting period.** Owners who meet the requirements of this Section to remove the parking restrictions of a residential parking district for a block or blocks within such district or to dissolve the district may have such parking restrictions rescinded between 6 months and one-year after the designation of such district by the Traffic Engineer provided they pay to the city the cost of labor and materials to remove the parking restriction signs in the block, blocks or district.

**E. Petitions for reinstatement of residential parking district.** The Traffic Engineer shall not accept an application for the establishment of a residential parking district when the application is for the same area in which a prior residential parking district was dissolved within one year of the date of the application.

~~B. Restriction of Parking. Whenever the city shall determine that the streets of a particular district or portion of a district in which residential uses are permitted and commercial, industrial or educational uses are not permitted, are being used for parking by vehicle operators whose destinations are in commercial, industrial or educational use districts, and the average number of vehicles parked in such a manner is in excess of twenty-five percent of the total number of parking spaces on such streets and the total number of spaces actually occupied by any vehicles exceeds seventy-five percent of the total number of parking spaces on such streets on the weekdays of any month, as disclosed by a traffic study, parking shall be prohibited during the hours when such use~~

~~has been found on those streets of those districts or portions of districts found by the survey to have been so affected. Zones restricted to residential parking are established within the district or upon the streets or parts of streets described in Section 12.88.200, in which zones the parking of vehicles upon the streets or parts of streets is unlawful between the hours specified in such schedule, except by the holders of valid parking permits.~~

~~1. Residents. Upon payment of a six-dollar fee, per car, permits shall be issued to persons who are residents of any particular area in which parking is so restricted, for every vehicle owned by those persons and registered in El Paso County. Resident permits will be given upon a showing to the director of the city license office, or his authorized representative, of satisfactory evidence that he fulfills all the conditions for such a permit. Whenever the conditions no longer exist, the person holding such a permit shall surrender it to the traffic engineer or his authorized representative. It is unlawful for any person to represent that he is entitled to such a permit when he is not so entitled, or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it, or to falsify or duplicate such permit. No permit issued hereunder shall be valid for more than one year, but it may be renewed upon expiration, provided the conditions for issuance exist.~~

#### **F. Residential parking permits**

**1. Permit required.** It shall be unlawful for any person to park a motor vehicle on a city street in a curbside parking space on any day or during any hours in a residential parking district without the display, as required in this section, of a parking permit issued by the Traffic Engineer allowing the motor vehicle to be parked in the district and during the times specified on residential parking signs posted in such district by the City.

**2. Effect of issuance of permit.** A residential parking permit shall not guarantee or reserve to the holder a curbside parking space within a residential parking district. A residential parking permit shall not authorize the holder to cause to stand or park a motor vehicle at such places where parking is prohibited or during such times as when the stopping, standing or parking of motor vehicles is set aside for specified types of

vehicles, nor exempt the holder from observance of any traffic regulation including, but not limited to vehicle abandonment laws, towing laws or parking meter payment.

**3. Temporary suspension of permit.** The Traffic Engineer may temporarily suspend the parking allowed pursuant to a residential parking permit for emergency or construction purposes within the residential parking district.

**4. Limitations on parking permits**

a. The Traffic Engineer may limit the parking permit to certain hours of the day and certain days of the week in any residential parking district or a block within the district.

b. The side of the permit showing the residential parking district for which the permit was issued shall be displayed in the vehicle at all times the vehicle is parked in the district for which it was issued in a manner that allows the entire permit to be viewed from outside the vehicle through the front windshield.

c. Expired permits shall not be displayed in parked vehicles.

d. Only one permit shall be issued for each vehicle.

e. Permits may only be used in the residential parking district for which they are issued.

f. Permits shall be returned to the Traffic Engineer when the permit expires, the person to whom the permit was issued no longer resides in the residential parking district, and when the vehicle to which the permit was issued is loaned (for more than thirty days) or is stolen, sold or traded.

g. Permits shall not be transferred to a person other than the person to whom the Traffic Engineer issued the permit.

h. Permits shall not be displayed in a vehicle for which the permit was not issued.

i. The Traffic Engineer may limit the number of vehicles that may be issued a permit for each household in the residential parking district when appropriate to accommodate the needs within the district.

j. No permit shall be issued if the applicant has pending parking tickets issued in the City.

k. Tenants shall not be issued residential parking permits when an owner's parking permit is currently issued to the owner of the property at which the tenant resides.

Tenants may use a visitor's permit if the owner obtains visitor's permit and provides it to the tenant.

**5. Requesting permits:** Residential parking permits may be issued by the Traffic Engineer upon receipt of an application from a resident of a residential parking district. The following requirements must be met before a permit may be issued.

a. Residents: Each applicant must demonstrate that he is a current resident of the residential parking district for which the permit is to be issued by providing vehicle registration that is in the applicant's name and one of the following documents that shows the applicant's name and a current address that is within the residential parking district for which the application is made:

1) a current valid drivers license, or

2) a current electric, gas, telephone or water bill dated for service within 30-days of the application for a permit, or

3) any other current valid document issued by a government agency.

b. Armed Forces: Members of the Armed Forces whose home of record is outside El Paso County and currently reside in a residential parking district are eligible to apply for a parking permit provided they show a valid military identification card and one of the following which shows that the applicant resides in the residential parking district:

(1) a current electric, gas, telephone or water bill dated for service within 30-days of the application for a permit; or

(2) any other current valid document issued by a government agency.

~~2. Visitors. Upon request, each residence in a district in which parking is so restricted, may be issued two visitor permits, to be limited to that particular area, and to be valid for a stated period, but not longer than one year, and to be used by bona fide guests and visitors of persons entitled to a resident permit as described in subsection (B)(1) of this section. No fee for these permits shall be charged. It is unlawful for any person to represent that he is entitled to such a permit when he is not so entitled, or to park a vehicle displaying such a permit at any time when he is not entitled to display one, or for any person to falsify or duplicate such permit. The parking prohibitions of this section shall not apply to service or delivery vehicles or to vehicles of persons doing business with a~~

~~resident in such a district, which are being used to provide services or make deliveries to dwellings.~~

### **G. Visitor parking permits**

**1. Eligibility.** Visitor parking permits may be issued by the Traffic Engineer for each property in the residential parking district. Two visitor permits may be issued to residents of the district who have purchased at least one residential parking permit at no additional cost. Those residents of the residential parking district who have not purchased residential parking permits may be issued one visitor permit upon providing proof of residency and by paying the visitor permit fee.

**2. Limitations.** Visitor parking permits shall be subject to all the requirements and limitations of a residential parking permit.

**H. New resident temporary parking permit.** A new resident temporary parking permit may be obtained from the Traffic Engineer by submitting an application in the same manner as is required in this Section for applying for residential parking permits except that no document shall be required that contains the address located within the residential parking district. The new resident temporary parking permit shall expire at the end of the ninetieth day after its issuance and shall be subject to all other requirements and limitations of a residential parking permit. No residential parking permit shall be issued to the recipient of new resident temporary parking permits until all new resident temporary parking permits issued to the applicant are returned to the Traffic Engineer. Applicants for the new resident parking permit shall pay a new resident parking permit fee which shall be in an amount established by the budget resolution or other resolution passed by the City Council.

~~3. Large Functions. On the application of any resident of the district, the chief of police or his authorized designee may issue permits to be valid for only one day and for no more than four hours on that day by showing by the resident that during the hours for which the permits are to be issued, his residence will be used in a way consistent with its residential character, and that without the temporary permits, visitors to his residence would not be able to park without violating the law. If the chief of police shall find the foregoing facts and further finds that the issuance of the permits will not unduly impair~~

~~traffic and safety during the time of their validity, he shall issue permits and may limit the streets or portions of streets on which they shall be valid. The number of such permits shall not at any time exceed fifty percent of the number of spaces in which they are valid. These shall be issued at no cost.~~

**I. Temporary one day parking permits.** Any person who is eighteen years or older and a resident of a residential parking district may apply for a temporary one day parking permit. Such permits shall be for no more than fours on the day specified in the permits. The application shall state the hours for which the permits are to be issued, the number of permits requested and that without the temporary permits, visitors to the applicant's residence would not be able to park their vehicles without violating parking ordinances. If the Traffic Engineer finds adequate parking is not available during the hours for which the temporary permit is requested and that the issuance of the permits will not unduly impair traffic and safety during the time of their validity, he shall issue the appropriate number of permits. The Traffic Engineer may limit the streets or portions of streets on which temporary one day parking permits shall be valid. The Traffic Engineer may issue the requested number of temporary parking permits or less than the requested amount based on traffic and safety determinations made by the Traffic Engineer. The number of such permits shall not at any time exceed fifty percent of the number of parking spaces located within the residential parking district in which the temporary permits are valid.

