



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

**AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) TO AMEND VARIOUS SECTIONS THEREUNDER: TO REVISE THE PROVISIONS RELATING TO GRANTING PARKING ENFORCEMENT AUTHORITY UNDER THE TITLE; TO PROPERLY REFERENCE STATE STATUTORY AND CITY CODE PROVISIONS AND THE ESTABLISHMENT OF FEES; TO UPDATE THE PROVISIONS RELATING TO PARKING IN SPECIAL SITUATIONS; TO LIMIT THE FEE EXEMPTION FOR DISABLED PARKING WHEN THE TIME LIMIT FOR PARKING IS EXCEEDED; TO CLARIFY THE PENALTIES FOR PARKING, STANDING AND STOPPING VIOLATIONS IN THE CITY CODE AND CLARIFY WHICH PROVISIONS WITHIN TITLE 12 ARE PENAL VIOLATIONS; AND TO CLARIFY THE DATES AND TIMES AT WHICH A PARKING TICKET HEARING CAN BE REQUESTED; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

**WHEREAS**, a code enforcement division has been established in the Environmental Services Department, and the City Council finds that it is appropriate to grant enforcement authority for all parking offenses to the employees in that division; and

**WHEREAS**, it is appropriate to revise various provisions to succinctly state all of the enforcement authority granted under the title and clarify the penalties imposed for parking, standing and stopping violations; and

**WHEREAS**, it is appropriate to limit all parking at parking meters to the time designated on such meter, regardless of whether a particular person may be exempted from paying the meter fee; and

**WHEREAS**, it is necessary to correct references to state law and the city code, the establishment of fees, and to update the provisions relating to parking in special situations.

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

Section 1. That Chapter 12.08 (Administration and Enforcement), Section 12.08.045 (El Paso Zoo and surrounding area—Parking citation issuance authority), of the El Paso City Code, shall be deleted in its entirety.

Section 2. That Chapter 12.08 (Administration and Enforcement), Section 12.08.140 (Thomason General Hospital—Parking citation issuance authority), of the El Paso City Code, shall be re-titled and amended to read as follows:

**12.08.140 Authorized parking enforcement agents —Parking citation issuance authority.**

Authorized parking enforcement agents are authorized to issue citations and file complaints for the stopping, standing and parking violations of this title as provided in Chapter 12.85 of this code.

Section 3. That Chapter 12.08 (Administration and Enforcement), Section 12.08.220, Subsection D (Impounding vehicles), of the El Paso City Code, is amended to read as follows:

**12.08.220, Subsection D, Impounding vehicles**

D. There is established a towing fee and a storage fee which shall be charged in the respective established fee amounts per day for vehicles twenty-five feet in length or less and for vehicles over twenty-five feet in length for each calendar day, or part thereof, for each vehicle that is removed or impounded hereunder or transferred or seized by peace officer when it is towed by city equipment or stored in a city storage facility. All the charges assessed shall be a lien against the vehicle.

Section 4. That Chapter 12.08 (Administration and Enforcement), Section 12.08.230, (Disabled-parking enforcement volunteers—Parking citation issuance authority), of the El Paso City Code, is amended to read as follows:

**12.08.230 Disabled-parking enforcement volunteers—Parking citation issuance authority.**

A. Any person desiring to be appointed as a disabled-parking enforcement volunteer shall submit an application on a form established by the chief of police, or his designee. The applicant shall be at least eighteen years of age and meet the criteria for qualification as established in Section 681.0101, Texas Transportation Code. The applicant shall state his correct name, current address and telephone number on the application. The chief of police or his designee is authorized to require any additional information from the applicant as he deems necessary to complete the application and determine the qualifications of the applicant. The applicant shall sign all necessary documents to authorize the city and its police or human resources departments to conduct a criminal history record check of the applicant.

B. Applications shall be submitted to the chief of police or his designee. The chief of police or his designees shall determine the qualifications of the applicant and make

recommendations as to which applicants are qualified to be appointed as disabled-parking enforcement volunteers.

C. Before any appointment may become effective, each disabled-parking enforcement volunteer shall:

1. Satisfactorily complete a course of training on disabled parking law and enforcement to be developed and conducted by the police department;
2. Sign a volunteer services agreement with the city in which the applicant:
  - a. Acknowledges that such disabled-parking enforcement volunteer and his heirs and assigns have no rights to any claim against the city, its officers, employees and agents, for any injury, death or property damage resulting from or due to any and all disabled parking enforcement activities,
  - b. Specifically holds harmless the city, its officers, employees and agents, from liability for any of his acts or omissions taken in connection with his appointment as a disabled-parking enforcement volunteer,
  - c. Agrees to testify as may be required at all court and administrative proceedings relating to his issuance of a citation or filing of charges against a person for a violation of the disabled parking laws and that he agrees to voluntarily come to do so at the request of the parking violations bureau without the necessity for the issuance of a subpoena, and
  - d. Agrees to comply with all applicable laws and ordinances as they relate to the performance of the volunteer services;
3. Take and subscribe to an oath of office as may be prescribed by the city; and
4. Make the election under Section 552.024, Texas Government Code, concerning the release or nonrelease of the information covered in that section, and complete any other forms, which the city determines are necessary in connection with the volunteer's services.

D. Appointment of a disabled-parking enforcement volunteer shall become effective upon the execution of the volunteer services agreement by the city manager or designee and the volunteer and completion of the volunteer's training.

E. Persons appointed as disabled-parking enforcement volunteers are authorized, as provided by Section 681.010, Texas Transportation Code, to issue citations and file complaints against any person relating to any vehicle found to be parked in a parking space or parking area designated for the exclusive use of vehicles transporting persons with disabilities in the city in violation of Sections 12.44.180(B)(11) and 12.44.200 of this code or Section 681.011, Texas Transportation Code, subject to the following limitations as provided herein and in Section 681.0101, Texas Transportation Code:

1. No disabled-parking enforcement volunteer shall be deemed a peace officer, nor receive any compensation from the city while in the capacity of a disabled-parking enforcement volunteer;
2. No disabled-parking enforcement volunteer shall have the power or duty to enforce other traffic, civil or criminal laws;
3. No disabled-parking enforcement volunteer shall possess or carry firearms or other weapons while in the enforcement of the disabled parking laws; and
4. No disabled-parking enforcement volunteer, and his heirs and assigns, shall be entitled to any indemnification or compensation from the state of Texas, county of El Paso, or the City of El Paso, and their officers, employees and agents, for any injury, death or property damage sustained as a result of or due to enforcement activities.

F. All disabled-parking enforcement volunteers shall provide notice of any change of name, address or telephone number to the chief of police or his designee and to the human resources department no later than ten days after the effectiveness of such change.  
G. The chief of police or his designee may, at any time and without cause, remove the authorization of any person to act as a disabled-parking enforcement volunteer, by giving the person a written notice that his authorization to act as a disabled-parking enforcement volunteer has been removed.

Section 5. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.010 (Where signs required), of the El Paso City Code, be amended to delete subsections E and F.

Section 6. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.060 (Angle parking – Obedience to signs and markings), of the El Paso City Code, is amended to read as follows:

**12.44.060 Angle parking – Obedience to signs and markings.**

Upon those streets which have been signed or marked by the traffic engineer for angle parking, it shall be a violation for a person to stop, park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 7. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.070 (Lights on parked vehicles), of the El Paso City Code, is deleted and the section shall be marked as reserved.

Section 8. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.090 (Parking prohibited for certain purposes), of the El Paso City Code, is amended to read as follows:

**12.44.090 Parking prohibited for certain purposes.**

No person shall park a vehicle upon any public right-of-way as defined in Section 19.50.030 of this code, for the purpose of washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

Section 9. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.160 (Parking in alleys), of the El Paso City Code, is amended to read as follows:

**12.44.160 Parking in alleys.**

- A. Parking in alleys shall be governed by the following parking regulations:
1. One side of the alley may be designated "no stopping or standing, tow-away zone" by the traffic engineer. No person shall park, stop or stand any vehicle on this side of the alley when signs have been erected in the locations reading substantially "No Stopping or Standing, Tow-Away Zone." The police department is directed to cause to be towed away any vehicle found parked, stopped or standing in violation of this section. The owner of such vehicle shall be civilly liable to the person doing such towing for the reasonable cost thereof.
  2. The opposite side of the alley may restrict parking to commercial vehicles or other vehicles actively engaged in the process of loading or unloading. Those alleys with signs erected reading substantially "No Parking, Loading Zone Commercial Vehicles Only" shall be restricted to parking by commercial vehicles only. Those alleys with signs erected reading substantially "No Parking Except For Loading" shall be restricted to commercial vehicles and other vehicles actively engaged in the process of loading or unloading.
- B. The traffic engineer shall have the authority to designate which side of the alley shall be used as a commercial loading zone and which side of the alley parking, stopping and standing will be prohibited.

