

**CITY OF EL PASO, TEXAS
AGENDA SUMMARY FORM**



DEPARTMENT / COUNCIL OFFICE:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

2nd CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

AGENDA ITEM:

ISSUE STATEMENT:

BACKGROUND:

COUNCIL OPTIONS:

COMMITTEE REVIEW AND/OR RECOMMENDATION:

COMMUNITY AND STAKEHOLDER OUTREACH (if applicable, as an attachment) – please include:

RELATED CITY POLICIES:

PRIOR COUNCIL ACTION:

LEGAL REVIEW:

Legal counsel reviewed as a part of Council packet

Legal counsel reviewed in advance of packet as an individual item

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

ATTACHMENTS:

FOR MORE INFORMATION:

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

Arthur S. Alvarado

SIGNATURE:

(If Agenda Summary Form is initiated by Purchasing, client department should sign also)

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) TO ADD CHAPTER 12.57 (ELECTRONICALLY OPERATED PARKING CONTROL SYSTEMS), OF THE EL PASO CITY CODE TO PERFORM THE FOLLOWING: ADD SECTION 12.57.010 DEFINITIONS, SECTION 12.57.020 IMPOSITION AND AMOUNT OF CIVIL PENALTY, SECTION 12.57.030 ENFORCEMENT AND PROCEDURES, SECTION 12.57.040 ADMINISTRATIVE ADJUDICATION HEARING, SECTION 12.57.050 AFFIRMATIVE DEFENSES, SECTION 12.57.060 APPEAL, AND SECTION 12.57.070 ENFORCEMENT OF JUDGEMENT; THE PENALTY AS PROVIDED IN SECTION 12.57.030.

WHEREAS, the City of El Paso has established areas designated as “no parking zones” by Section 12.04 of the El Paso City Code as well as areas where parking is prohibited; and

WHEREAS, the continuous monitoring of such zones and areas by personnel is found to be impractical; and

WHEREAS, the development of new technologies allows for automated monitoring of no parking zones and areas by automated parking enforcement; and

WHEREAS, the City Council of El Paso Texas has determined that deployment of an automated parking enforcement system would benefit the public safety and traffic control of the city; and

WHEREAS, in order to facilitate such deployment a new section of City Code is required.

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

That Title 12– Vehicles and Traffic, of the El Paso City Code be amended to add Chapter 12.57 Automated Parking Enforcement Systems, as follows:

Chapter 12.57 – ELECTRONICALLY OPERATED PARKING CONTROL SYSTEMS

Section 12.57.010 – Definitions

Section 12.57.020 – Imposition and Amount of Civil Penalty

Section 12.57.030 – Enforcement and Procedures

Section 12.57.040 – Administrative Adjudication Hearing

Section 12.57.050 – Affirmative Defenses

Section 12.57.060 – Appeal

Section 12.57.070 – Enforcement of Judgment

Section 12.57.010 - Definitions.

As used in this chapter, the following words and terms shall have the meanings as described in this section, unless the context of their usage clearly indicates another meaning:

"Electronically Operated Parking Control System" means a system that consists of a camera system and vehicle sensor capable of reading and recording vehicle license plates.

"Local authority" means a county, municipality, or other local entity authorized to enact traffic laws under the laws of this state.

"Owner of a motor vehicle" means the owner of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Transportation or the analogous department or agency of another state or country.

"Recorded image" means a photographic or digital image that depicts the front or the rear of a motor vehicle.

"System location" means no parking zone which a photographic traffic monitoring system is directed and in operation.

"Unpaid civil penalty" means a civil penalty assessed under this chapter that is not paid by the deadline established for making the payment as provided in this chapter; or if administratively adjudicated pursuant to section 12.57.040, not paid upon the finding of liability by the hearing officer; or if appealed pursuant to section 12.57.060, not paid upon the entry of an order or judgment finding liability by the municipal court.

Section 12.57.020 - Imposition and amount of civil penalty.

- A. The owner of a motor vehicle is liable for a civil penalty in accordance with the City of El Paso Departmental Fee Schedule.
- B. The imposition of a civil penalty under this chapter is initiated by the mailing of a notice of violation to the owner of the motor vehicle that the City of El Paso seeks to impose a civil penalty for any parking violation.
- C. An owner of a motor vehicle who fails to timely pay the civil penalty assessed for violation of the instructions of a parking control device shall be subject to a late payment in accordance with the City of El Paso Departmental Fee Schedule.

Section 12.57.030 - Enforcement and Procedures.

- A. The Code Enforcement Department, or any other department designated by the City Manager, shall be responsible for the enforcement and administration of this chapter. The Director of Code Enforcement shall establish and implement appropriate procedures to affect the policy of this chapter.

B. To impose a civil penalty under this chapter, notice of violation shall be mailed to the owner of the motor vehicle liable for the civil penalty not later than thirty days after the date the violation is alleged to have occurred to the owner at:

1. The owner's address as shown on the registration records of the Texas Department of Transportation; or
2. If the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Transportation.