**J. Owner's parking permit:** Subject to the limitations in this section, each owner a property within a residential parking district may obtain a residential parking permit, provided that such owner shall not be required to show current residency at the property he owns in the district but shall be required to provide proof of ownership. The owner of a property will not be issued a residential parking permit if a residential parking permit is currently issued to a tenant at the same property. The owner may obtain a residential parking permit at the time the tenant residential parking permit expires and shall have priority over an application by a tenant. Owner permits shall be subject to all the requirements and limitations of a residential parking permit. Applicants for the owner's permit shall pay a permit fee that shall be in an amount established by the budget resolution or other resolution passed by the City Council.

**K. Exemptions:** Any emergency vehicle, including, but not limited to, an ambulance, fire engine or police vehicle, which is under the control of an individual providing service to a property located on a street in a residential parking district shall be permitted to stand or be parked on a street in the area without being limited by the residential parking district prohibitions or restrictions. Additionally, any vehicle, including, but not limited to, a delivery, utility, or service vehicle which is under the control of an individual providing service to a property or infrastructure within the district located on a street in the residential parking district shall be permitted to stand or be parked on a street in the area without being limited by the residential parking district prohibitions or restrictions.

**L. Residential parking permit, visitor parking permit and temporary one-day permit fees.** The following fees shall be assessed: (1) a residential parking permit fee, (2) a visitor parking permit fee and (3) a temporary one-day permit fee. Each fee shall be in an amount set by the budget or other appropriate resolution of the City Council. The residential parking permit fee shall be assessed for each authorized vehicle. There shall be a visitor parking permit fee for each visitor-parking permit issued. The visitor-parking fee shall be assessed only when a residential or owner's parking permit has not been purchased. Temporary one-day permit fees shall be assessed for each permit issued.

**M. Permit Term.** Residential parking permits, owner parking permits and visitor parking permits shall be valid for a consecutive twelve month period from the day they are issued by the Traffic Engineer and shall be renewable annually provided that the applicant provides evidence that he is still eligible for the permit. The permit may be renewed by mail provided that eligibility proof is also included with the renewal.

**N. Revocation of Permits.** A residential parking permit or visitor parking permit may be revoked for the following reasons:

1. The transfer or assignment of a permit.
2. The applicant for the permit falsely represented himself as being eligible for a permit, submits false documentation, or otherwise makes a false statement of a material fact on an application for a permit.
3. The permittee loses his status as a resident or other qualification to apply for a permit.

**O. Lost or stolen permits.** A lost, stolen or destroyed residential parking permit or visitor parking permit may be replaced by the Traffic Engineer. To be eligible to receive a replacement permit, the permit holder must submit a signed affidavit stating the permit was lost, stolen or destroyed and pay a permit replacement fee in an amount to be established in the budget resolution or other resolution passed by the City Council. The remaining part of a damaged permit shall be submitted to the Traffic Engineer before receiving a replacement permit.

~~C. Signs. In those areas where parking is restricted to residents, the city shall cause appropriate signs; giving notice of the prohibition, to be posted on those streets restricting all parking except parking by the holders of permits which are to be granted only under the conditions specified in subsection B of this section. The signs placed in these areas shall be of such character as to readily inform an ordinarily observant person of the existence of the rules and regulations imposing the foregoing restrictions. It is unlawful for any person to violate such rules and regulations.~~

~~D. Meters. Wherever metered parking is in effect in any portion of a district that becomes subject to the restrictions of this section, the parking spaces controlled by meters may be excepted from the provisions of this section so long as the control by meters continues.~~

**P. Signs.** The city shall cause appropriate signs to be placed in residential parking districts that provide notice of the parking restrictions that apply in the district. The signs shall be posted on those streets restricting all parking except parking by the holders of permits that are granted pursuant to this section. The signs placed in these areas shall be of such character as to readily inform an ordinarily observant person of the existence of the parking restrictions.

**Q. Violations.** Any person who violates any provision of this chapter related to the parking or stopping of vehicles shall be fined pursuant to the procedures provided in Chapter 12.85 (Parking Violations). Fines shall be in accordance with the schedule of standard fines adopted by resolution of City Council.

**Section 2.** Except as expressly herein amended, That Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally) of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, **2009.**

THE CITY OF EL PASO:

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mark Shoemith  
Assistant City Attorney

\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.280 (RESTRICTIONS ON PARKING IN RESIDENTIAL PARKING DISTRICTS) OF THE EL PASO CITY CODE TO PROVIDE FOR THE ADMINISTRATIVE CREATION AND DISSOLUTION OF RESIDENTIAL PARKING DISTRICTS, ISSUANCE AND REVOCATION OF VISITOR, OWNER, NEW RESIDENT, TEMPORARY AND RESIDENT PARKING PERMITS AND ESTABLISHING FEES; THE PENALTY BEING AS PROVIDED IN SECTION 12.85 (PARKING VIOLATIONS) OF THE EL PASO CITY CODE.

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

**Section 1.** That Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.280 (Restrictions on parking in residential districts in which commercial and industrial uses are not permitted) of the El Paso City Code is hereby amended to read:

**12.44.280 Restrictions on parking in residential parking districts**

**A. Policy.** It is the policy of the city to reduce hazardous traffic conditions and congested parking conditions resulting from the use of streets within areas zoned for residential uses for the parking of vehicles by persons using commercial, industrial, governmental and education facilities; to protect the residents of designated residential districts from unreasonable burdens in gaining access to their residences; to preserve the character of designated residential districts as residential districts; to promote efficiency in the maintenance of those streets in a clean and safe condition; to preserve the value of the property in those districts; and to preserve the safety of motorists, children and other pedestrians, and the peace, order, comfort, convenience and welfare of the inhabitants of the city.

**B. Definitions** The following definitions shall apply to this Section:

**“Block”** means a continuous area adjacent to a street between street intersections on one or both sides of such street or, in the instance of a dead end street, the contiguous area from the last intersection of that street with another street to the end of such street on one or both sides of such street.

**“Light Density Residential District”** shall have the same meaning as defined in City Code 20.06.010 (A) table insert.

**“Owner”** means an owner of record in the El Paso County Clerk’s records of a property within a residential parking district

**“Property”** means a parcel of land containing at least one residential dwelling unit and has a property or parcel identification number issued by the Central Appraisal District.

**“Resident”** means the owner or tenant who occupies a residential property in a light density residential district.

**“Residential”** means premises containing one or more dwelling units in a light density residential district, such as single-family homes, duplexes, condominiums and apartment complexes with four or fewer units that contain habitable rooms for nontransient occupancy and are designed primarily for living, sleeping, cooking and eating therein, unless such premises are actually occupied and used exclusively for other purposes. Apartment complexes, dormitories, boardinghouses with five or more units, and hotels, hotel suites, motels, and day care centers shall not be considered *residential*.

### **C. Creation of residential parking districts**

**1. Criteria.** The following conditions shall exist in order to create a residential parking district:

- a. Vehicles registered to people who are not residents of the block or blocks that are proposed to be in a residential parking district are parked in such block or blocks, utilizing more than sixty percent of the available curbside parking at the same times and days throughout a week or portion of a week; and
- b. Commercial, governmental, industrial or educational facilities exist close enough to the block that users of non-residential vehicles parked on the street in the block could readily use such facilities; and

- c. That unreasonable burdens exist for the residents of the block in securing adequate on street parking and gaining access to their places of residence because of street parking of non-residential vehicles; and
- d. An inadequate number of parking spaces exist for residents and non-residents to park their vehicles in the block; and
- e. There is a need for the residents of the area to obtain on street parking adjacent to or close by their place of residence; and
- f. A safety issue has been identified because of congested street parking; and
- g. The Traffic Engineer determines that a parking permit system would alleviate the lack of parking for residents of the neighborhood.
- h. The block shall be zoned as a Light Density Residential District.