Section 10. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.170 (Parking on city-owned property), of the El Paso City Code, is amended to read as follows:

**12.44.170 Parking on city-owned property.**

- A. Authority of the Traffic Engineer. The traffic engineer is authorized and directed, subject to approval of the city council, to establish loading zones, parking time limit zones, no parking zones, reserved parking zones, parking meter zones and such other parking regulations as may be necessary to properly control and regulate the parking of vehicles on city-owned properties outside the right-of-way of any dedicated public street which is intended for parking.
- B. Based on Studies. The traffic engineer shall establish such parking zones or other parking regulations on the basis of traffic and engineering studies determining the needs of the city with respect to the land, the public convenience and necessity, and public safety.
- C. Placing Signs and Markings. The director of the department of transportation is authorized to place and maintain signs and markings as may be necessary to adequately inform the public of such regulations.
- D. It shall be a violation for any person to park on city owned property contrary to the signs or markings placed by authority of this section.
- E. A vehicle, which displays license plates issued under the applicable Texas Transportation Code sections noted below, is exempt from the payment of a parking fee at any city facility where a parking fee is collected, provided that the vehicle is being operated at the time of accrual of such parking fee by or for the transportation of the person that registered the vehicle under such Texas Transportation Code provisions:

1. Section 504.202 - Veterans with Disabilities;
2. Section 504.315(c) - former Prisoners of War;
3. Section 504.315(d) - Pearl Harbor Survivors;
4. Section 504.315(e) - Congressional Medal of Honor recipients; and
5. Section 504.315(g) - Purple Heart recipients.

This section does not permit a vehicle to be parked at a time when or a place where parking is prohibited.

Section 11. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.180 A (Regulations pertaining to certain special situations), of the El Paso City Code, is amended to read as follows:

**12.44.180, subsection A, Regulations pertaining to certain special situations.**

A. The traffic engineer is authorized to designate zones in which stopping, standing and parking shall be regulated or prohibited as herein set forth, and violations of the regulations established as provided in this section shall constitute a civil offense as provided in Section 12.84.010 A. Notice of such zones shall be given by signs or by marking on the street, stating the type of zone, and when notice is so given no person shall stop, stand or park in such zone in violation of the applicable regulations. In designating any such zone the traffic engineer shall base his determination upon such of these factors, guides or standards as are applicable: the safety of persons and vehicles, the prompt movement of traffic, the convenience of the public, and the need for the zone at the particular location.

Section 12. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.180 B 11 (Regulations pertaining to certain special situations), of the El Paso City Code, is amended to read as follows:

**12.44.180, subsection B 11, Regulations pertaining to certain special situations.**

B. The regulations applicable to each such zone are as follows:

11. Reserved for the temporarily and permanently disabled:

a. Parking, stopping and standing is prohibited and constitutes a violation except for vehicles displaying special license plates issued under Section 504.201, Texas Transportation Code or a disabled parking placard issued under Section 681.002, Texas Transportation Code, or is compliance with the requirements under Section 681.007, Texas Transportation Code,

b. A parking space shall be considered to be "reserved for the temporarily and permanently disabled" if it conforms to the rules promulgated by the statutorily-designated agency of the State of Texas pursuant to statutory authority, relating to the identification and dimensions of parking spaces for persons with disabilities,

c. A parking space reserved for the temporarily and permanently disabled shall be identified and reserved for the disabled by a sign incorporating the symbol of accessibility and placed so that it will not be obscured by parked vehicles. The signage shall be of such size that it is legible from a distance that would be reasonable for the condition. Where conditions exist that preclude the use of vertical signage, suitable phrases or symbols sufficient in size, permanency, meaning and location so as to adequately serve the intent of this subparagraph may be accepted,

d. Nothing herein shall be construed to affect any ordinance or regulation governing hours of parking, length of time vehicles are permitted to park, or parking meter requirements;

Section 13. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.180 B 28 c i (Regulations pertaining to certain special situations), of the El Paso City Code, is amended to read as follows:

**12.44.180, subsection B 28 c i, Regulations pertaining to certain special situations.**

c. Parking, stopping and standing is prohibited in any parking meter space where the meter has been covered with a red, orange or yellow parking meter cover by an agent or employee of the city, except that:

i. In a meter space where the meter is covered by a red or orange cover, vehicles authorized by the department of transportation will be allowed to park and such authorization will be evidenced by a written document displayed in the window of the vehicle.

Section 14. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.200 (Disabled parking on private property), of the El Paso City Code, is amended to change the title of the section and to read as follows:

**12.44.200 Disabled parking on private property.**

A. No person shall stop, stand or park a vehicle neither displaying the special device issued by the State of Texas by and through its statutorily-designated agency for disabled, nor displaying a disabled person identification card in a parking space as parking area on private property and distinguished specifically for the disabled by conforming to the rules promulgated by the statutorily-designated agency of the State of Texas pursuant to statutory authority relating to the identification and dimensions of parking spaces for the disabled, and such stopping, standing or parking contrary to this section constitutes a violation.

B. A parking space reserved for the temporarily and permanently disabled shall be identified and reserved for the handicapped by a sign incorporating the symbol of accessibility and placed so that it will not be obscured by parked vehicles. The signage

shall be of such size that it is legible from a distance that would be reasonable for the condition. Where conditions exist that preclude the use of vertical signage, suitable phrases or symbols sufficient in size, permanency, meaning and location so as to adequately serve the intent of this subparagraph may be accepted.

Section 15. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.220 (Street cleaning or construction—Sign placement), of the El Paso City Code, is amended to read as follows:

**12.44.220 Street cleaning or construction—Sign placement.**

A. Placing by Department of Transportation. Before cleaning any street the department of transportation may erect movable signs giving notice that parking on such street or block is prohibited after a stated hour of a designated day of the week.

B. Placing During Construction. When any street is being or about to be paved or resurfaced, or when construction work is being or about to be done in the street, and in the opinion of the traffic engineer the parking of vehicles will interfere with traffic or with construction work, or will constitute a hazard, the traffic engineer may erect movable signs prohibiting parking in such street or part thereof, during the work, or after a day or time stated.

C. Obedience to Signs. When such signs have been erected no person shall park any vehicle in violation of the prohibition indicated by the sign.

D. Removing Vehicle Upon Demand. If a vehicle was parked before the sign was erected and remains parked after the prohibition indicated by the sign becomes effective, any person having control of such vehicle shall remove it from the prohibited area upon demand of the person in charge of the work to be done on the street, or upon demand of any police officer.

E. Removal of Vehicle Without Demand. If the signs authorized by this section were erected at least twenty-four hours before the prohibition is to become effective, it is a violation for any person in control of a vehicle to allow it to remain parked in violation of the prohibition indicated by the sign, notwithstanding the vehicle was legally parked in the first instance; and in such cases no demand for removal shall be necessary.

Section 16. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.230 (Pickup and discharge of agricultural workers), of the El Paso City Code, is amended to read as follows:

**12.44.230 Pickup and discharge of agricultural workers.**

It shall be a violation to park, stop or stand on any street or alley for the purpose of the pickup and discharge of agricultural workers except as provided herein and in compliance with all other applicable laws.

A. Pickup or discharge of agricultural workers shall be accomplished only by persons, firms, organizations or others who are in full compliance with all applicable federal, state

and local laws. No pickup or discharge on the public streets in the city, at any place other than the workers' residence, of agricultural workers who have been or are being recruited to be transported to and from work in the fields on a day-to-day basis, whether within or outside the state shall be permitted, except under the following conditions:

1. There shall be no pickup between the hours of ten p.m. and four a.m. on any night. Vehicles picking up agricultural workers shall not depart the pickup area prior to four-thirty a.m.
2. Pickup shall be made only on Ninth Avenue, Between Oregon and Mesa Streets, El Paso, Texas.
3. The number of passengers carried in a vehicle shall not exceed the seating capacity of the vehicle.
4. Workers being returned to El Paso shall not be discharged from vehicles in which they are transported later than ten p.m. on any day.
5. Returning workers shall not be discharged from vehicles at any location other than on Ninth Avenue between Oregon and Mesa Streets.

Section 17. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.240 (Temporary no parking zones), of the El Paso City Code, is amended to read as follows:

**12.44.240 Temporary no parking zones.**

- A. The traffic engineer is authorized to establish temporary no parking zones, not to exceed thirty feet in length, in the vicinity of any place of mechanical traffic counting equipment. Such zones, when established, shall be marked by appropriate signs mounted on portable bases, and installed within the roadway area.
- B. Whenever any such zone has been established as provided in subsection A of this section, it is a violation for any person to park a vehicle within such zone.

Section 18. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.250 (Sign erection required - Violation), of the El Paso City Code, is renamed and amended to read as follows:

**12.44.250 Sign erection required - Violation**

- A. Whenever by this title or any other ordinance of this city any parking time limits are imposed or parking is prohibited on designated streets or alleys, or the traffic engineer is authorized to create or designate no parking zones or erect signs prohibiting parking, it shall be the duty of the traffic engineer to erect appropriate signs or markings giving notice thereof and no such regulations shall be effective unless said signs or markings are in place at the time of any alleged offense.
- B. It shall be a violation for any person to park a vehicle in violation of such no parking zones or parking prohibitions created or designated by the traffic engineer by provided in this title which are signed or marked as may be required by this title.