C. The notice of violation shall contain the following:

1. A description of the violation alleged;
2. Location where violation occurred;
3. The date and time of the violation;
4. The name and address of the owner of the vehicle involved in the violation;
5. The registration number displayed on the license plate of the vehicle involved in the violation;
6. A copy of the recorded image of the violation limited solely to a depiction of the area of the registration number displayed on the license plate of the vehicle involved in the violation;
7. The amount of the civil penalty for which the owner is liable;
8. The number of days the person has in which to pay or contest the imposition of the civil penalty and a statement that the person incurs a late payment penalty if the civil penalty is not paid or imposition of the penalty is not contested within that period;
9. A statement that the owner of the vehicle in the notice of violation may elect to pay the civil penalty by mail sent to a specified address instead of appearing at the time and place of the administrative adjudication hearing;
10. Information that informs the owner of the vehicle named in the notice of violation;
11. Of the owner's right to contest the imposition of the civil penalty against the person in an administrative adjudication hearing;

12. That the imposition of a civil penalty may be contested by submitting a written request for an administrative adjudication hearing within thirty days after the date the notice of violation was mailed;
13. That failure to pay the civil penalty or to contest liability for the penalty within twenty-one (21) days after the date the notice of violation was mailed, or failure to appear at the requested administrative adjudication hearing to contest the imposition of the civil penalty, is an admission of liability for the full amount of the civil penalty stated in the notice of violation mailed to the person and waives the person's right of appeal the imposition of the civil penalty; and
14. A person who receives a notice of violation of this chapter may pay the civil penalty in lieu of requesting an administrative hearing as provided in Section 12.57.040.

Section 12.57.040 - Administrative adjudication hearing.

- A. A person who receives a notice of violation of this chapter may contest the imposition of the civil penalty specified in the notice of violation by filing a written request for an administrative adjudication hearing within twenty-one days (21) days from the date the notice is postmarked:
 1. At the hearing before the municipal associate judge, the defendant may either admit, admit with explanation, or deny the alleged infraction;
 2. The issuing peace officer or other authorized parking enforcement agent shall not be required to attend the hearing;
 3. It is not required that the city be represented by counsel at the hearing; provided, however, that if the defendant is represented by counsel at the hearing, the municipal associate judge shall notify the municipal court clerk shall notify the city attorney's office of the hearing;
 4. Neither a complaint nor any other charging instrument is required. The municipal associate judge shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, and shall hear and review the testimony and evidence presented by the defendant. The formal rules of evidence do not apply to a hearing under this section, and the municipal associate judge shall make his decision based upon a preponderance of the evidence presented at the hearing, after giving due weight to all presumptions and prima facie evidence established by this chapter or other applicable law;
 5. At the conclusion of the hearing, the municipal associate judge shall issue an order stating whether or not the person charged is liable for violation of the parking or

stopping ordinance and the amount of the fine, costs or fees assessed against him. The order shall be filed with the municipal court clerk. All such orders shall be kept in a separate index or file by the municipal court clerk using appropriate data processing techniques;

6. Failure of a person charged with the offense to appear at a hearing within the aforesaid twenty-one day period shall be considered an admission of liability for the charged offense; and
 7. A municipal associate judge may impose court costs on each parking violation in which a fine, costs or fee is paid or assessed. This court cost may be enforced in the manner set forth in Section 12.57.070.
- B. The request for a hearing must be filed with the entity specified on the notice of violation on or before the date specified in the notice of violation:
1. Upon receipt of a timely request, the administrative adjudication hearing shall be set within 180 days of the request being received and the person shall be notified of the date and time of the administrative adjudication hearing. The administrative adjudication hearing shall be held before an El Paso Municipal Court associate judge; and
 2. Hearings shall be conducted in the manner prescribed in Section 12.85.050 of this Code.
- C. The reliability of the Electronically Operated Parking Control System used to produce the recorded image of the violation may be attested to by affidavit. Said affidavit shall be admissible at the administrative adjudication hearing and in the appeal, if any.
- D. At the end of the administrative adjudication hearing, the Municipal Court associate judge shall enter a finding of either liability or no liability. Said finding must be in writing, signed and dated by the hearing officer. A finding of liability for a civil penalty must specify the amount of the civil penalty for which the person is liable. The hearing officer shall also specify the amount of any late penalties and administrative adjudication costs assessed for which the person is liable. The finding shall be filed with the municipal court clerk. All such findings shall be kept in a separate index or file by the municipal court clerk.
- E. A person who fails to timely pay the amount of the civil penalty or fails to timely request an administrative adjudication hearing shall be found liable of the violation.

Section 12.57.050 - Affirmative defenses.

- A. It shall be an affirmative defense to liability under this article, to be proven by a preponderance of the evidence, that:

1. The operator of the motor vehicle was acting in compliance with the lawful order or direction of a police officer;
2. The motor vehicle was being operated as an authorized emergency vehicle under Chapter 546 of the Texas Transportation Code and the operator was acting in compliance with that chapter;
3. The motor vehicle was a stolen vehicle and being operated by a person other than the owner of the vehicle without the effective consent of the owner;
4. The license plate depicted in the recorded image of the violation was a stolen plate being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued;
5. The vehicle was being operated by a person other than the owner of the vehicle; and
6. The person who received the notice of violation was not the owner of the motor vehicle at the time of the violation.

Section 12.57.060 - Appeal.

- A. The owner of a motor vehicle determined by a Municipal Court associate judge to be liable for a civil penalty may appeal that determination of liability to the El Paso Municipal Courts by filing a petition of appeal with the Municipal Court Clerk as prescribed in section 12.85.060 of this Code.

Section 12.57.070 - Enforcement of judgement.

- A. The imposition of a civil penalty under this chapter is not a conviction and may not be considered a conviction for any purpose.
- B. Enforcement of a final judgment shall be by the same methods as Section 12.85.070 of this code.
- C. The city attorney is authorized to file suit to enforce collection of a civil penalty assessed under this chapter

ADOPTED this _____ day of _____, 2026.

(Signatures to continue on next page)

(Signature Page)

CITY OF EL PASO:

Renard U. Johnson, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:


Robert Aguinaga
Assistant City Attorney

APPROVED AS TO CONTENT:


Arthur S. Alvarado
Code Enforcement Director