**2. Application for petition:**

- a. Application: One or more owners of property in a block must complete, sign and submit to the Traffic Engineer an application for creation of a Residential Parking District. The application shall be on a form approved by the Traffic Engineer. The applicant shall state the location of the block or blocks that the applicant is requesting to be included in the residential parking district and the factual information concerning parking conditions in the area identified in the application, including information concerning the conditions described in Section 12.44.280 C.1. b through f.
- b. Application fee: There shall be a non-refundable application fee in the amount set by the budget or other appropriate resolution of the City Council.
- c. Petition requirements: Once a completed application with accompanying application fee has been received by the Traffic Engineer, the Traffic Engineer will verify the existence of commercial, industrial, governmental or education facilities as described in this Section. If the Traffic Engineer makes such verification, he shall establish a geographic boundary for the proposed residential parking district. A petition will be given to the applicant, which, when returned must meet the following criteria to be considered valid.
  - 1) The petition must be signed by at least one of the owners of each property in the block or blocks identified by the Traffic Engineer and set forth on the petition.

2) Petitions shall be on a form approved by the Traffic Engineer. Petitions shall contain (1) the signature of the owner, (2) the name of the owner in print, (3) the property or properties in the block owned by the owner, (4) the date the petition was issued by the Traffic Engineer to the applicant, (5) a precise statement that the purpose of the petition is to request the creation of a residential parking district and (6) the boundaries of the district. The owner's name and property address shall be clearly printed or typed. The Traffic Engineer shall not consider illegible addresses or printed names when qualifying the petition.

3) Petition shall be returned to the Traffic Engineer within 30 days from the time the Traffic Engineer provides the petition to the applicant as shown by the date on the petition.

4) Upon submission of the completed petition to the Traffic Engineer, the applicant shall sign a certificate on a form approved by the Traffic Engineer declaring that to the best of his knowledge and belief, each signature was signed by an owner of property in the proposed residential parking district identified in the petition.

**3. Traffic engineer's evaluation:** Upon receipt of a petition meeting the requirements of this Section, the Traffic Engineer shall evaluate the nature and extent of the problems, if any, caused by non-residential parking in each block of the proposed residential parking district using the criteria set forth in Section 12.44.280 C.1. a. through f. If deemed necessary by the Traffic Engineer, more detailed studies shall be conducted including but not limited to an inventory of legal curbside parking spaces available.

**4. Notice.** The Traffic Engineer shall notify the applicant within 30 days of the day the petition is submitted to the office of the Traffic Engineer whether the applicant has met the requirements for the creation of a residential parking district section, citing any requirements that have not been met.

**5. Designation of date.** If the Traffic Engineer determines that the requirements of this section have been met, he shall designate a date on which the residential parking district is created and the parking requirements of that district begin.

**6. Appeal.** When the Traffic Engineer does not find that the applicant has met the requirements to create a residential parking district, the Traffic Engineer shall send the

Applicant notice of his decision. The applicant may appeal the decision to the City Council by submitting an appeal to the Traffic Engineer on a form approved by the Traffic Engineer. The appeal must be submitted within fifteen consecutive calendar days after the date of Applicant's receipt of the notice of the Traffic Engineer's decision. The appeal shall state the basis for the appeal specifying any findings by the Traffic Engineer that the appellant asserts is in error.

**D. Removal of parking restrictions, dissolution of residential traffic parking districts.**

**1. Right to apply.** Except as provided in this Section, an owner of property in a residential parking district may petition to have the parking restrictions of such district removed as to the block in which such person owns property or petition to have the entire residential parking district be dissolved.

**2. Application for petition:**

a. Application: One or more owners of property in a block within a residential parking district shall complete, sign and submit to the Traffic Engineer an application to remove the parking restrictions of a residential traffic parking district from one or more blocks within the district or to dissolve the entire district. The application shall be on a form approved by the Traffic Engineer. The applicant shall state the location of the block or blocks that are the subject of the application or the location of the residential parking district if the dissolution of the district is sought.

b. Application fee There shall be a non-refundable application fee in the amount set by the budget or other appropriate resolution of the City Council.

c. Petition requirements: When an application has been received by the Traffic Engineer, the he shall verify the location of the block or district. A petition will be given to the applicant, which, when returned must meet the following criteria to be considered valid.

1) The petition must be signed by at least one of the owners of each property in the block, blocks or district identified by the Traffic Engineer in the petition.

2) Petitions shall be on a form approved by the Traffic Engineer. Petitions shall contain (1) the signature of the owner, (2) the name of the owner in print (3) the property or properties in the block owned by the owner, (4) the date the petition was issued by the

Traffic Engineer to the applicant, (5) a precise statement that the purpose of the petition is to remove the traffic parking restrictions of the residential parking district for the block or blocks identified in the petition or that the purpose is to dissolve a residential parking district (6) the boundaries of the district or block(s) that are the subject of the petition. The owner's name and property address shall be clearly printed or typed. The Traffic Engineer shall not consider illegible addresses or printed names when qualifying the petition.

3) Petition shall be returned to the Traffic Engineer within 30 days from the time the Traffic Engineer provides the petition to the applicant as shown by the date on the petition.

4) Upon submission of the completed petition to the Traffic Engineer, the applicant shall sign a certificate on a form approved by the Traffic Engineer declaring that to the best of his knowledge and belief, each signature was signed by an owner of property in the block or blocks or district identified in the petition.

**3. Traffic engineer's evaluation:** Upon receipt of a petition meeting the requirements of this Section, the Traffic Engineer shall verify that the required signatures were provided in the petition and that the remaining requirements of this section have been met.

**4. Notice.** The Traffic Engineer shall notify the applicant within 30 days of the day the petition is submitted to the office of the Traffic Engineer whether the applicant has met the requirements of this section, citing any requirements that have not been met.

**5. Designation of date.** If the Traffic Engineer determines that the requirements of this section have been met, he shall designate a date on which the parking requirements of that district shall end in the block or blocks identified in the petition or the date that the residential parking district is dissolved and instruct the appropriate city departments to remove all signage and revoke all permits.

**6. Appeal.** When the Traffic Engineer does not find that the applicant has met the requirements to remove parking restrictions from a block or a residential parking district, the Traffic Engineer shall send the Applicant notice of his decision. The applicant may appeal the decision to the City Council by submitting an appeal to the Traffic Engineer on a form approved by the Traffic Engineer. The appeal must be submitted within fifteen

consecutive calendar days after the date of Applicant's receipt of the notice of the Traffic Engineer's decision. The appeal shall state the basis for the appeal specifying any findings by the Traffic Engineer that the appellant asserts is in error.

**7. One year waiting period.** The Traffic Engineer shall not accept applications for a petition to remove the parking restrictions of a residential parking district from one or more blocks that are within such district or to dissolve a residential parking district within one year from the date of designation of such district by the Traffic Engineer, except as provided in this section.

**8. Six month waiting period.** Owners who meet the requirements of this Section to remove the parking restrictions of a residential parking district for a block or blocks within such district or to dissolve the district may have such parking restrictions rescinded between 6 months and one-year after the designation of such district by the Traffic Engineer provided they pay to the city the cost of labor and materials to remove the parking restriction signs in the block, blocks or district.

**E. Petitions for reinstatement of residential parking district.** The Traffic Engineer shall not accept an application for the establishment of a residential parking district when the application is for the same area in which a prior residential parking district was dissolved within one year of the date of the application.

**F. Residential parking permits**

**1. Permit required.** It shall be unlawful for any person to park a motor vehicle on a city street in a curbside parking space on any day or during any hours in a residential parking district without the display, as required in this section, of a parking permit issued by the Traffic Engineer allowing the motor vehicle to be parked in the district and during the times specified on residential parking signs posted in such district by the City.

**2. Effect of issuance of permit.** A residential parking permit shall not guarantee or reserve to the holder a curbside parking space within a residential parking district. A residential parking permit shall not authorize the holder to cause to stand or park a motor vehicle at such places where parking is prohibited or during such times as when the stopping, standing or parking of motor vehicles is set aside for specified types of vehicles, nor exempt the holder from observance of any traffic regulation including, but not limited to vehicle abandonment laws, towing laws or parking meter payment.

**3. Temporary suspension of permit.** The Traffic Engineer may temporarily suspend the parking allowed pursuant to a residential parking permit for emergency or construction purposes within the residential parking district.