Section 19. That Chapter 12.48 (Loading Zones, Bus and Taxi Stands), Section 12.48.070 (Violation of Section 12.48.050 or 12.48.060—Penalty), of the El Paso City Code, shall be deleted in its entirety.

Section 20. That Chapter 12.56 (Parking Meters), Section 12.56.030 (Parking space designation—Use), of the El Paso City Code, is amended to read as follows:

**12.56.030 Parking space designation—Use**

A. The traffic engineer shall designate the parking space next to each parking meter for which such meter is to be used by appropriate markings upon the curb or pavement of the street. Parking spaces shall be not less than eighteen feet in length.

B. When double meters are installed on a single post, the front vehicle shall park with its rear bumper aligned with the meter post and the rear vehicle shall park with its front bumper aligned with such post so that the meter post is in the center between both vehicles. In such locations an additional maneuvering area of eight feet painted with a white "X" shall be provided at the front and back of the double parking space to facilitate ingress and egress. The additional maneuvering area will not be provided where the parking space immediately joins a loading zone or yellow zone which can be used for ingress and egress.

C. The parking space at single meters shall also be eighteen feet in length with space for ingress and egress as outlined above.

D. No person shall park a vehicle in any such designated parking meter space during the restricted and regulated time applicable to the metered parking space in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, or so that any part of such vehicle occupies or protrudes into the maneuvering area at the front or back of such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins, tokens, a parking meter fee debit card, or other approved payment method shall have been deposited in the parking meter for each space so occupied as is required in this chapter for the parking of other vehicles in such space.

E. A vehicle displaying special license plates issued by the Texas State Department of Highways and Public Transportation to former prisoners of war as provided in Section 502.257, Texas Transportation Code, is exempt from the payment of parking fees, including those collected through parking meters, charged by the city. This exemption does not permit parking at a space in excess of the time allowed or permit parking a vehicle at a place or time that parking is prohibited.

F. A vehicle displaying special license plates issued by the Texas State Department of Highways and Public Transportation to Pearl Harbor survivors as provided in Section 502.259, Texas Transportation Code, is exempt from the payment of private automobile parking fees at the El Paso International Airport if the vehicle is owned by a military

veteran. This exemption does not permit parking at a space in excess of the time allowed or permit parking a vehicle at a place or time that parking is prohibited.

Section 21. That Chapter 12.56 (Parking Meters), Section 12.56.040 (Operation—Time limits), of the El Paso City Code, is amended to read as follows:

**12.56.040 Operation – Time limits.**

A. Except as provided in subsection G of this section, it shall be a violation for a person to park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the metered parking space in which such meter is located unless a coin or coins of United States currency, tokens, a parking meter fee debit card, or other approved payment method of the appropriate denominations as provided in this chapter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and such meter has been placed in operation.

B. No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the metered parking space in which such meter is located when the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins, tokens, parking meter fee debit card, or other approved payment method in such meter.

C. Except as provided in subsection D of this section, it shall be a violation for a person to park a vehicle in any parking meter space for a consecutive period of time longer than that permitted in the metered parking space in which such meter is located irrespective of the number or amounts of the coins, tokens, parking meter fee debit card, or other approved payment method are deposited for such meter. Each parking meter shall reflect the specific time limitation for that meter.

D. Placing of additional coins, tokens, parking meter fee debit card, or other approved payment method in parking meters located on city-owned properties outside the right-of-way of city streets beyond the prescribed maximum time limit shall be permitted.

E. When any vehicle is found parked in violation of any parking provision contained in this title, such fact shall be prima facie evidence that the person in whose name it is registered, is guilty of a violation of the parking provision contained in this title.

F. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this division and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

G. Except as provided in subsections 1 and 2 of this section, a vehicle may be parked at no charge in any parking meter space for a consecutive period of time that does not exceed the time permitted in the metered parking space as is reflected on the parking meter when the vehicle is being operated by or for the transportation of a person with a disability and there are special license plates issued under Texas Transportation Code

Section 504.201 displayed on the vehicle or a valid disabled parking placard is placed on the rearview mirror of the vehicle's front windshield.

1. This subsection does not permit a vehicle to be parked at a time when or a place where parking is prohibited.

2. It shall be a violation for any person to deposit coins, tokens, parking meter fee debit cards, or other approved payment method in the meter after the maximum time permitted for free parking under this subsection in the metered parking space has passed.

Section 22. That Chapter 12.56 (Parking Meters), Section 12.56.080 (Key – Custody - Duplicates), of the El Paso City Code, is amended to read as follows:

**12.56.080 Key – Custody – Duplicates.**

The International Bridges Director shall have custody of all parking meter keys. He may issue such keys to any city employee whose duties require the use of such keys, and such employee shall return the keys to the International Bridges Director upon completion of the work for which their use was needed, or at any other time as directed by the International Bridges Director to return them. Any person who shall have in his custody or possession a parking meter key belonging to the city except as authorized hereunder, or who shall make or cause to be made any duplicate of a traffic meter key belonging to the city without being authorized by the International Bridges Director to do so, shall be deemed guilty of a misdemeanor as provided in Section 12.84.010 B.

Section 23. That Chapter 12.56 (Parking Meters), Section 12.56.090 (Parking meter rates), of the El Paso City Code, is amended to read as follows:

**12.56.090 Parking meter rates.**

The International Bridges Director is hereby authorized to establish parking meter fees upon any drive, roadway, city-owned or controlled parking lot or parking facility, or any other area where the parking space is subject to a parking meter. The following fees are hereby established for public parking at any parking meter that is governed by this section:

A. A rate to be established by the International Bridges Director between a minimum of ten cents and a maximum of twenty cents for each twelve minutes, which includes any applicable sales tax. The maximum duration of parking at any meter shall be established by the International Bridges Director and shall not exceed ten hours.

B. In establishing the foregoing rates, the International Bridges Director shall consider the cost of providing the service, the prevailing private market parking rates in the immediate vicinity of the meter, the needs of patrons of nearby businesses and other premises to have access to the use of meter parking, and shall also consider relevant traffic mobility and engineering issues as applicable.

Section 24. That Chapter 12.68 (Visibility Obstructions), Section 12.68.040 (Notice of violation – Correction Period – Complaint), of the El Paso City Code, is amended to read as follows:

**12.68.040 Notice of violation – Correction Period – Complaint.**

The traffic engineer shall have a written notice served upon the owner or occupant of any property upon which any violation of any section in this chapter exists to correct the condition which constitutes a violation herein within ten days after service of this notice. Service of the notice may be accomplished by sending same to the owner or occupant by certified mail or by personal service upon the owner or occupant. If such condition is not corrected by the end of such ten-day period, the code enforcement division or other designees of the city manager shall file a complaint in corporation court against such owner or occupant.

Section 25. That Chapter 12.80 (Miscellaneous Traffic Regulations), Section 12.80.230 (Removing or Defacing Signs), of the El Paso City Code, is created to read as follows:

**12.80.230 Removing or Defacing Signs.**

- A. It shall be unlawful to remove or deface any sign erected or installed for the regulation of stopping, standing and parking as are required or authorized under Titles 12 and 14 of this code.
- B. It shall be unlawful to move, alter or relocate any portable sign or parking meter cover placed in accordance with Titles 12 and 14 of this code.
- C. This section shall not apply to the city manager and his designees in the performance of their official duties to install, remove and repair signs, and to persons authorized by the city to install or remove parking meter covers.

Section 26. That Chapter 12.84 (Penalty), Section 12.84.010 (Violation—Penalty), of the El Paso City Code, is amended to read as follows:

**12.84.010 Violation—Penalty.**

- A. A violation of a provision of chapters 12.44, except for sections 12.44.260 and 12.44.270, 12.48, 12.52 and sections 12.56.030 and 12.56.040 of this code governing the stopping, standing or parking of a vehicle, or a violation of any stopping, standing or parking designation, regulation or restriction established as authorized by said chapters, is a civil offense; provided that the penalties for a violation of section 12.44.280 shall be as set forth in subsection 12.44.280 R. Such civil violations are subject to the administrative adjudication process as provided in chapter 12.85 of this code.

B. Any person violating any provision of this title, other than a provision of chapters 12.44, except for sections 12.44.260 and 12.44.270, 12.48, 12.52 and sections 12.56.030 and 12.56.040 of this code governing the stopping, standing or parking of a vehicle, shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding five hundred dollars; provided, if any provision of this title is substantially the same as one set forth in any statute of this state, and a different penalty therefor is provided by state law, the penalty provided by this title for violation of such provision shall be the same as that provided by the state law; and provided further that the penalties for a violation of section 12.44.280 shall be as set forth in subsection 12.44.280 R.

C. For violations under this title that are of a continuing nature, each day that the violation shall continue shall constitute a separate offense, except that continuing violations of section 12.56.040 relating to time limits for parking in metered parking spaces, and continuing violations of section 12.52.050 relating to time limits for parking as established by code schedule when signs are erected, shall constitute a separate offense for each segment of maximum parking time as allowed and stated on the meter or sign.

