

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

AGENDA DATE: June 4, 2024

PUBLIC HEARING DATE: June 11, 2024

CONTACT PERSON(S) NAME AND PHONE NUMBER: Lilia Worrell. (915) 212-5822
Annabelle Casas (915) 212-5205

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2 – Set the Standard for a Safe and Secure City

SUBJECT:

An Ordinance amending TITLE 5 (Business License and Permit Regulations); Chapter 5.13 (Security Alarm Systems); Section 5.13.120 (Appeal from assessment of the civil penalty) and Section 5.13.130 (Reinstatement of Permit) to replace "Hearing Officer" to "Municipal Associate Judge" of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amendment is to increase efficiency and allow substitute Municipal Associate Judges to preside over Security Alarm Systems: appeals and reinstatements of the permit.

PRIOR COUNCIL ACTION:

December 6, 2011; February 29, 2012

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Municipal Court

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

DEPARTMENT HEAD:



Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.13 (SECURITY ALARM SYSTEMS), SECTION 5.13.120 (APPEAL FROM ASSESSMENT OF CIVIL PENALTY) AND SECTION 5.13.130 (REINSTATEMENT OF PERMIT) TO AMEND ‘HEARING OFFICER’ TO ‘MUNICIPAL ASSOCIATE JUDGE’ OF THE EL PASO CITY CODE.

WHEREAS, the City of El Paso wishes to amend Title 5, Chapter 5.13, Section 5.13.120 Appeal from assessment of civil penalty and Section 5.13.130 Reinstatement of permit to amend who hears appeals in this section from ‘hearing officer’ to ‘municipal associate judge.’

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

SECTION 1. That Title 5 (Business License and Permit Regulations), Chapter 5.13 (Security Alarm Systems), Section 5.13.120 (Appeal from assessment of civil penalty), is hereby amended to read as follows:

5.12.080 License—Denial; appeal.

- A. A permit holder or other person assessed a civil penalty may appeal the assessment of a civil penalty by requesting a hearing to be held before a municipal associate judge in municipal court.
- B. The request for an appeal must be made in writing and delivered to the clerk of the municipal court not more than ten days after the bill for the assessment of the civil penalty is issued. A copy of the written appeal shall be sent by the appealing party to the police chief.
- C. A municipal associate judge shall, as soon as practicable, hear such appeal, after reasonable notice to the appealing party and to the police chief.
- D. The appealing party and the police chief shall have opportunities to present evidence and make argument on their behalf. The formal rules of evidence do not apply to an appeal under this section.
- E. A municipal associate judge shall make his ruling on the basis of substantial evidence presented at the hearing. A municipal associate judge shall affirm, reverse or modify the assessment of the civil penalty, except, that a municipal associate judge may not reduce or increase the amount designated in Section 5.13.070 for a civil penalty that is assessed for a false alarm notification determined by a municipal associate judge to have occurred. The decision of a municipal associate judge is final.

SECTION 2. That Title 5 (Business License and Permit Regulations), Chapter 5.13 (Security Alarm Systems), Section 5.13.130 (Reinstatement of permit), subsection C. is hereby amended to read as follows:

- C. An appeal of the decision of the police chief to refuse to reinstate a permit under subsection

B. of this section may be made to a municipal associate judge in the same manner as an appeal from the assessment of a civil penalty in Section 5.13.120. A municipal associate judge shall affirm or reverse the decision of the police chief. The decision of a municipal associate judge is final.

SECTION 3. Except as herein amended, Title 5 of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ADOPTED this ____ day of _____, 2024.

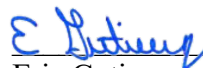
CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Lilia A. Worrell, Director
El Paso Municipal Court

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- C. An appeal of the decision of the police chief to refuse to reinstate a permit under subsection B. of this section may be made to a ~~hearing officer~~municipal associate judge in the same manner as an appeal from the assessment of a civil penalty in Section 5.13.120. A municipal associate judge~~hearing officer~~ shall affirm or reverse the decision of the police chief. The decision of a municipal associate judge~~hearing officer~~ is final.

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