**4. Limitations on parking permits**

a. The Traffic Engineer may limit the parking permit to certain hours of the day and certain days of the week in any residential parking district or a block within the district.

b. The side of the permit showing the residential parking district for which the permit was issued shall be displayed in the vehicle at all times the vehicle is parked in the district for which it was issued in a manner that allows the entire permit to be viewed from outside the vehicle through the front windshield.

c. Expired permits shall not be displayed in parked vehicles.

d. Only one permit shall be issued for each vehicle.

e. Permits may only be used in the residential parking district for which they are issued.

f. Permits shall be returned to the Traffic Engineer when the permit expires, the person to whom the permit was issued no longer resides in the residential parking district, and when the vehicle to which the permit was issued is loaned (for more than thirty days) or is stolen, sold or traded.

g. Permits shall not be transferred to a person other than the person to whom the Traffic Engineer issued the permit.

h. Permits shall not be displayed in a vehicle for which the permit was not issued.

i. The Traffic Engineer may limit the number of vehicles that may be issued a permit for each household in the residential parking district when appropriate to accommodate the needs within the district.

j. No permit shall be issued if the applicant has pending parking tickets issued in the City.

k. Tenants shall not be issued residential parking permits when an owner's parking permit is currently issued to the owner of the property at which the tenant resides. Tenants may use a visitor's permit if the owner obtains visitor's permit and provides it to the tenant.

**5. Requesting permits:** Residential parking permits may be issued by the Traffic Engineer upon receipt of an application from a resident of a residential parking district. The following requirements must be met before a permit may be issued.

a. Residents: Each applicant must demonstrate that he is a current resident of the residential parking district for which the permit is to be issued by providing vehicle registration that is in the applicant's name and one of the following documents that shows the applicant's name and a current address that is within the residential parking district for which the application is made:

- 1) a current valid drivers license, or
- 2) a current electric, gas, telephone or water bill dated for service within 30-days of the application for a permit, or
- 3) any other current valid document issued by a government agency.

b. Armed Forces: Members of the Armed Forces whose home of record is outside El Paso County and currently reside in a residential parking district are eligible to apply for a parking permit provided they show a valid military identification card and one of the following which shows that the applicant resides in the residential parking district:

- (1) a current electric, gas, telephone or water bill dated for service within 30-days of the application for a permit; or
- (2) any other current valid document issued by a government agency.

### **G. Visitor parking permits**

**1. Eligibility.** Visitor parking permits may be issued by the Traffic Engineer for each property in the residential parking district. Two visitor permits may be issued to residents of the district who have purchased at least one residential parking permit at no additional cost. Those residents of the residential parking district who have not purchased residential parking permits may be issued one visitor permit upon providing proof of residency and by paying the visitor permit fee.

**2. Limitations.** Visitor parking permits shall be subject to all the requirements and limitations of a residential parking permit.

**H. New resident temporary parking permit.** A new resident temporary parking permit may be obtained from the Traffic Engineer by submitting an application in the same manner as is required in this Section for applying for residential parking permits

except that no document shall be required that contains the address located within the residential parking district. The new resident temporary parking permit shall expire at the end of the ninetieth day after its issuance and shall be subject to all other requirements and limitations of a residential parking permit. No residential parking permit shall be issued to the recipient of new resident temporary parking permits until all new resident temporary parking permits issued to the applicant are returned to the Traffic Engineer. Applicants for the new resident parking permit shall pay a new resident parking permit fee which shall be in an amount established by the budget resolution or other resolution passed by the City Council.

**I. Temporary one day parking permits.** Any person who is eighteen years or older and a resident of a residential parking district may apply for a temporary one day parking permit. Such permits shall be for no more than four on the day specified in the permits. The application shall state the hours for which the permits are to be issued, the number of permits requested and that without the temporary permits, visitors to the applicant's residence would not be able to park their vehicles without violating parking ordinances. If the Traffic Engineer finds adequate parking is not available during the hours for which the temporary permit is requested and that the issuance of the permits will not unduly impair traffic and safety during the time of their validity, he shall issue the appropriate number of permits. The Traffic Engineer may limit the streets or portions of streets on which temporary one day parking permits shall be valid. The Traffic Engineer may issue the requested number of temporary parking permits or less than the requested amount based on traffic and safety determinations made by the Traffic Engineer. The number of such permits shall not at any time exceed fifty percent of the number of parking spaces located within the residential parking district in which the temporary permits are valid.

**J. Owner's parking permit:** Subject to the limitations in this section, each owner a property within a residential parking district may obtain a residential parking permit, provided that such owner shall not be required to show current residency at the property he owns in the district but shall be required to provide proof of ownership. The owner of a property will not be issued a residential parking permit if a residential parking permit is currently issued to a tenant at the same property. The owner may obtain a residential parking permit at the time the tenant residential parking permit expires and shall have

priority over an application by a tenant. Owner permits shall be subject to all the requirements and limitations of a residential parking permit. Applicants for the owner's permit shall pay a permit fee that shall be in an amount established by the budget resolution or other resolution passed by the City Council.

**K. Exemptions:** Any emergency vehicle, including, but not limited to, an ambulance, fire engine or police vehicle, which is under the control of an individual providing service to a property located on a street in a residential parking district shall be permitted to stand or be parked on a street in the area without being limited by the residential parking district prohibitions or restrictions. Additionally, any vehicle, including, but not limited to, a delivery, utility, or service vehicle which is under the control of an individual providing service to a property or infrastructure within the district located on a street in the residential parking district shall be permitted to stand or be parked on a street in the area without being limited by the residential parking district prohibitions or restrictions.

**L. Residential parking permit, visitor parking permit and temporary one-day permit fees.** The following fees shall be assessed: (1) a residential parking permit fee, (2) a visitor parking permit fee and (3) a temporary one-day permit fee. Each fee shall be in an amount set by the budget or other appropriate resolution of the City Council. The residential parking permit fee shall be assessed for each authorized vehicle. There shall be a visitor parking permit fee for each visitor-parking permit issued. The visitor-parking fee shall be assessed only when a residential or owner's parking permit has not been purchased. Temporary one-day permit fees shall be assessed for each permit issued.

**M. Permit Term.** Residential parking permits, owner parking permits and visitor parking permits shall be valid for a consecutive twelve month period from the day they are issued by the Traffic Engineer and shall be renewable annually provided that the applicant provides evidence that he is still eligible for the permit. The permit may be renewed by mail provided that eligibility proof is also included with the renewal.

**N. Revocation of Permits.** A residential parking permit or visitor parking permit may be revoked for the following reasons:

1. The transfer or assignment of a permit.

2. The applicant for the permit falsely represented himself as being eligible for a permit, submits false documentation, or otherwise makes a false statement of a material fact on an application for a permit.

3. The permittee loses his status as a resident or other qualification to apply for a permit.

**O. Lost or stolen permits.** A lost, stolen or destroyed residential parking permit or visitor parking permit may be replaced by the Traffic Engineer. To be eligible to receive a replacement permit, the permit holder must submit a signed affidavit stating the permit was lost, stolen or destroyed and pay a permit replacement fee in an amount to be established in the budget resolution or other resolution passed by the City Council. The remaining part of a damaged permit shall be submitted to the Traffic Engineer before receiving a replacement permit.

**P. Signs.** The city shall cause appropriate signs to be placed in residential parking districts that provide notice of the parking restrictions that apply in the district. The signs shall be posted on those streets restricting all parking except parking by the holders of permits that are granted pursuant to this section. The signs placed in these areas shall be of such character as to readily inform an ordinarily observant person of the existence of the parking restrictions.

**Q. Violations.** Any person who violates any provision of this chapter related to the parking or stopping of vehicles shall be fined pursuant to the procedures provided in Chapter 12.85 (Parking Violations). Fines shall be in accordance with the schedule of standard fines adopted by resolution of City Council.

**Section 2.** Except as expressly herein amended, That Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally) of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

THE CITY OF EL PASO:

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mark Shosmith  
Assistant City Attorney

\_\_\_\_\_  
R. Alan Shubert, P.E.  
City Engineer

# Residential Parking Districts

Proposed changes for  
better service to the public



# Existing ordinance

12.44.280 Restrictions on parking in residential districts in which commercial and industrial uses are not permitted.

- Description of policy, requirements, and regulations.

12.88.200 Schedule XVII Restrictions on parking in residential districts.

- List of existing residential parking districts, with locations and restricted hours.



# Eligibility Requirements

## Creation of Eligible District:

–Whenever a commercial, industrial, governmental or education district affects the quality of life in a neighborhood.

- To preserve the safety of children, pedestrians and motorists.
- To protect the residents of designated residential districts from unreasonable burdens in gaining access to their residences
- To preserve the character of designated residential districts
- To promote efficiency in the maintenance of those streets in a clean and safe condition
- To preserve the value of the property in those districts

–Only those neighborhoods which are zoned Light Density Residential Districts are eligible.



