DEPARTMENT: Streets and Maintenance

AGENDA DATE: March 2, 2021

PUBLIC HEARING DATE: March 16, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Hannah Adele Williams, (915) 212-7003, WilliamsHA@elpasotexas.gov

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL:
7 – Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL:
7.3 – Enhance a regional comprehensive transportation system

SUBJECT:
Ordinance amending Title 12.44.280, Restrictions on parking in residential parking districts, to add a new subsection, D to allow for the amendment of residential parking district restrictions and boundaries

BACKGROUND / DISCUSSION:
The current residential parking district policy does not provide a process to amend existing parking restrictions or district boundaries. The proposed amendment would establish a process to do so, while ensuring concurrence.

PRIOR COUNCIL ACTION:
January 17, 2012
City Council approved an ordinance to amend Title 12.44.280 Restrictions on parking in residential districts, to revise the provisions regarding the issuance of permits, and clarify the effect of holding a permit and the penalties for parking.

October 27, 2015
City Council approve an ordinance to amend Title 12.44.280 Restrictions on parking in residential districts, to amend the definition of a residential property to include apartment complexes with five or more dwelling units in a designated historical district, and to revise the provisions regarding the issuance of permits.

AMOUNT AND SOURCE OF FUNDING:
N/A

_____

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

DEPARTMENT HEAD:

_____

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.280 (RESTRICTIONS ON PARKING IN RESIDENTIAL PARKING DISTRICTS) TO ADD A NEW SUBSECTION D TO ALLOW FOR THE AMENDMENT OF RESIDENTIAL PARKING DISTRICT RESTRICTIONS AND BOUNDARIES, REPLACE THE WORD TRAFFIC ENGINEER WITH CITY TRAFFIC ENGINEER; ADD HE/SHE REFERENCES TO THE CITY TRAFFIC ENGINEER; AND CORRECT THE NUMBERING OF THE SECTION. PENALTY IS AS DESCRIBED IN SECTION 12.44.280, SUBSECTION S.

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

SECTION 1. Title 12, (Vehicles and Traffic), Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.280 (Restrictions on parking in residential parking districts) is amended in its entirety to read as follows:

12.44.280 - Restrictions on parking in residential parking districts.

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

B. Definitions. The following definitions shall apply to this section:

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

"Light density residential district" shall have the same meaning as defined in City Code Section 20.06.010 A. table insert.

"Owner" means an owner of record in the El Paso County Clerk's records of a property within a residential parking district.

"Property" means a parcel of land containing at least one residential dwelling unit and has a property or parcel identification number issued by the central appraisal district.

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

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

C. Creation of residential parking districts.

   1. Creation: Residential parking districts shall be created and dissolved by ordinance. Residential parking districts established in Section 12.88.200 shall continue in existence until removed by amendment to that section.

      a. Districts initiated by city council. City representatives may propose to create or dissolve a residential parking district by submitting a proposal to the city traffic engineer. When the proposal is to create a district, the city traffic engineer shall evaluate the need for the district using the criteria set forth in this section, evaluate the appropriate boundaries for such district and submit his findings and recommendations to the city council. The city council by ordinance shall determine whether to create or dissolve residential parking districts.

      b. Districts initiated by property owners. To initiate the creation of a residential parking district, one or more property owners shall submit an application to create a residential parking district. No fee shall be charged for the application for the creation of a residential parking district. The application shall identify the block or blocks that are proposed to be in the residential parking district. All applicants shall own property in at least one of the blocks identified in the application. The city traffic engineer shall evaluate the need for residential parking restrictions in the block or blocks identified in the application and the area surrounding such block or blocks, following the criteria set forth in this section. If the criteria are met, the city traffic engineer shall recommend appropriate boundaries for the district. The city traffic engineer shall include in his evaluation the reasons why the block or blocks meet or do not meet the criteria. All applications, evaluations and recommendations of the city traffic engineer shall be submitted to the city council for approval or denial of creating the residential parking district. After a residential parking district is created, owners may petition, as described in this section, for residential parking restrictions in one or more blocks within the district.