Section 27. That Chapter 12.85 (Parking Violations Bureau), Section 12.85.010 (Parking violations bureau established), of the El Paso City Code, is amended to read as follows:

**12.85.010 Parking violations bureau established.**

There is created a parking violations bureau within the El Paso Municipal Courts of Record, hereinafter referred to as the municipal courts, which shall have original jurisdiction over cases involving violations of city ordinances and regulations and restrictions established pursuant thereto relating to the stopping, standing or parking of vehicles as contained in Titles 12 and 14 of this code. The administrative adjudication of violations under this chapter is civil in nature.

Section 28. That Chapter 12.85 (Parking Violations Bureau), Section 12.85.030 (Parking citations), of the El Paso City Code, is amended to read as follows:

**12.85.030 Parking citations.**

A. The administrative adjudication process for parking, standing and stopping violations shall be initiated by the issuance of a parking citation which may be issued by a peace officer or other authorized parking enforcement agent.

B. Authorized parking enforcement agents are designated as follows:

1. The city employees designated by the city manager or the chief of police to include but not be limited to the city's parking and traffic controllers, parking enforcement controllers, and the employees assigned to the code enforcement division.
2. Security guards employed under contract with the city to provide security at the El Paso Zoo only for stopping, standing and parking violations that occur on:

- a. the premises and perimeter of the El Paso Zoo, including parking lots within the boundary of East Paisano Street, Gateway North Boulevard and Franklin Canal, and the parking lot accessed from Dunne Street;
  - b. north side of East Paisano Street from Washington Street to Gateway North Boulevard; and
  - c. east side of Gateway North Boulevard from East Paisano Street to Franklin Canal.
3. The head of security and his security supervisors of University Medical Center only for stopping, standing and parking violations that occur on the premises of University Medical Center.
  4. Disabled-parking enforcement volunteers as provided in section 12.08.230 of this code.
  5. The director of the convention and visitor's bureau (civic center) and his designees only for stopping, standing and parking violations that occur on the parking lots and facilities located at the Civic Center Plaza.
  6. The director of the Mass Transit Department and his designees, to include but not be limited to security guards employed under contract with the city, only for stopping, standing and parking violations that occur on the parking lots and facilities operated by the Mass Transit Department, and for violations of sections 12.48.050 and 12.48.060 of this code.
- D. The citation shall provide that the person charged with a parking, standing or stopping offense shall have the right to an instanter hearing for the purpose of determining the issue of liability for the charged offense. Such right to a hearing shall be exercised by appearing in person before a hearing officer within fourteen days from the date of the citation on a day of the week established by the Municipal Court for the routine operation of the courts. During such times that Monday through Thursday are established as the Court's operation days and the Court is open, hearings will be held between the hours of seven-thirty a.m. to twelve forty-five p.m. and two p.m. to five forty-five p.m. During such times that Monday through Friday are established as the Court's operation days and the Court is open, hearings will be held between the hours of eight-thirty a.m. to twelve forty-five p.m. and two p.m. to five fifteen p.m. The Municipal Clerk shall post the schedule of days of operation at the Court and on the City's website.
- E. The original or any copy of the citation is a record kept in the ordinary course of business in the city and is rebuttable proof of the facts it contains.

Section 29. That Chapter 12.85 (Parking Violations Bureau), Section 12.85.110 (Fines and fees), of the El Paso City Code, is amended to read as follows:

**12.85.110 Fines and fees.**

A. The city council shall, by resolution, adopt a schedule of standard fines for various parking, standing and stopping offenses. Such standard fines shall be in the amount to be paid and accepted by those persons who do not desire a hearing and wish to pay the fines by mail or otherwise.

B. Any person, firm or corporation who violates any provision of this Title or Title 14 of this code related to the parking, standing or stopping of vehicles shall be fined in accordance with the schedule of standard fines adopted by resolution of city council.

C. The boot fee shall be charged in the established amount. Charges for towing or storage of impounded vehicles shall be as provided by the law applicable to abandoned vehicles.

D. All fines, costs and fees shall be deposited in the proper account of the general fund of the city, unless otherwise directed by resolution of the city council.

Section 30. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS 6th day of December 2011.

CITY OF EL PASO

ATTEST:

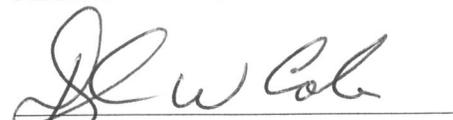
\_\_\_\_\_  
John F. Cook, Mayor

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elaine S. Hengen  
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Daryl W. Cole, Director  
Department of Transportation

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

**AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) TO AMEND VARIOUS SECTIONS THEREUNDER: TO REVISE THE PROVISIONS RELATING TO GRANTING PARKING ENFORCEMENT AUTHORITY UNDER THE TITLE; TO PROPERLY REFERENCE STATE STATUTORY AND CITY CODE PROVISIONS AND THE ESTABLISHMENT OF FEES; TO UPDATE THE PROVISIONS RELATING TO PARKING IN SPECIAL SITUATIONS; TO LIMIT THE FEE EXEMPTION FOR DISABLED PARKING WHEN THE TIME LIMIT FOR PARKING IS EXCEEDED; TO CLARIFY THE PENALTIES FOR PARKING, STANDING AND STOPPING VIOLATIONS IN THE CITY CODE AND CLARIFY WHICH PROVISIONS WITHIN TITLE 12 ARE PENAL VIOLATIONS; AND TO CLARIFY THE DATES AND TIMES AT WHICH A PARKING TICKET HEARING CAN BE REQUESTED; THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

**WHEREAS**, a code enforcement division has been established in the Environmental Services Department, and the City Council finds that it is appropriate to grant enforcement authority for all parking offenses to the employees in that division; and

**WHEREAS**, it is appropriate to revise various provisions to succinctly state all of the enforcement authority granted under the title and clarify the penalties imposed for parking, standing and stopping violations; and

**WHEREAS**, it is appropriate to limit all parking at parking meters to the time designated on such meter, regardless of whether a particular person may be exempted from paying the meter fee; and

**WHEREAS**, it is necessary to correct references to state law and the city code, the establishment of fees, and to update the provisions relating to parking in special situations.

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

Section 1. That Chapter 12.08 (Administration and Enforcement), Section 12.08.045 (El Paso Zoo and surrounding area—Parking citation issuance authority), of the El Paso City Code, shall be deleted in its entirety.

**~~12.08.045 El Paso Zoo and surrounding area—Parking citation issuance authority.~~**

~~A. Through the passage of this section the city designates the security guard services employed under contract with the city to provide security at the El Paso Zoo as an authorized parking enforcement agent in accordance with Chapter 12.85 of this code.~~

~~B. The security guard services employed under contract with the city to provide security at the El Paso Zoo are authorized to issue parking violation citations for violations of any law or ordinance relating to the stopping or parking of vehicles as provided in Title 12 of this code and which are enforceable on (1) the premises and perimeter of the El Paso Zoo and Dudley Field, including parking lots within the boundary of East Paisano Street, Gateway North Boulevard and Franklin Canal, and the parking lot accessed from Dunne Street; (2) both sides of Findley Avenue from Gateway North Boulevard to Boone Street; (3) North side of East Paisano Street from Washington Street to Gateway North Boulevard; (4) East side of Gateway North Boulevard from East Paisano Street to Franklin Canal; and (5) both sides of Boone Street from Findley Avenue to Franklin Canal.~~

~~C. If the owner or operator of the vehicle is not present at the time of issuance of the citation, the citation may be issued by affixing the citation to the vehicle in a conspicuous place. Should the owner or operator of the vehicle refuse to accept the citation, the citation shall be sent by mail to the last known address of the vehicle's registered owner, in accordance with Chapter 12.85 of this code.~~

Section 2. That Chapter 12.08 (Administration and Enforcement), Section 12.08.140 (Thomason General Hospital—Parking citation issuance authority), of the El Paso City Code, shall be re-titled and amended to read as follows:

**12.08.140 Thomason General Hospital Authorized parking enforcement agents—Parking citation issuance authority.**

~~Through the passage of this section the city confers a very limited authority to the head of security of R. E. Thomason General Hospital to issue parking violation citations for violations of parking ordinances which are enforceable on the premises of R. E. Thomason General Hospital.~~

~~The head of security of R.E. Thomason General Hospital, and his security supervisors are authorized to issue notices, similar to traffic citations, of violations of any law or ordinance, involving the parking, standing or stopping of any vehicle on the premises of R. E. Thomason General Hospital and in no other location, which stopping, standing or parking violation would be subject to enforcement by the El Paso police department. If the driver or owner of the vehicle responds to such notice, the notice shall be deemed to have the force and effect of a citation, as if given by a police officer. If the owner or driver does not respond, a complaint shall be signed and sworn to and a warrant issued.~~

Authorized parking enforcement agents are authorized to issue citations and file complaints for the stopping, standing and parking violations of this title as provided in Chapter 12.85 of this code.

