

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

AGENDA DATE: August 1, 2023

PUBLIC HEARING DATE: August 15, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Assistant Chief Victor Zarur, (915) 212-4307, and

Lilia Worrell (915) 212-5822

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 2.3 – Increase public safety operational efficiency

SUBJECT:

An Ordinance amending TITLE 12 (Vehicles and Traffic), Chapter 12.85 (Parking Violations Bureau), to amend Section 12.85.010 (Parking Violations Bureau Established), Section 12.85.020 (Hearing Officers), Section 12.85.030 (Parking Citations); to update language to current usage; to allow substitute Associate Municipal Judges to serve as Hearing Officers; and to allow Commissioned Officers hired by Independent School Districts within the City limit to issue Parking Citations; The penalty being provided in Chapter 12.84.010 of the El Paso City Code.

BACKGROUND / DISCUSSION:

This ordinance amendment is to update current language and also allow substitute Associate Municipal Judges to serve as Hearing Officers under Title 12 – Vehicle and Traffic. In addition, updates will allow commissioned officers working for independent school district(s) to issue parking citations within the El Paso City limits. With passage of aforementioned a planned Inter-Local agreement with Socorro Independent School District will be introduced allowing Municipal Court to provide the citations and process them, fines will be kept by the City.

PRIOR COUNCIL ACTION:

April 14, 1992; March 22, 1994; April 8, 2008

AMOUNT AND SOURCE OF FUNDING:

N/A


HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

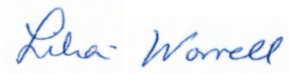
PRIMARY DEPARTMENT: Municipal Court

SECONDARY DEPARTMENT: Police Department

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

DEPARTMENT HEAD:


A/C V. Zarur



For

Peter Pacillas, Interim Chief, Police Department

Lilia Worrell, Municipal Court

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.85 (PARKING VIOLATIONS BUREAU), TO AMEND SECTION 12.85.010 (PARKING VIOLATIONS BUREAU ESTABLISHED), SECTION 12.85.020 (HEARING OFFICERS), SECTION 12.85.030 (PARKING CITATIONS); TO UPDATE LANGUAGE TO CURRENT USAGE; TO ALLOW SUBSTITUTE ASSOCIATE MUNICIPAL JUDGES TO SERVE AS HEARING OFFICERS; AND TO ALLOW COMMISSIONED OFFICERS HIRED BY INDEPENDENT SCHOOL DISTRICTS WITHIN THE CITY LIMIT TO ISSUE PARKING CITATIONS; THE PENALTY BEING PROVIDED IN CHAPTER 12.84.010 OF THE EL PASO CITY CODE.

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

SECTION 1. That Title 12 (Vehicles and Traffic), Chapter 12.85.010 (Parking Violations Bureau Established), is hereby amended as the following:

12.85.010 Parking violations division established.

There is created a parking violations division 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.

(Ord. 11051 (part), 1992; Ord. 10971 § 1 (part), 1992)
(Ord. No. 17690, § 27, 12-6-2011)

SECTION 2. That Title 12 (Vehicles and Traffic), Chapter 12.85.020 (Hearing Officers), is hereby amended to add and to amend as follows:

12.85.020 Hearing officers.

- A. The parking violations division shall have one or more hearing officers who are employed in the position of municipal court hearing officer or are otherwise assigned the duties and responsibilities of such position. A substitute associate municipal judge may substitute as a hearing officer when needed.
- B. Hearing officers shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and the production of documents.
- C. An order compelling the attendance of witnesses or the production of documents may be enforced by the municipal courts.

ORDINANCE NO. _____

(Ord. 16872 § 1, 2008; Ord. 11051 (part), 1992; Ord. 10971 § 1 (part), 1992)

SECTION 3. That Title 12 (Vehicles and Traffic), Chapter 12.85.030 (Parking Citations), is hereby amended 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 division (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.
 - 7. The commissioned law enforcement personnel hired by independent school districts that have schools within the El Paso City limit, who agree to abide by the requirements of this chapter and any other relevant obligations through an Interlocal Agreement. Citations must be issued within the City limit.