# Procedures

- Application:
  - One of more owners of property in a block must submit an application to the Traffic Engineer for consideration of creating a residential Parking District. The application must specifically state the serious problems being caused and be accompanied by payment of a non-refundable application fee of \$25.00.
- Petition Process: Once an application has been received by the Traffic Engineer, staff will verify the existence of commercial, industrial, governmental or education district and establish a geographic boundary.
  - Petition must be signed by at least one of the property owners of each block or blocks.
  - Petition must be returned within 30-days.
  - The individual circulating the petition must sign a certification statement.



# Procedures Cont:

- Evaluation: Upon receipt of a valid petition the Traffic Engineer shall conduct or cause to be conducted an initial investigation to assess the nature and extent of the problem, if any, caused by nonresidential parking.
- Qualifications: For a neighborhood to qualify for a residential parking district the following conditions must be met.
  - Where non-residential vehicles destined for Commercial, governmental, industrial or education facilities exist are parking in a residential area.
  - The total number of curbside parking spaces occupied by motor vehicles at a minimum must exceed 60% of the number of curbside parking spaces. In the event that the minimum 60% percent not met, City will not conduct another for a period of 6-months..
  - Unreasonable burden exists for the residents of the block in securing adequate on street parking.
  - The extent that the designation of a residential parking district would reduce traffic congestion and other problems identified.



# Procedures Cont:

- Notice: The Traffic Engineer shall notify the applicant within 30 days whether the applicant has met the requirements to create a residential parking district, citing any requirements that have not been met.
- Designation of date: The Traffic Engineer shall designate a date on which the residential parking district is created and the parking requirements of that district begin.
- Appeal Process: When the Traffic Engineer does not find that the applicant has met the requirements, the applicant may appeal the decision to the City Council by submitting an appeal to the Traffic Engineer. The appeal shall state the basis for the appeal specifying any findings by the Traffic Engineer that the appellant asserts is in error.



# Permits

- A Residential parking permit is valid only when it is displayed on a motor vehicle parked along one of the residential streets subject to this ordinance.
- The use of said parking permit shall be restricted to streets designated for residential parking permits within each specified zone.
- A residential parking permit shall not guarantee or reserve to the holder a parking space.
- A residential parking permit does not exempt the holder from observance of any traffic regulation such as parking oversized vehicle (RV, etc) on city street, parking where it is otherwise prohibited, proximity to a fire hydrant or stop sign, etc.



# Requesting Permits:

- Residential parking permits shall be issued by the Traffic Engineer upon receipt of a valid application from the resident. The following requirements must be met.
  - Resident: The applicant must demonstrate that they have a vehicle registered in their name, within the County of El Paso. (Members of the Armed Forces are eligible to apply for a permit). The following are acceptable forms to show proof of residency.
    - Valid drivers license with the current address
    - A current utility bill
    - Any other document issued by any governmental agency which indicates the applicant resides in the residential parking district.
    - Note: Tenants shall not be issued a residential parking permit when an owner's parking permit is currently issued to the owner of the property.
  - Visitor: Upon request, each residence in a district may be issued two visitor permits with the purchase of a residential parking permit. Those residents who have not purchased a residential parking permit can be issued one visitor permit upon providing proof of residency and by paying the license fee.



# Requesting Permits Cont:

- **New Resident Temporary Permit:** A new resident temporary parking permit may be obtained from the Traffic Engineer by submitting an application. This temporary parking permit shall expire at the end of the ninetieth day after its issuance. No residential parking permit shall be issued to the recipient of new resident temporary parking permits until all new resident temporary permits have been returned.
- **One Day Permits:** On the application of any resident of the district, the Traffic Engineer or his designee, may issue a temporary permit(s) to be valid for one day and for no more than 4-hours, and may limit the streets or portions of streets on which they shall be valid.
- **Exemptions:** Any emergency vehicle which is under the control of an individual providing service to a property located on a street shall be permitted to stand or be parked on a street. Additionally, a vehicle, including, but not limited to, a delivery, utility, or service vehicle which is under the control of an individual providing service to a property may be parked on a street without being limited by the residential parking prohibitions or restrictions.



# Requesting Permits Cont:

- Fees: The license fee for a residents parking permit, shall be twenty dollars for each authorized vehicle. The license fee for a visitor permit, when a regular permit was not purchased, shall be twenty dollars. Temporary one-day permit fee shall be one dollar for each permit issued. Effective September 1, 2009, the license fee shall be in the amount set by the budget or other appropriate resolution for that current fiscal year.
- Valid period: Permits shall be valid for a consecutive twelve month period from the day they are issued by the Traffic Engineer and shall be renewable annually provided that the applicant provides evidence that they are still eligible for the permit.



# Removal of Parking Restrictions

- Residents may request to have the parking restriction in a residential parking district rescinded. The following are guidelines that will apply to the request.
  - Petition: Residents must submit a petition with 100% of households in the given block supporting to remove the parking restriction
  - Policy: Residents must wait at least one-year from the date of designation of a residential parking district to have the parking restriction rescinded.
  - Exceptions to the Policy: The residents may have the parking restriction rescinded within 12 months provided they pay to the city the cost (labor and materials) to remove the signs.
  - Removal: The Traffic Engineer, upon verification of a valid petition and with the neighborhood understanding the policy, may dissolve a district or portion of a residential parking district. The Traffic Engineer shall instruct appropriate City Departments to remove all signage and revoke all permits.



# Revocation of Permits

- A residential parking permit or visitor parking permit may be revoked for the following reasons:
  - The loaning or giving away of a permit.
  - Falsely represents them self as being eligible for a residential parking permit, submits false documentation, or otherwise makes a false statement of a material fact or an application for a permit.



# Lost or Stolen Permits

- A lost, stolen or destroyed permit may be replaced by the Traffic Engineer. The permit holder must submit a signed affidavit stating the permit was lost or stolen or provide physical verification that the permit has been destroyed and pay a permit replacement fee in an amount to be established in the budget resolution or other resolution passed by the City Council.



# Questions and comments



**RESOLUTION AMENDING SCHEDULE C FOR  
THE CITY OF EL PASO FY 2010 BUDGET RESOLUTION**

**WHEREAS**, the City Council adopted the Budget Resolution for FY2010 on August 24, 2009; and

**WHEREAS**, paragraph 40 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

**WHEREAS**, the Council desires to establish the fees for the application to create or dissolve residential parking districts and for various residential parking permits.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:**

That Schedule C, attached to the FY2010 Budget Resolution and effective September 1, 2009, shall be amended as set forth in Attachment A to create the fees listed therein that shall be charged by the City for residential parking districts.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mark Shosmith  
Assistant City Attorney

\_\_\_\_\_  
Ted Marquez, P.E.  
Assistant City Engineer

## Attachment A

### Engineering Department: Fees for residential parking permits and petitions for creating and dissolving residential parking districts

Department	Account	Fee Description	Detail	Municipal Code Section	Fee
Engineering		Residential Parking	Application to create District	12.44.280C.2.b	\$25
Engineering		Residential Parking	Application to dissolve District	12.44.280.D.2.b	\$25
Engineering		Residential Parking	New resident	12.44.280.H	\$10
Engineering		Residential Parking	Annual resident parking permit	12.44.280.L	\$20
Engineering		Residential Parking	Annual Owner's parking permit	12.44.280.J	\$20
Engineering		Residential Parking	Annual Visitor parking permit	12.44.280.L	\$20
Engineering		Residential Parking	Temporary one day parking permit	12.44.280.L	\$20
Engineering		Residential Parking	Permit replacement	12.44.280.O	\$20
Municipal clerk		parking forfeits/fines	Parking without permit in a residential parking district	12.44.280.Q	\$28
Municipal clerk		parking forfeits/fines	Parking in a residential Parking district with expired permit	12.44.280.Q	\$28

**RESOLUTION AMENDING SCHEDULE C FOR  
THE CITY OF EL PASO FY 2010 BUDGET RESOLUTION**

**WHEREAS**, the City Council adopted the Budget Resolution for FY2010 on August 24, 2009; and

**WHEREAS**, paragraph 40 of the Budget Resolution provides that revisions or additions to the fees set forth in Schedule C, attached to the Budget Resolution, may be approved by simple resolution of the City Council; and

**WHEREAS**, the Council desires to establish the fees applications for temporary traffic control permits, traffic control plan review, renewals of permits, noncompliance correction, lane/sidewalk rental and placement of traffic control devices by the city.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:**

That Schedule C, attached to the FY2010 Budget Resolution and effective September 1, 2009, shall be amended as set forth in Attachment A, to create the fees listed therein that shall be charged by the City for temporary traffic control permits, permit renewals, traffic control plan review, noncompliance correction, lane/sidewalk rental and placement of traffic control devices by the city.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