Section 3. That Chapter 12.08 (Administration and Enforcement), Section 12.08.220, Subsection D (Impounding vehicles), of the El Paso City Code, is amended to read as follows:

**12.08.220, Subsection D, Impounding vehicles**

D. There is established a towing fee of ~~thirty dollars~~ and a storage fee of ~~ten dollars and fifty cents~~ which shall be charged in the respective established fee amounts per day for vehicles twenty-five feet in length or less and ~~thirty dollars~~ for vehicles over twenty-five feet in length for each calendar day, or part thereof, for each vehicle that is removed or impounded hereunder or transferred or seized by peace officer when it is towed by city equipment or stored in a city storage facility. All the charges assessed shall be a lien against the vehicle.

Section 4. That Chapter 12.08 (Administration and Enforcement), Section 12.08.230, (Disabled-parking enforcement volunteers—Parking citation issuance authority), of the El Paso City Code, is amended to read as follows:

**12.08.230 Disabled-parking enforcement volunteers—Parking citation issuance authority.**

A. Any person desiring to be appointed as a disabled-parking enforcement volunteer shall submit an application on a form established by the chief of police, or his designee. The applicant shall be at least eighteen years of age and meet the criteria for qualification as established in Section 681.0101, Texas Transportation Code. Article 6675a-5e.1, Section 6A (e), V.T.C.S. The applicant shall state his ~~or her~~ correct name, current address and telephone number on the application. The chief of police or his designee is authorized to require any additional information from the applicant as he deems necessary to complete the application and determine the qualifications of the applicant. The applicant shall sign all necessary documents to authorize the city and its police or human resources departments to conduct a criminal history record check of the applicant.

B. Applications shall be submitted to the chief of police or his designee. The chief of police or his designees, ~~in consultation with the city coordinator of the Americans with Disabilities Act,~~ shall determine the qualifications of the applicant and make recommendations as to which applicants are qualified to be appointed as disabled-parking enforcement volunteers.

C. Before any appointment may become effective, each disabled-parking enforcement volunteer shall:

1. Satisfactorily complete a course of training on disabled parking law and enforcement to be developed and conducted by the police department;
2. Sign a volunteer services agreement with the city in which the applicant:
  - a. Acknowledges that such disabled-parking enforcement volunteer and his ~~or her~~ heirs and assigns have no rights to any claim against the city, its officers, employees and

agents, for any injury, death or property damage resulting from or due to any and all disabled parking enforcement activities,

b. Specifically holds harmless the city, its officers, employees and agents, from liability for any of his ~~or her~~ acts or omissions taken in connection with his ~~or her~~ appointment as a disabled-parking enforcement volunteer,

c. Agrees to testify as may be required at all court and administrative proceedings relating to his ~~or her~~ issuance of a citation or filing of charges against a person for a violation of the disabled parking laws and that he ~~or she~~ agrees to voluntarily come to do so at the request of the parking violations bureau without the necessity for the issuance of a subpoena, and

d. Agrees to comply with all applicable laws and ordinances as they relate to the performance of the volunteer services;

3. Take and subscribe to an oath of office as may be prescribed by the city; and

4. Make the election a designation under Section ~~552.024~~ ~~552.117~~, Texas Government Code, concerning the release or nonrelease of the information covered in that section, and complete any other forms, which the city determines are necessary in connection with the volunteer's services.

D. Appointment of a disabled-parking enforcement volunteer shall become effective upon the execution of the volunteer services agreement by the city manager or designee and the volunteer and completion of the volunteer's training.

E. Persons appointed as disabled-parking enforcement volunteers are authorized, as provided by Section 681.010, Texas Transportation Code, Article 6675a-5e.1, Section 6A (e), V.T.C.S., to issue citations and file complaints ~~charges~~ against any person relating to any vehicle found to be parked in a parking space or parking area designated for the exclusive use of vehicles transporting persons with disabilities in the city in violation of Sections 12.44.180(B)(11) and 12.44.200 of this code or Section 681.011, Texas Transportation Code, Article 6675a-5e.1, V.T.C.S., subject to the following limitations as provided herein and in Section 681.0101, Texas Transportation Code Article 6675a-5e.1, Section 6A (e), V.T.C.S.:

1. No disabled-parking enforcement volunteer shall be deemed a peace officer, nor receive any compensation from the city while in the capacity of a disabled-parking enforcement volunteer;
2. No disabled-parking enforcement volunteer shall have the power or duty to enforce other traffic, civil or criminal laws;
3. No disabled-parking enforcement volunteer shall possess or carry firearms or other weapons while in the enforcement of the disabled parking laws; and
4. No disabled-parking enforcement volunteer, and his ~~or her~~ heirs and assigns, shall be entitled to any indemnification or compensation from the state of Texas, county of El Paso, or the City of El Paso, and their officers, employees and agents, for any injury, death or property damage sustained as a result of or due to enforcement activities.

F. All disabled-parking enforcement volunteers shall provide notice of any change of name, address or telephone number to the chief of police or his designee and to the ~~personnel~~ human resources department no later than ten days after the effectiveness of such change.

G. The chief of police or his designee may, at any time and without cause, remove the authorization of any person to act as a disabled-parking enforcement volunteer, by giving

the person a written notice that his or her authorization to act as a disabled-parking enforcement volunteer has been removed.

Section 5. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.010 (Where signs required), of the El Paso City Code, be amended to delete subsections E and F.

~~E. Campbell Street west side only between San Antonio Avenue and Myrtle Avenue;  
F. Overland Avenue, south side only, between Ochoa Street and Virginia Street.~~

[Note: these subsections are being deleted as the prohibition against parking on these streets is already contained in a schedule in Chapter 12.88.]

Section 6. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.060 (Angle parking – Obedience to signs and markings), of the El Paso City Code, is amended to read as follows:

**12.44.060 Angle parking – Obedience to signs and markings.**

Upon those streets which have been signed or marked by the traffic engineer for angle parking, it shall be a violation for a no person shall to stop, park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Section 7. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.070 (Lights on parked vehicles), of the El Paso City Code, is deleted and the section shall be marked as reserved.

**~~12.44.070 Lights on parked vehicles.~~**

~~A. Whenever a vehicle is parked on a street or highway within a rural district during the hours between one half hour after sunset and one half hour before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of five hundred feet to the front of the vehicle and a red light visible from a distance of five hundred feet to the rear.~~

~~B. For the purpose of this section, a rural district shall be defined as the district wherein the territory contiguous and adjacent to the roadway contains less than twelve buildings for use as residences or businesses per mile on either side of the roadway or on both sides collectively.~~

~~C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.~~

[Note: This section is being deleted, as this is regulated by state law.]

Section 8. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.090 (Parking prohibited for certain purposes), of the El Paso City Code, is amended to read as follows:

**12.44.090 Parking prohibited for certain purposes.**

No person shall park a vehicle upon any public right-of-way as defined in Section ~~19.04.040~~ 19.50.030 of this code, for the purpose of washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

Section 9. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.160 (Parking in alleys), of the El Paso City Code, is amended to read as follows:

**12.44.160 Parking in alleys.**

A. Parking in alleys shall be governed by the following parking regulations:

1. One side of the alley may be designated "no stopping or standing, tow-away zone" by the traffic engineer. No person shall park, stop or stand any vehicle on this side of the alley when signs have been erected in the locations reading substantially "No Stopping or Standing, Tow-Away Zone." The police department is directed to cause to be towed away any vehicle found parked, stopped or standing in violation of this section. The owner of such vehicle shall be civilly liable to the person doing such towing for the reasonable cost thereof.

2. The opposite side of the alley may restrict parking to commercial vehicles or other vehicles actively engaged in the process of loading or unloading. Those alleys with signs erected reading substantially "No Parking, Loading Zone Commercial Vehicles Only" shall be restricted to parking by commercial vehicles only. Those alleys with signs erected reading substantially "No Parking Except For Loading" shall be restricted to commercial vehicles and other vehicles actively engaged in the process of loading or unloading.

B. The traffic engineer shall have the authority to designate which side of the alley shall be used as a commercial loading zone and which side of the alley parking, stopping and standing will be prohibited.

~~C. Any person violating any provision of subsection A of this section, shall be deemed guilty of a misdemeanor and punished by a fine of not less than five dollars and no more than two hundred dollars.~~

Section 10. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.170 (Parking on city-owned property), of the El Paso City Code, is amended to read as follows:

**12.44.170 Parking on city-owned property.**

A. Authority of the Traffic Engineer. The traffic engineer is authorized and directed, subject to approval of the city council, to establish loading zones, parking time limit zones, no parking zones, reserved parking zones, parking meter zones and such other parking regulations as may be necessary to properly control and regulate the parking of vehicles on city-owned properties outside the right-of-way of any dedicated public street which is intended for parking.

B. Based on Studies. The traffic engineer shall establish such parking zones or other parking regulations on the basis of traffic and engineering studies determining the needs of the city with respect to the land, the public convenience and necessity, and public safety.