ORDINANCE NO. _____

- C. The citation shall provide that the person charged with a parking, standing or stopping offense shall have the right to an instant 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 7:30 a.m. to 12:45 p.m. and 2:00 p.m. to 5:45 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 8:30 a.m. to 12:45 p.m. and 2:00 p.m. to 5:15 p.m. The municipal clerk shall post the schedule of days of operation at the court and on the city's website.
- 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 4. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2023.

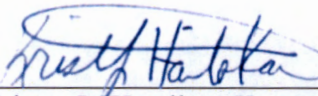
THE CITY OF EL PASO

Oscar Leeser, Mayor

ATTEST:

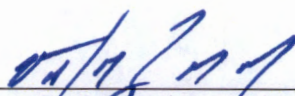
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Kristen L. Hamilton-Karam
Deputy City Attorney

APPROVED AS TO CONTENT:



Victor Zarur, Assistant Chief
El Paso Police Department

ORDINANCE NO. _____
HQ2023-868-Municipal Court | TRAN-497001 | KHK
City Code Chapter 12.85

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.85 (PARKING VIOLATIONS BUREAU), TO AMEND SECTION 12.85.010 (PARKING VIOLATIONS BUREAU ESTABLISHED), SECTION 12.85.020 (HEARING OFFICERS), SECTION 12.85.030 (PARKING CITATIONS); TO UPDATE LANGUAGE TO CURRENT USAGE; TO ALLOW SUBSTITUTE ASSOCIATE MUNICIPAL JUDGES TO SERVE AS HEARING OFFICERS; AND TO ALLOW COMMISSIONED OFFICERS HIRED BY INDEPENDENT SCHOOL DISTRICTS WITHIN THE CITY LIMIT TO ISSUE PARKING CITATIONS; THE PENALTY BEING PROVIDED IN CHAPTER 12.84.010 OF THE EL PASO CITY CODE.

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

SECTION 1. That Title 12 (Vehicles and Traffic), Chapter 12.85.010 (Parking Violations Bureau Established), is hereby amended as the following:

12.85.010 Parking violations ~~bureau~~ division established.

There is created a parking violations ~~bureau~~ division 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.

(Ord. 11051 (part), 1992; Ord. 10971 § 1 (part), 1992)
(Ord. No. 17690, § 27, 12-6-2011)

SECTION 2. That Title 12 (Vehicles and Traffic), Chapter 12.85.020 (Hearing Officers), is hereby amended to add and to amend as follows:

12.85.020 Hearing officers.

- A. The parking violations ~~bureau~~ division shall have one or more hearing officers who are employed in the position of ~~municipal court hearing officer~~ or are otherwise assigned the duties and responsibilities of such position. ~~A substitute associate municipal judge may substitute as a hearing officer when needed.~~
- B. Hearing officers shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and the production of documents.
- C. An order compelling the attendance of witnesses or the production of documents may be enforced by the municipal courts.

ORDINANCE NO. _____

(Ord. 16872 § 1, 2008; Ord. 11051 (part), 1992; Ord. 10971 § 1 (part), 1992)

SECTION 3. That Title 12 (Vehicles and Traffic), Chapter 12.85.030 (Parking Citations), is hereby amended 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~~ **division** (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*.
 - 7. **The commissioned law enforcement personnel hired by independent school districts that have schools within the El Paso City limit, who agree to abide by the requirements of this chapter and any other relevant obligations through an Interlocal Agreement. Citations must be issued within the City limit.**

ORDINANCE NO. _____

- C. The citation shall provide that the person charged with a parking, standing or stopping offense shall have the right to an instant 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 7:30 a.m. to 12:45 p.m. and 2:00 p.m. to 5:45 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 8:30 a.m. to 12:45 p.m. and 2:00 p.m. to 5:15 p.m. The municipal clerk shall post the schedule of days of operation at the court and on the city's website.
- 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 4. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2023.

THE CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Kristen L. Hamilton-Karam
Deputy City Attorney

Victor Zarur, Assistant Chief
El Paso Police Department

ORDINANCE NO. _____
HQ2023-868-Municipal Court | TRAN-496239 | KHK
City Code Chapter 12.85