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Mark Shoesmith  
Assistant City Attorney

APPROVED AS TO CONTENT:

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Ted Marquez, P.E.  
Assistant City Engineer

**Attachment A**  
**Engineering Department: Fees for temporary traffic control permits and compliance**

Department	Fee Description	Detail	Municipal Code Section	Fee
Engineering	Temporary Traffic Control	Permit application	12.30.050	\$5
Engineering	Temporary Traffic Control	Permit renewal	12.30.050	\$5
Engineering	Temporary Traffic Control	Create/approve Traffic plans for Duration of less than Three days	12.30.050	\$10
Engineering	Temporary Traffic Control	Create/approve Traffic plans for Duration of three -30 days	12.30.050	\$25
Engineering	Temporary Traffic Control	Create/approve Traffic plans for Duration of thirty or more days	12.30.050	\$75
Engineering	Temporary Traffic Control	Renew/extend Traffic plans for Duration of thirty or more days	12.30.050	\$75
Engineering	Temporary Traffic Control	City placement of Traffic control Devices	12.30.090.B	\$100 per hour for staff and equipment
Engineering	Temporary Traffic Control	Noncompliance Correction	12.30.090D	\$100 per hour for staff and equipment
Engineering	Temporary Traffic Control	Lane/sidewalk rental (after expiration of Permit)	12.30.090D	\$100 per day or portion of a day

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) OF THE EL PASO CITY CODE BY ADDING A NEW CHAPTER 12.30 (TEMPORARY TRAFFIC CONTROL) REQUIRING A TRAFFIC CONTROL PERMIT AND APPROVAL OF A TRAFFIC CONTROL PLAN WHENEVER WORK IS PERFORMED IN THE PUBLIC RIGHT-OF-WAY, ESTABLISHING THE CRITERIA FOR THE ISSUANCE OF THE PERMIT, BOND AND INSURANCE REQUIREMENTS AND OTHER REGULATIONS PERTAINING TO THE DUTIES AND OBLIGATIONS OF PERMITTEES; ESTABLISHING FEES AND PROVIDING FOR STOP WORK ORDERS AND ENFORCEMENT AUTHORITY; THE PENALTY BEING AS PROVIDED IN SECTION 12.30.115 OF THE EL PASO CITY CODE.**

**WHEREAS**, the needs and control of all road users (motorists, bicyclists, and pedestrians) within a public right-of-way through a Temporary Traffic Control Plan is an essential part of any highway construction, utility work, maintenance operations, and the management of traffic incidents; and

**WHEREAS**, Temporary Traffic Control Plans and devices shall be the responsibility of the public body or official having jurisdiction for guiding road users; and

**WHEREAS**, the City Council of the City of El Paso, Texas has determined it necessary to establish guidelines and restrictions that will provide adequate public protection when work or other activity is to be conducted within the City of El Paso public right-of-way; and

**WHEREAS**, the City of El Paso, Texas has the authority for the implementation and enforcement of needed road user regulations, parking controls, speed zoning, and incident management.

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

**Section 1.** That Title 12 (Vehicles and Traffic) shall be and hereby is amended to add Chapter 12.30 (Temporary Traffic Control) as follows:

**Chapter 12.30 (Temporary Traffic Control)**

**Section 12.30.010 – Definitions:**

**Permit Official** – means the person or persons designated by the Traffic Engineer as being responsible for issuing a temporary traffic control plan and permit under this Chapter and enforcing this Chapter.

**Permittee** – means the governmental entity, person or business entity that has received a temporary traffic control permit pursuant to this Chapter.

**Person** – means associations, clubs, societies, firms, contractors, governmental agencies, traffic barrier supply companies, partnerships, corporations, other business entities as well as individuals or groups of individuals.

**Temporary Traffic Control Plan** – means a plan describing temporary traffic control measures to be used for facilitating users through a work zone or other activity in a public right-of-way.

**Traffic Engineer** shall have the same meaning as found in Section 12.04.190 and shall also include, for purposes of this Chapter, those people designated by the Traffic Engineer.

**Work** – means any placement of barriers in the public right of way and/or any construction activities within the public right of way.

**Section 12.30.020 – State Manual:**

The Manual on Uniformed Traffic Control Devices (MUTCD), Chapter 6 (Temporary Traffic Control), in the version adopted by the Texas Department of Transportation shall govern the operations of all contractors, subcontractors, public utility companies, including, but not limited to the El Paso Public Service Board/El Paso Water Utilities, railroads, State and city agencies and other person who are engaged in work subject to the MUTCD within the city.

**Section 12.30.030 – Permit Required:**

No person shall (1) conduct work within the public right-of-way or (2) otherwise occupy the public right-of-way that impedes or limits the general public from traversing the right-of-way without a traffic control permit issued by the permit official. Permits shall be required in connection with all governmental work, including but not limited to the city (including the El Paso Public Service Board/El Paso Water Utilities), schools, universities, hospitals, water improvement districts, county, state and federal public works projects, all private sector work, and for such events as block parties, parades or other such temporary events that require the use of any portion of the public right-of-

way. No permit shall be issued until a temporary traffic control plan is approved by the Traffic Engineer. Denial of a proposed temporary traffic control plan by the Traffic Engineer shall include the grounds for denial. The issuance of the permit shall require compliance with modifications the Traffic Engineer makes to the temporary traffic control plan. A Texas Department of Transportation official must approve work within a State right-of-way before a permit is issued.

**Section 12.30.035 – Failure to Obtain a Traffic Control Permit:**

A. It shall be a violation of this Chapter for any person to perform any work in the public right-of-way, occupy the public right-of-way, as described in Section 12.30.035, or to place traffic control devices, such as barricades, in the public right-of-way without first obtaining a traffic control permit except as otherwise provided by state statute or City Code. Persons providing traffic control devices shall not place traffic control devices in the public right-of-way until the person who is performing the work in the public right-of-way has obtained a traffic control permit. Persons providing traffic control services to persons performing work in the right-of-way may obtain the traffic control permit as the agent for the person performing such work provided that they submit written proof of such agency to the Permit Official when applying for a permit.

1. When no traffic control permit has been issued by the city, the Traffic Engineer may stop all work, remove or place traffic control devices and provide such other traffic control as deemed necessary for safety in the public right-of-way. The work at a site where no traffic control permit was obtained may be stopped by the Traffic Engineer until a traffic control permit is issued.

2. If no application is made for a traffic control permit within one city working day after issuance of a stop work order, the city may repair the street if any construction had commenced and remove barricades. The person placing the barriers in the public right-of-way and the person performing work in the public right-of-way shall be jointly and severally liable to the city for payment of all costs the city incurs in responding to the work site for which no traffic control permit was issued.

B. Nothing in this Chapter shall be construed to prohibit or limit the authority of law enforcement agencies to stop work and control the work site in the event of an emergency or in the course of law enforcement activities.

**Section 12.30.040 – Permit Application:**

A. Filing an Application. An application for a temporary traffic control permit shall be made in writing on a form prescribed by the permit official at least 48-hour hours before the proposed commencement of work within the public right-of-way.

B. All application shall be signed by the applicant and be accompanied by payment of a nonrefundable application fee.

C. Late Application. Notwithstanding the preceding subsection, the permit official may consider an application that is filed in less than 48-hour before the proposed commencement of work if the short notice does not unreasonably hinder the city’s review of the application.

D. Application form.

1. The application must contain the following:

a. Name, address, and telephone number for the contractor and the person or people in charge of the work within the public right-of-way.

b. Project information, such as work location, description of work and timeframe.

c. Work location and type of closure needed.

d. The person responsible for traffic control setup, if applicable.

e. The traffic control plan.

**Section 12.30.045 - Permit Bond and Insurance Required:**

**A. Bond Requirements.** Except as provided in subsection 12.30.045 D hereafter, no traffic control permit shall be issued under this Chapter to any person applying for a traffic control permit until such applicant has filed with the Traffic Engineer a bond in the amount of fifty thousand dollars (\$50,000.00), signed by a surety company authorized to do business in Texas. The city shall be named as the obligee under such bond. The bond shall provide that the principal and its agents, employees, and subcontractors shall comply with all provisions of this Chapter, that the principal shall pay all damages which are sustained by the city and which are caused by failure of the principal, its agents, employees or subcontractors to comply with the provisions of this Chapter, and that the principal shall indemnify the city against claims arising out of such failure to comply. The surety shall be acceptable to the city as to solvency and such surety shall

be listed on the current Department of the Treasury's Listing of Approved Sureties, Department Circular 570, United States Department of the Treasury or its successor publication, ("Circular 570"). If the city becomes dissatisfied that the surety is solvent or the surety is no longer included in Circular 570, the Traffic Engineer may require a bond from a surety listed in Circular 570. Permit applicants who have provided a bond to the city pursuant to the requirements of a Chapter of the City Code other than this Chapter that meets all of the requirements established in this Chapter shall not be required to obtain an additional bond but are required to provide a copy of such bond.