C. Placing Signs and Markings. The director of the department of transportation is authorized to place and maintain signs and markings as may be necessary to adequately inform the public of such regulations.

~~D. Obedience To. Any person disobeying any signs or markings placed by authority of this section and Chapters 12.52 and 12.56 shall be deemed guilty of a misdemeanor and punished by a fine as provided in Section 12.84.010. It shall be a violation for any person to park on city owned property contrary to the signs or markings placed by authority of this section.~~

~~E. Citing and Summoning Violators.~~

~~1. Upon the violation of any sign or marking placed by the authority of this section on the parking lots located at the Central Municipal Administrative Office Building, or any of the parking lots located at Civic Center Plaza, or any of the parking lots of Sun Metro, a designee of the Civic Center director or the traffic engineer or the director of Sun Metro with regard to city owned Sun Metro parking lots, shall have the authority to give notices similar to traffic tickets for violations of such sign or marking. If the driver or owner of the vehicle responds to such notice, the notice shall be deemed to have the force and effect of a citation as if given by a police officer. If the driver or owner does not respond, a complaint shall be signed and sworn to and a warrant issued.~~

~~2. The enforcement of this section by virtue of this subsection shall be the only authority a designee of the Civic Center director or the director of Sun Metro shall have in this title unless specifically given authority elsewhere.~~

~~F. D.~~ A vehicle, which displays license plates issued under the applicable Texas Transportation Code sections noted below, is exempt from the payment of a parking fee at any city facility where a parking fee is collected, provided that the vehicle is being operated at the time of accrual of such parking fee by or for the transportation of the person that registered the vehicle under such Texas Transportation Code provisions:

1. Section 504.202 - Veterans with Disabilities;
2. Section 504.315(c) - former Prisoners of War;
3. Section 504.315(d) - Pearl Harbor Survivors;
4. Section 504.315(e) - Congressional Medal of Honor recipients; and
5. Section 504.315(g) - Purple Heart recipients.

This section does not permit a vehicle to be parked at a time when or a place where parking is prohibited.

Section 11. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.180 A (Regulations pertaining to certain special situations), of the El Paso City Code, is amended to read as follows:

**12.44.180, subsection A, Regulations pertaining to certain special situations.**

A. The traffic engineer is authorized to designate zones in which stopping, standing and parking shall be regulated or prohibited as herein set forth, and violations of the regulations established as provided in this section shall constitute a civil offense as provided in Section 12.84.010 A. Notice of such zones shall be given by signs or by marking on the street, stating the type of zone, and when notice is so given no person shall stop, stand or park in such zone in violation of the applicable regulations. In designating any such zone the traffic engineer shall base his determination upon such of these factors, guides or standards as are applicable: the safety of persons and vehicles, the prompt movement of traffic, the convenience of the public, and the need for the zone at the particular location.

Section 12. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.180 B 11 (Regulations pertaining to certain special situations), of the El Paso City Code, is amended to read as follows:

**12.44.180, subsection B 11, Regulations pertaining to certain special situations.**

B. The regulations applicable to each such zone are as follows:

11. Reserved for the temporarily and permanently disabled:

a. Parking, stopping and standing is prohibited and constitutes a violation except for vehicles displaying special license plates issued under Section 504.201, Texas Transportation Code or a disabled parking placard issued under Section 681.002, Texas Transportation Code, or is compliance with the requirements under Section 681.007, Texas Transportation Code, device issued by the county tax collector for motor vehicles regularly operated by or for the transportation of temporarily or permanently disabled persons, as provided in Article 6675a-5e.1, Texas Revised Civil Statutes Annotated (Disabled Persons Registration Insignia),

b. A parking space shall be considered to be "reserved for the temporarily and permanently disabled" if it conforms to the rules promulgated by the statutorily-designated agency of the State of Texas pursuant to statutory authority, relating to the identification and dimensions of parking spaces for persons with disabilities State Purchasing and General Services Commission under Section 7.05(e) of the State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes),

c. A parking space reserved for the temporarily and permanently disabled shall be identified and reserved for the disabled ~~handicapped~~ by a sign incorporating the symbol of accessibility and placed so that it will not be obscured by parked vehicles. The signage shall be of such size that it is legible from a distance that would be reasonable for the condition. Where conditions exist that preclude the use of vertical signage, suitable phrases or symbols sufficient in size, permanency, meaning and location so as to adequately serve the intent of this subparagraph may be accepted,

~~d. Any person violating any provision of subparagraph (a) of this subsection shall be guilty of a Class C misdemeanor and punished by a fine of not less than fifty dollars nor more than two hundred dollars,~~

~~e. A person not disabled or not transporting a disabled person who parks a vehicle displaying a disabled person's registration insignia in any parking space or parking area designated specifically for the temporarily or permanently disabled shall be guilty of a Class C misdemeanor and punished by a fine of not less than fifty dollars nor more than two hundred dollars,~~

~~d. f.~~ Nothing herein shall be construed to affect any ordinance or regulation governing hours of parking, length of time vehicles are permitted to park, or parking meter requirements;

Section 13. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.180 B 28 c i (Regulations pertaining to certain special situations), of the El Paso City Code, is amended to read as follows:

**12.44.180, subsection B 28 c i, Regulations pertaining to certain special situations.**

c. Parking, stopping and standing is prohibited in any parking meter space where the meter has been covered with a red, orange or yellow parking meter cover by an agent or employee of the city, except that:

i. In a meter space where the meter is covered by a red or orange cover, vehicles authorized by the department of transportation ~~city's traffic and transportation department~~ will be allowed to park and such authorization will be evidenced by a written document displayed in the window of the vehicle.

Section 14. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.200 (Disabled parking on private property), of the El Paso City Code, is amended to change the title of the section and to read as follows:

**12.44.200 Disabled Handicapped parking on private property.**

A. No person shall stop, stand or park a vehicle neither displaying the special device issued by the State of Texas by and through its statutorily-designated agency ~~Department of Highways and Public Transportation~~ for disabled, nor displaying a disabled person identification card in a parking space as parking area on private property and distinguished specifically for the disabled by conforming to the rules promulgated by the statutorily-designated agency of the State of Texas pursuant to statutory authority ~~the State Purchasing and General Services Commission under Section (c) of Section 7.05 of the State Purchasing and General Services Act (Article 601b Vernon's Texas Civil Statutes)~~ relating to the identification and dimensions of parking spaces for the disabled, and such stopping, standing or parking contrary to this section constitutes a violation.

B. A parking space reserved for the temporarily and permanently disabled shall be identified and reserved for the handicapped by a sign incorporating the symbol of accessibility and placed so that it will not be obscured by parked vehicles. The signage shall be of such size that it is legible from a distance that would be reasonable for the condition. Where conditions exist that preclude the use of vertical signage, suitable phrases or symbols sufficient in size, permanency, meaning and location so as to adequately serve the intent of this subparagraph may be accepted.

~~C. Any person violating this section shall be guilty of a Class C misdemeanor and punished by a fine of not less than fifty dollars and not more than two hundred dollars.~~

Section 15. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.220 (Street cleaning or construction—Sign placement), of the El Paso City Code, is amended to read as follows:

**12.44.220 Street cleaning or construction—Sign placement.**

A. Placing by ~~Street Cleaning~~ Department of Transportation. Before cleaning any street the ~~city~~ department of transportation ~~in charge of such work~~ may erect movable signs giving notice that parking on such street or block is prohibited after a stated hour of a designated day of the week.

B. Placing During Construction. When any street is being or about to be paved or resurfaced, or when construction work is being or about to be done in the street, and in the opinion of the ~~city~~ traffic engineer the parking of vehicles will interfere with traffic or with construction work, or will constitute a hazard, the traffic engineer may erect movable signs prohibiting parking in such street or part thereof, during the work, or after a day or time stated.

C. Obedience to Signs. When such signs have been erected no person shall park any vehicle in violation of the prohibition indicated by the sign.

D. Removing Vehicle Upon Demand. If a vehicle was parked before the sign was erected and remains parked after the prohibition indicated by the sign becomes effective, any person having control of such vehicle shall remove it from the prohibited area upon demand of the person in charge of the work to be done on the street, or upon demand of any police officer.

E. Removal of Vehicle Without Demand. If the signs authorized by this section were erected at least twenty-four hours before the prohibition is to become effective, it is a violation ~~unlawful~~ for any person in control of a vehicle to allow it to remain parked in violation of the prohibition indicated by the sign, notwithstanding the vehicle was legally parked in the first instance; and in such cases no demand for removal shall be necessary.

~~F. Removing or Defacing Signs. No person shall remove or deface any such sign or deface or conceal the wording thereon except by authority of the city department in charge of the work.~~

Section 16. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.230 (Pickup and discharge of agricultural workers), of the El Paso City Code, is amended to read as follows:

**12.44.230 Pickup and discharge of agricultural workers.**

It shall be a violation to park, stop or stand on any street or alley for the purpose of the pickup and discharge of agricultural workers except as provided herein and in compliance with all other applicable laws.

A. Pickup or discharge of agricultural workers shall be accomplished only by persons, firms, organizations or others who are in full compliance with all applicable federal, state and local laws. No pickup or discharge on the public streets in the city, at any place other than the workers' residence, of agricultural workers who have been or are being recruited to be transported to and from work in the fields on a day-to-day basis, whether within or outside the state shall be permitted, except under the following conditions:

1. A. There shall be no pickup between the hours of ten p.m. and four a.m. on any night. Vehicles picking up agricultural workers shall not depart the pickup area prior to four-thirty a.m.

2. B. Pickup shall be made only on Ninth Avenue, Between Oregon and Mesa Streets, El Paso, Texas.

3. C. The number of passengers carried in a vehicle shall not exceed the seating capacity of the vehicle.

4. D. Workers being returned to El Paso shall not be discharged from vehicles in which they are transported later than ten p.m. on any day.

5. E. Returning workers shall not be discharged from vehicles at any location other than on Ninth Avenue between Oregon and Mesa Streets.

Section 17. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.240 (Temporary no parking zones), of the El Paso City Code, is amended to read as follows:

**12.44.240 Temporary no parking zones.**

A. The traffic engineer is authorized to establish temporary no parking zones, not to exceed thirty feet in length, in the vicinity of any place of mechanical traffic counting equipment. Such zones, when established, shall be marked by appropriate signs mounted on portable bases, and installed within the roadway area.

B. Whenever any such zone has been established as provided in subsection A of this section, it is a violation ~~unlawful~~ for any person to park a vehicle within such zone, ~~or to move, alter or relocate any portable sign placed in accordance with this section.~~

Section 18. That Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.250 (Sign erection required - Violation), of the El Paso City Code, is renamed and amended to read as follows:

### **12.44.250 Sign erection required - Violation**

A. Whenever by this title or any other ordinance of this city any parking time limits are imposed or parking is prohibited on designated streets or alleys, or the traffic engineer is authorized to create or designate no parking zones or erect signs prohibiting parking, it shall be the duty of the traffic engineer to erect appropriate signs or markings giving notice thereof and no such regulations shall be effective unless said signs or markings are in place at the time of any alleged offense.

B. It shall be a violation for any person to park a vehicle in violation of such no parking zones or parking prohibitions created or designated by the traffic engineer by provided in this title which are signed or marked as may be required by this title.

Section 19. That Chapter 12.48 (Loading Zones, Bus and Taxi Stands), Section 12.48.070 (Violation of Section 12.48.050 or 12.48.060—Penalty), of the El Paso City Code, shall be deleted in its entirety.

### **~~12.48.070 Violation of Section 12.48.050 or 12.48.060—Penalty.~~**

~~A.~~ Upon the violation of either Section 12.48.050 or 12.48.060 by any person, a designee of the director of the department of public transit shall have the authority to give notices, similar to traffic tickets, for violations of Section 12.48.050 or 12.48.060. If the driver or owner of the vehicle responds to such notice, the notice shall be deemed to have the force and effect of a citation, as if given by a police officer. If the driver or owner does not respond, a complaint shall be signed and sworn to and a warrant issued.

~~B.~~ A designee of the director of the department of public transit shall be appointed by the director, subject to the approval of the chief of police. The designee shall have no authority to make arrests or carry arms, except to the same extent as any other private citizen. The enforcement of Section 12.48.050 or 12.48.060, by virtue of this section, shall be the only authority a designee of the director of the department of public transit shall have in Title 12 of this code, unless specifically given authority elsewhere.

~~C.~~ In addition, the designee of the director of the department of public transit, shall have the authority to give notices similar to traffic tickets for violations of any signs or markings placed by authority of the traffic engineer on the parking lots located at the Union Depot. If the driver or owner responds to such notice, the notice shall be deemed to have the force and effect of a citation as if given by a police officer. If the driver or owner does not respond, a complaint shall be signed and sworn to and a warrant issued.

Section 20. That Chapter 12.56 (Parking Meters), Section 12.56.030 (Parking space designation—Use), of the El Paso City Code, is amended to read as follows:

### **12.56.030 Parking space designation—Use**

A. The traffic engineer shall designate the parking space next to each parking meter for which such meter is to be used by appropriate markings upon the curb or pavement of the street. Parking spaces shall be not less than eighteen feet in length.

B. When double meters are installed on a single post, the front vehicle shall park with its rear bumper aligned with the meter post and the rear vehicle shall park with its front bumper aligned with such post so that the meter post is in the center between both vehicles. In such locations an additional maneuvering area of eight feet painted with a white "X" shall be provided at the front and back of the double parking space to facilitate ingress and egress. The additional maneuvering area will not be provided where the parking space immediately joins a loading zone or yellow zone which can be used for ingress and egress.

C. The parking space at single meters shall also be eighteen feet in length with space for ingress and egress as outlined above.

D. No person shall park a vehicle in any such designated parking meter space during the restricted and regulated time applicable to the metered parking space in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, or so that any part of such vehicle occupies or protrudes into the maneuvering area at the front or back of such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins, tokens, ~~or~~ a parking meter fee debit card, or other approved payment method shall have been deposited in the parking meter for each space so occupied as is required in this ~~division~~ chapter for the parking of other vehicles in such space.

E. A vehicle displaying special license plates issued by the Texas State Department of Highways and Public Transportation to former prisoners of war as provided in Section 502.257, Texas Transportation Code, is exempt from the payment of parking fees, including those collected through parking meters, charged by the city. This exemption does not permit parking at a space in excess of the time allowed or permit parking a vehicle at a place or time that parking is prohibited.

F. A vehicle displaying special license plates issued by the Texas State Department of Highways and Public Transportation to Pearl Harbor survivors as provided in Section 502.259, Texas Transportation Code, is exempt from the payment of private automobile parking fees at the El Paso International Airport if the vehicle is owned by a military veteran. This exemption does not permit parking at a space in excess of the time allowed or permit parking a vehicle at a place or time that parking is prohibited.

Section 21. That Chapter 12.56 (Parking Meters), Section 12.56.040 (Operation—Time limits), of the El Paso City Code, is amended to read as follows:

**12.56.040 Operation – Time limits.**

A. Except as provided in subsection G of this section, it shall be a violation for a ~~No~~ person to shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time

applicable to the metered parking space in which such meter is located unless a coin or coins of United States currency, tokens, ~~or~~ a parking meter fee debit card, or other approved payment method of the appropriate denominations as provided in this chapter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and such meter has been placed in operation.

B. No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the metered parking space in which such meter is located when the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins, tokens, ~~or~~ parking meter fee debit card, or other approved payment method in such meter.

C. Except as provided in subsection D of this section, it shall be a violation for a ~~no~~ person to ~~shall~~ park a vehicle in any parking meter space for a consecutive period of time longer than that permitted in the metered parking space in which such meter is located irrespective of the number or amounts of the coins, tokens, ~~or~~ parking meter fee debit card, or other approved payment method are deposited for such meter. Each parking meter shall reflect the specific time limitation for that meter.

D. Placing of additional coins, tokens, ~~or~~ parking meter fee debit card, or other approved payment method in parking meters located on city-owned properties outside the right-of-way of city streets beyond the prescribed maximum time limit shall be permitted.

E. When any vehicle is found parked in violation of any parking provision contained in this title, such fact shall be prima facie evidence that the person in whose name it is registered, is guilty of a violation of the parking provision contained in this title.

F. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this division and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

G. Except as provided in subsections 1 and 2 of this section, a vehicle may be parked at no charge in any parking meter space for a consecutive period of time that does not exceed the time permitted in the metered parking space as is reflected on the parking meter when the vehicle is being operated by or for the transportation of a person with a disability and there are special license plates issued under Texas Transportation Code Section 504.201 displayed on the vehicle or a valid disabled parking placard is placed on the rearview mirror of the vehicle's front windshield.

1. This subsection does not permit a vehicle to be parked at a time when or a place where parking is prohibited.

2. It shall be a violation for any person to deposit coins, tokens, parking meter fee debit cards, or other approved payment method in the meter after the maximum time permitted for free parking under this subsection in the metered parking space has passed.

Section 22. That Chapter 12.56 (Parking Meters), Section 12.56.080 (Key – Custody - Duplicates), of the El Paso City Code, is amended to read as follows:

**12.56.080 Key – Custody – Duplicates.**

The International Bridges Director shall have custody of all parking meter keys. He may issue such keys to any city employee whose duties require the use of such keys, and such employee shall return the keys to the International Bridges Director upon completion of the work for which their use was needed, or at any other time as directed by the International Bridges Director to return them. Any person who shall have in his custody or possession a parking meter key belonging to the city except as authorized hereunder, or who shall make or cause to be made any duplicate of a traffic meter key belonging to the city without being authorized by the International Bridges Director to do so, shall be deemed guilty of a misdemeanor as provided in Section 12.84.010 B.