B. Insurance requirements. Except as provided in subsection 12.30.045 D hereafter, no permit applicant shall be issued a permit until the applicant presents evidence satisfactory to the Traffic Engineer that the applicant meets the following minimum insurance requirements:

1. The applicant shall procure and shall maintain during the term of the permit such Commercial General Liability, Property Damage Liability and Vehicle Liability Insurance, naming the Permittee and any subcontractor performing work associated with the Permit as insured, co-insured or additional insured for claims for damages for personal injury, including accidental death, as well as from claims for property damage that may arise from work associated with the permit.

2. Minimum limits of liability and coverage shall be \$250,000 for bodily injury liability, including death, for each person and \$500,000 in the aggregate and \$100,000 for property damage for each occurrence and \$100,000 in the aggregate. Permit applicants that are governmental entities may comply with the insurance requirements of this section by providing certification that they are self-insured.

3. Such insurance shall be written by an accredited insurance company under the supervision of the Board of Insurance Commissioners of the state of Texas. Evidence of compliance with these insurance requirements shall be considered as having been met when copy of the insurance policy or a certificate of insurance has been filed with and approved by the Traffic Engineer. Such policy shall include an endorsement that the city is named as an additional insured to the full amount of the policy limits and that Traffic Engineer shall be notified at least thirty days in advance in the event the policy or

policies are canceled and ten days in advance for non-payment of policy premiums. The certificate of insurance shall recite or attach such endorsement for additional insured and the notice requirements. The permittee shall maintain said insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, servants or employees and Permittee, his officers, agents, servants or employees. Failure to keep the policy in full force and effect throughout the term of the permit shall be grounds for cancellation of the permit.

4. Permit applicants who have provided certificates of insurance to the city pursuant to the requirements of a Chapter of the City Code other than this Chapter that meet all of the requirements established in this Chapter shall not be required to obtain an additional insurance but are required to provide such certificates of insurance showing present coverage as required in this Chapter.

**C. Temporary Events:** Those traffic control permits issued for temporary events where construction work is not conducted within the right-of-way, such as a block party or parade, shall be exempt from the requirements in this section concerning bonds and insurance coverage but shall meet such requirements for bonds and insurance as may exist under other provisions of the City Code.

**D.** Traffic control permits shall be required in connection with all City (including El Paso Public Service Board/El Paso Water Utilities), county, state or federal public works projects provided that no permit fee or bond shall be required for such projects. Permit applicants that are governmental entities and are self-insured may comply with the insurance requirements of this Section by providing certification that they are self-insured.

### **Section 12.30.050 – Fees**

The following fees shall be in the amounts set by the budget resolution for the current fiscal year or other appropriate resolution of the City Council:

1. Application fee A nonrefundable application fee shall be paid with each application submitted.

2. Creation/approval of temporary traffic control plan fees. A fee for the creation and/or approval temporary traffic control plans shall be paid for each temporary traffic control permit application.

3. Renewal of Temporary Traffic control plan fee. A fee for renewal of a temporary traffic control plan shall be charged for each renewal application.

4. City departments and agencies of this state and any construction contractor under contract with the city or an agency of the state shall be exempt from paying such fees.

**Section 12.30.060 – Approval or Denial of Temporary Traffic Control Plan**

A. The Permit Official shall approve or deny a completed application within one city working day of the Permit Official's receipt of the completed application for permit. A notice of denial shall clearly set forth the grounds upon which the permit was denied and, when applicable, shall contain measures by which the applicant may cure any defects in the application or otherwise procure a permit.

B. The permit official may attach reasonable conditions to any permit approval as may be appropriate to address the purpose for which this Chapter has been adopted, including but not limited to requirements concerning notification of lane closure to affected property owners and occupants, access to adjacent property and advance notice of lane closures.

**Section 12.30.070 – Duties of Permittee**

The permittee shall conform to the regulations as defined in the MUTCD, Chapter 6, or as the Traffic Engineer indicates on the approved temporary traffic control plan.

**Section 12.30-080 – Hours of Work**

A. Work Restrictions during Peak Hours:

1. When construction is required that will block one or more lanes of an arterial roadway, the hours of operation shall be limited on weekdays to avoid conflict with peak hour traffic movements. Such work on weekdays is prohibited from 6:00 a.m. to 9 a.m. and 4:00 p.m. to 6:30 p.m. and any other peak hour traffic periods designated by the Traffic Engineer.

B. Exemptions:

1. Projects with a work duration as defined in Section 6G.02 of the MUTCD as intermediate-term stationary and long-term stationary may be exempt from the peak hour work restrictions.

2. Traffic Engineer may exempt work from the peak hour restrictions on a case-by-case basis based on the nature of the construction and traffic volume in the area of the construction.

**Section 12.30.085 – Emergencies**

An emergency exists when rapid deterioration of the roadway or infrastructure within the city's right of way occurs and such deterioration, left uncorrected, is causing or will cause further damages within the right of way to the extent that the public welfare and safety will be adversely affected. When an emergency occurs that requires total or partial road closures on an arterial roadway no permit shall be required prior to beginning work needed to respond to the emergency. The City Engineer shall be notified of the emergency as soon as possible. The limitations on hours of work in this Chapter shall not apply to work required in response to an emergency. Every effort should be made to make repairs as soon as possible and a traffic control plan shall be submitted as soon as possible with an application for a permit during regular city working hours.

**Section 12.30.090 – Correction of Violations, removal of traffic control devices, fees.**

A. Violation of any regulation contained in the MUTCD or under the requirements of the city approved temporary traffic control plan or permit requirements shall be corrected by permittee within two hours after receipt of written notice from the Traffic Engineer or his duly authorized representative that a violation exists.

B. When the correction of violations is not made within the two hours specified in the previous paragraph and the city must take action to correct the violation, the city is authorized to charge fees related to traffic control and the placement of traffic control devices by the city. Such fees shall be in accordance with the fee schedule established pursuant to budget resolution.

C. Whenever a violation of this Chapter occurs, the city shall be entitled to correct the existing deficiencies upon the failure on the part of the permittee to correct any such violation within the two-hour period described in this Section. Permittee shall pay the city for its costs of correcting the deficiencies within ten city working days of receiving an itemized statement for such costs.

D. **Fees** When barricades or other traffic control devices are left within vehicular travel lanes or sidewalk area of a public right-of-way beyond the period authorized by a traffic

control permit, the city is authorized to remove such traffic control devices and charge a noncompliance correction fee and a lane/sidewalk rental fee. The amount of such fees may include charges on a per unit equipment basis and shall set by the budget resolution for the current fiscal year or other appropriate resolution of the City Council. Permittee shall pay to the city all costs of removal and storage of traffic control devices. The city shall be entitled to use or sell such traffic control devices that are not claimed and/or when the removal and storage costs are not paid within ninety days from the date of removal by the city. If the city knows the identity of the owner of the traffic control device, the city shall give such owner written notice of the removal of the traffic control device, the fees owed and where the traffic control device may be obtained. The owner of the traffic control devices shall be allowed to obtain the traffic control devices before disposition of such devices by the city if payment to the city of the fees required in this Section is made within the time limits established herein. Traffic control devices left in the public right of way that are not within an approved permit area or otherwise authorized by the city in writing may be removed by the city and the provisions of this Section shall apply to such traffic control devices.

**Section 12.30.095 Stop Work Order.**

The Traffic Engineer may order a cessation of work for which the traffic control permit was issued when the permittee fails to comply with the requirements of the permit and traffic plan or when there is an imminent hazard. The stop work order shall continue in effect until the noncompliance is corrected by the permittee. Stop work orders shall not be subject to the two-hour correction period established in Section 12.30.090. The Traffic Engineer may order the removal, relocation or addition of traffic control devices during the time of the stop work order as needed to protect traffic from work accomplished to the time of the issuance of the stop work order.

**Section 12.30.100 – Nonconforming devices:**

A. No person shall place, maintain, or display upon or in view of any construction site, any temporary traffic control devices that the Traffic Engineer determines are substandard, damaged, worn out, faded, or otherwise nonconforming.

B. The City shall be entitled to issue a notice of violation by red-tagging any temporary traffic control device which is in violation of this Section, and such violation shall be corrected within four-hours by the violator after receipt of notice of the red tag.

**Section 12.30.110 - Interference with traffic control devices:**

It shall be a violation of this chapter for any person to alter, deface, injure, damage or remove any traffic control devices, including but not limited to barricades or signs or warning signs that have been placed upon or in the area of temporary traffic control or detour or construction zone provided that the City and permittee may move, relocate and repair traffic control devices in accordance with the permit or the direction of the permit official or traffic engineer.

**Section 12.30.115 Violation**

It shall be a violation of this chapter for any person to work in the public right of way without a permit, except as provided in Section 12.30.085 (emergencies), fail to comply with a traffic control plan or work in the public right of way during hours that are prohibited by this Chapter and in the traffic control plan unless such work is specifically excluded from the provisions of this Chapter. Any person who violates a provision of this chapter shall, upon conviction, be guilty of a misdemeanor and punished by a fine not to exceed five hundred dollars. Each day the violation occurs shall constitute a separate offense.

**Section 12.30.120 - Enforcement Authority**

The Permit Official shall have authority to enforce this Chapter.

**Section 2.** Except as expressly herein amended, Title 12 (Vehicles and Traffic) of the El Paso City Code shall remain in full force and effect.

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

THE CITY OF EL PASO:

\_\_\_\_\_  
John F. Cook, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Shoesmith  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Ted Marquez, P.E.  
Assistant City Engineer

# Engineering Department Traffic Division





# Temporary Traffic Control Ordinance

## Purpose:

- Temporary Traffic Control is an essential part of any highway construction, utility work, maintenance operations, and the management of traffic incidents.
- Establish guidelines and restrictions that will provide adequate public protection when work is conducted with the City of El Paso public right-of-way

# Guidance

The Manual of Uniformed Traffic Control Devices, Chapter 6, in the version adopted by the Texas Department of Transportation shall govern the operations of all contractors, subcontractors, public utility companies, railroads, State and City agencies and other person who are engaged in work within city limits.

# Definitions:

- ◆ Permit Official – the person or persons designated by the Traffic Engineer as being responsible for issuing a temporary traffic control plan
- ◆ Permittee – the governmental entity, person or business entity that has received a temporary traffic control permit pursuant to this chapter.
- ◆ Temporary Traffic Control Plan – a plan describing temporary traffic control measures to be used for facilitating road users through a work zone in a public right-of-way.

# Definitions Cont:

- ◆ Traffic Engineer – shall have the same meaning as found in Section 12.04.190 and shall also include, for purposes of this Chapter, those people designated by the Traffic Engineer.
  - 12.04-190 - "Traffic engineer" means the city engineer or designee, or such other person as designated by the city manager.
- ◆ Work – any placement of barriers in the public right-of-way and/or any construction activities within the public right-of-way.

# 12.30.030 - Permit Required

- ◆ No work within the public right-of-way may be conducted without a traffic control permit.
- ◆ Permits shall be required in connection with all city, county, state and federal public works projects.
- ◆ No permit shall be issued until a temporary traffic control plan is approved by the Traffic Engineer.
- ◆ Denial of a permit shall include grounds for denial.
- ◆ Texas Department of Transportation official must approve work within State right-of-way.

# 12.30.035 - Failure to Obtain Permit

- ◆ It shall be a violation of this to perform any work in the public right-of-way or to place traffic control devices without first obtaining a traffic control permit, except as otherwise provided by state statute or city code.
- ◆ Companies and individuals providing traffic control devices shall not place traffic control devices in public right-of-way until they have a traffic control permit.

## 12.30.035 Failure to Obtain Permit cont:

- ◆ The Traffic Engineer may stop all work, remove or place traffic control devices and provide such other traffic control as deemed necessary for safety in the public right-of-way.
- ◆ The company or individual placing the barriers on public right-of-way shall pay all cost the City incurs in responding to the work site for which no traffic control permit was issued.
- ◆ Nothing in this Chapter shall be construed to prohibit or limit the authority of law enforcement agencies to stop work and control the work site in the event of an emergency or in the course of law enforcement activities.

## 12.30.040 – Permit Application:

- ◆ Application for a temporary traffic control permit shall be made in writing at least 48-hours before proposed commencement of work.
- ◆ An application filed in less than 48-hours may be considered if it does not unreasonably hinder the City's review of late application .

# 12.30.045 - Permit Bond & Insurance

- ◆ No traffic control permit shall be issued until such applicant has filed a bond in the amount of \$50,000.00
- ◆ The applicant shall procure & maintain , during the term of the permit, a Commercial General Liability, Property Damage Liability & Vehicle Liability Insurance.
- ◆ Temporary events where construction work is not conducted, such as as a block party or parade, shall be exempt from the requirements in this section concerning bonds or insurance.
- ◆ Traffic Control permits shall be required with all city, county, state or federal public works projects provided that no permit fee or bond shall be required.

# 12.30.050 Cost & Fees

- ◆ Initially there is a \$5.00 application fee. Effective September 1, 2009, the application shall be in the amount set by the budget resolution or other appropriate resolution of the City Council for the current fiscal year.
- ◆ Additional fees related to the creation and/or approval temporary traffic control plans shall be in the amount set by the budget resolution for current fiscal year.
- ◆ City Departments & Texas State agencies and any construction contractor under contract with the city or an agency of the state shall be exempt from paying such fees.

# 12.30.060 Approval/Denial

- ◆ The Permit Official shall approve or deny a completed application within one City working day.
- ◆ A notice of denial shall clearly set forth the grounds upon which the permit was denied, and when applicable, shall contain measures by which the applicant may cure any defects in the application.
- ◆ The Permit Official may attach reasonable conditions to any permit approval as may be appropriate, such as notifications to affected property owners or advance notice of roadway/lane closures.

# 12.30.080 – Hours of Work

- ◆ When construction is required that will block one or more lanes of an arterial roadway, the hours of operations shall be limited on weekdays to avoid conflict with peak hour traffic movements.
- ◆ Work will be prohibited from 6:00 AM to 9:00 AM and 4:00 PM to 6:30 PM and any other peak hour traffic periods designated by the Traffic Engineer.
- ◆ Projects with a work duration as defined in Chapter 6G, Section 6G.02 of the MUTCD as Intermediate-term stationary and long-term stationary shall be exempt from the peak hour traffic period requirements.
- ◆ Traffic Engineer may exempt work from the peak hour restrictions on a case by case basis.

# 12.30.085 - Emergencies

- ◆ When an emergency occurs that requires total or partial road closures on an arterial roadway, no permit shall be required prior to beginning work needed to respond to the emergency. The City Engineer shall be notified of the emergency as soon as possible.
- ◆ The limitations on hours of work in this Chapter shall not apply to work required in response to an emergency.
- ◆ Every effort should be made to make repairs as soon as possible and a traffic control plan shall be submitted as soon as possible during regular city working hours.

# 12.30.090 – Correction of Violations

- ◆ Permittee shall be required to correct violations within two hours after receipt of written notice.
- ◆ When the correction of violations is not made within the two hours, the City is authorized to charge fees and recover costs related to traffic control devices placed/installed by the City.
- ◆ When barricades or other traffic control devices are left within public right-of-way beyond the authorized period, the City is authorized to remove such devices and charge a noncompliance correction fee.

# 12.30.095 – Stop Work Order

- ◆ The Traffic Engineer may order a cessation of work for which the traffic control permit was issued when the permittee fails to comply with the requirements of the permit and traffic plan or when there is an imminent hazard.
- ◆ Stop work order shall continue in effect until the noncompliance is corrected by the permittee.
- ◆ Stop work orders shall not be subject to the two-hour correction period.
- ◆ The Traffic Engineer may order the removal of traffic control devices during the time of the stop work order or relocation of devices as needed to protect traffic from construction.

# 12.30.115 - Violation

- ◆ It shall be unlawful to
  - Work in the public right-of-way without a permit,
  - Fail to comply with a traffic control plan
  - Work in the public right-of-way during hours that are prohibited by this chapter unless such work is excluded from the provisions of this chapter
- ◆ Any person who violates a provision of this chapter shall, upon conviction, be guilty of a misdemeanor and punished by a fine not to exceed fine hundred dollars. Each day the violation occurs shall constitute a separate offense.

## 12.30.120 – Enforcement Authority

- ◆ The Permit Official shall have authority to issue citations for any violations of this chapter.



Questions  
or  
Comments