Section 23. That Chapter 12.56 (Parking Meters), Section 12.56.090 (Parking meter rates), of the El Paso City Code, is amended to read as follows:

**12.56.090 Parking meter rates.**

The International Bridges Director is hereby authorized to establish parking meter fees upon any drive, roadway, city-owned or controlled parking lot or parking facility, or any other area where the parking space is subject to a parking meter. The following fees are hereby established for public parking at any parking meter that is governed by this section:

A. A rate to be established by the International Bridges Director between a minimum of ten cents and a maximum of twenty cents for each twelve minutes, which includes any applicable sales tax. The maximum duration of parking at any meter shall be established by the International Bridges Director and shall not exceed ten hours.

B. In establishing the foregoing rates, the International Bridges Director shall consider the cost of providing the service, the prevailing private market parking rates in the immediate vicinity of the meter, the needs of patrons of nearby businesses and other premises to have access to the use of meter parking, and shall also consider relevant traffic mobility and engineering issues as applicable. ~~The International Bridges Director shall not increase the rate for 18 months after this initial increase to ten cents for each twelve minutes.~~

[Note: This sentence is deleted, as it is no longer applicable as more than 18 months have passed since the adoption of this subsection on December 23, 2008]

Section 24. That Chapter 12.68 (Visibility Obstructions), Section 12.68.040 (Notice of violation – Correction Period – Complaint), of the El Paso City Code, is amended to read as follows:

**12.68.040 Notice of violation – Correction Period – Complaint.**

The traffic engineer shall have a written notice served upon the owner or occupant of any property upon which any violation of any section in this chapter exists to correct the condition which constitutes a violation herein within ten days after service of this notice.

Service of the notice may be accomplished by sending same to the owner or occupant by certified mail, ~~return receipt requested~~, or by personal service upon the owner or occupant. If such condition is not corrected by the end of such ten-day period, the code enforcement division or other designees of the city manager ~~traffic engineer~~ shall file a complaint in corporation court against such owner or occupant.

Section 25. That Chapter 12.80 (Miscellaneous Traffic Regulations), Section 12.80.230 (Removing or Defacing Signs), of the El Paso City Code, is created to read as follows:

**12.80.230 Removing or Defacing Signs.**

A. It shall be unlawful to remove or deface any sign erected or installed for the regulation of stopping, standing and parking as are required or authorized under Titles 12 and 14 of this code.

B. It shall be unlawful to move, alter or relocate any portable sign or parking meter cover placed in accordance with Titles 12 and 14 of this code.

C. This section shall not apply to the city manager and his designees in the performance of their official duties to install, remove and repair signs, and to persons authorized by the city to install or remove parking meter covers.

Section 26. That Chapter 12.84 (Penalty), Section 12.84.010 (Violation—Penalty), of the El Paso City Code, is amended to read as follows:

**12.84.010 Violation—Penalty.**

A. A violation of a provision of chapters 12.44, except for sections 12.44.260 and 12.44.270, 12.48, 12.52 and sections 12.56.030 and 12.56.040 of this code governing the stopping, standing or parking of a vehicle, or a violation of any stopping, standing or parking designation, regulation or restriction established as authorized by said chapters, is a civil offense; provided that the penalties for a violation of section 12.44.280 shall be as set forth in subsection 12.44.280 R. Such civil violations are subject to the administrative adjudication process as provided in chapter 12.85 of this code.

B. Any person violating any provision of this title, other than a provision of chapters 12.44, except for sections 12.44.260 and 12.44.270, 12.48, 12.52 and sections 12.56.030 and 12.56.040 of this code governing the stopping, standing or parking of a vehicle except for the code provisions relating to the administrative civil adjudication of stopping or parking of vehicles as addressed in Chapter 12.85 of this code, shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding five hundred dollars; provided, if any provision of this title is substantially the same as one set forth in any statute of this state, and a different penalty therefor is provided by state law, the penalty provided by this title for violation of such provision shall be the same as that provided by

the state law; and provided further that the penalties for a violation of section 12.44.280 shall be as set forth in subsection 12.44.280 R.

C. For violations under this title that are of a continuing nature, each day that the violation shall continue shall constitute a separate offense, except that continuing violations of section 12.56.040 relating to time limits for parking in metered parking spaces, and continuing violations of section 12.52.050 relating to time limits for parking as established by code schedule when signs are erected, shall constitute a separate offense for each segment of maximum parking time as allowed and stated on the meter or sign.

Section 27. That Chapter 12.85 (Parking Violations Bureau), Section 12.85.010 (Parking violations bureau established), of the El Paso City Code, is amended to read as follows:

#### **12.85.010 Parking violations bureau established.**

There is created a parking violations bureau within the El Paso Municipal Courts of Record, hereinafter referred to as the municipal courts, which shall have original jurisdiction over cases involving violations of city ordinances and regulations and restrictions established pursuant thereto relating to the stopping, standing or parking of vehicles as contained in Titles 12 and 14 of this code. The administrative adjudication of violations under this chapter is civil in nature.

Section 28. That Chapter 12.85 (Parking Violations Bureau), Section 12.85.030 (Parking citations), of the El Paso City Code, is amended to read as follows:

#### **12.85.030 Parking citations.**

A. The administrative adjudication process for parking, standing and stopping violations shall be initiated by the issuance of a parking citation which may be issued by a peace officer or other authorized parking enforcement agent.

B. Authorized parking enforcement agents are designated as follows:

1. The city employees designated by the city manager or the chief of police to include but not be limited to the city's parking and traffic controllers, parking enforcement controllers, and the employees assigned to the code enforcement division.

2. Security guards employed under contract with the city to provide security at the El Paso Zoo only for stopping, standing and parking violations that occur on:

a. the premises and perimeter of the El Paso Zoo, including parking lots within the boundary of East Paisano Street, Gateway North Boulevard and Franklin Canal, and the parking lot accessed from Dunne Street;

~~b. both sides of Findley Avenue from Gateway North Boulevard to Boone Street;~~  
b. e. north side of East Paisano Street from Washington Street to Gateway North Boulevard; and

c. ~~d.~~ east side of Gateway North Boulevard from East Paisano Street to Franklin Canal; ~~and~~

~~e. both sides of Boone Street from Findley Avenue to Franklin Canal.~~

3. The head of security and his security supervisors of University Medical Center only for stopping, standing and parking violations that occur on the premises of University Medical Center.

4. Disabled-parking enforcement volunteers as provided in section 12.08.230 of this code.

5. The director of the convention and visitor's bureau (civic center) and his designees only for stopping, standing and parking violations that occur on the parking lots and facilities located at the Civic Center Plaza.

6. The director of the Mass Transit Department and his designees, to include but not be limited to security guards employed under contract with the city, only for stopping, standing and parking violations that occur on the parking lots and facilities operated by the Mass Transit Department, and for violations of sections 12.48.050 and 12.48.060 of this code.

~~D. C.~~ The citation shall provide that the person charged with a parking, standing or stopping offense shall have the right to an instanter hearing for the purpose of determining the issue of liability for the charged offense. Such right to a hearing shall be exercised by appearing in person before a hearing officer within fourteen days from the date of the citation, ~~between the hours of eight thirty a.m. to twelve forty five p.m., and two p.m. and five fifteen p.m., Monday through Friday~~ on a day of the week established by the Municipal Court for the routine operation of the courts. During such times that Monday through Thursday are established as the Court's operation days and the Court is open, hearings will be held between the hours of seven-thirty a.m. to twelve forty-five p.m. and two p.m. to five forty-five p.m. During such times that Monday through Friday are established as the Court's operation days and the Court is open, hearings will be held between the hours of eight-thirty a.m. to twelve forty-five p.m. and two p.m. to five fifteen p.m. The Municipal Clerk shall post the schedule of days of operation at the Court and on the City's website.

~~E. D.~~ The original or any copy of the citation is a record kept in the ordinary course of business in the city and is rebuttable proof of the facts it contains.

Section 29. That Chapter 12.85 (Parking Violations Bureau), Section 12.85.110 (Fines and fees), of the El Paso City Code, is amended to read as follows:

#### **12.85.110 Fines and fees.**

A. The city council shall, by resolution, adopt a schedule of standard fines for various parking, standing and stopping offenses. Such standard fines shall be in the amount to be paid and accepted by those persons who do not desire a hearing and wish to pay the fines by mail or otherwise.

B. Any person, firm or corporation who violates any provision of this Title or Title 14 of this code ~~chapter~~ related to the parking, standing or stopping of vehicles shall be fined in accordance with the schedule of standard fines adopted by resolution of city council.

C. The boot fee shall be ~~fifty dollars~~ charged in the established amount. Charges for towing or storage of impounded vehicles shall be as provided by the law applicable to abandoned vehicles.

D. All fines, costs and fees shall be deposited in the proper account of the general fund of the city, unless otherwise directed by resolution of the city council.

Section 30. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS 6th day of December 2011.

CITY OF EL PASO

ATTEST:

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

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Elaine S. Hengen  
Senior Assistant City Attorney

\_\_\_\_\_  
Daryl W. Cole, Director  
Department of Transportation