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

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

b. Commercial, governmental, industrial or educational facilities exist close enough to the block or blocks in the proposed district that users of nonresidential vehicles parked on the street in the block could readily use such facilities; and

c. That unreasonable burdens exist for the residents of the block or blocks in the proposed district in securing adequate on street parking and gaining access to their places of residence because of street parking of nonresidential vehicles; and

d. An inadequate number of parking spaces exist for residents and nonresidents to park their vehicles in the block or blocks in the proposed district; and

e. There is a need for the residents of the block or blocks in the proposed district to obtain on street parking adjacent to or close by their place of residence; and

f. A safety issue has been identified because of congested street parking block or blocks in the proposed district; and

g. The city traffic engineer determines that a parking permit system would alleviate the lack of parking for residents of the block or blocks in the proposed district.

h. The blocks in the proposed district are zoned as a light density residential district.

3. Application for petition: After a residential parking district is established, owners of property in the district who want residential parking restrictions placed on one or more blocks within the district shall follow the following procedures:

a. Application: One or more owners of property in a block must complete, sign and submit to the city traffic engineer an application for residential parking restrictions in one or more blocks within a residential parking district. The application shall be on a form approved by the city traffic engineer. The applicant shall state the location of the block or blocks that the applicant is requesting to be subject to the residential parking restrictions and the factual information concerning parking conditions in the area identified in the application, including information concerning the conditions described in Section 12.44.280 C.2.b. through f.

b. Application fee: There shall be a non-refundable application fee in the established amount.

c. Petition requirements: Once a completed application with accompanying application fee has been received by the city traffic engineer, the city traffic engineer will verify the existence of commercial, industrial, governmental or education facilities as described in this section. If the city traffic engineer makes such verification, he/she shall provide a petition to the applicant, which, when returned must meet the following criteria to be considered valid.

1) The petition must be signed by the owners of seventy-five percent of the property in the block or blocks identified in the petition. If a property has multiple owners, only one of the owners is required to sign the petition.

2) Petitions shall be on a form approved by the city traffic engineer. Petitions shall contain (1) the signature of the owner, (2) the name of the owner in print, (3) the property or properties in the block owned by the owner, (4) the date the petition was issued by the city traffic engineer to the applicant, (5) a precise statement

that the purpose of the petition is to request that residential parking restrictions be put in place and (6) a description of the block or blocks in which the restrictions would be placed. The owner's name and property address shall be clearly printed or typed. The city traffic engineer shall not consider illegible addresses or printed names when qualifying the petition.

3) The petition shall be returned to the city traffic engineer within thirty days from the time the city traffic engineer provides the petition to the applicant, as shown by the date on the petition.

4) Upon submission of the completed petition to the city traffic engineer, the applicant shall sign a certificate on a form approved by the city traffic engineer declaring that to the best of his knowledge and belief, each signature was that of an owner of property in the block or blocks proposed for residential parking restrictions.

4. City traffic engineer's evaluation. Upon receipt of a petition meeting the requirements of this section, the city traffic engineer shall evaluate the nature and extent of the problems, if any, caused by nonresidential parking in each block using the criteria set forth in Section 12.44.280 C.2.a. through h. If deemed necessary by the city traffic engineer, more detailed studies shall be conducted including, but not limited to an inventory of legal curbside parking spaces available.

5. Notice. The city traffic engineer shall notify the applicant within thirty days of the day the petition is submitted to the office of the city traffic engineer whether the applicant has met the requirements for the implementation of residential parking restrictions, citing any requirements that have not been met.

6. Designation of date. If the city traffic engineer determines that the requirements of this section have been met, he/she shall designate a date on which the parking requirements of the block or blocks begin and notify the applicant.

7. Appeal. When the city traffic engineer does not find that the applicant has met the requirements to impose residential parking restrictions, the city traffic engineer shall send the applicant notice of his decision. The applicant may appeal the decision to the city council by submitting an appeal to the city traffic engineer on a form approved by the city traffic engineer. The appeal must be submitted within fifteen consecutive calendar days after the date of applicant's receipt of the notice of the city traffic engineer's decision. The appeal shall state the basis for the appeal specifying any findings by the city traffic engineer that the appellant asserts are in error.

D. Amendment of parking restriction and boundary.

1. Right to apply. An owner of property in a residential parking district may petition to have the residential parking district restrictions modified. The owner of property within 1,000 feet of a residential parking district may petition to amend the boundaries of the residential parking district. All petitions must conform to the requirements of this Subsection.

2. Application. A person eligible to apply for an amendment to a residential parking district restriction or boundary modification must pay the fee established by City Council in the

annual budget process and complete, sign, and submit an application to the city traffic engineer. Application fees are not refundable and no application will be considered without payment of the established fee. The application shall be on a form approved by the city traffic engineer, provided that the form must require at a minimum the following:

a. The application must clearly state that the owners of properties signing the application agree with the modification of the residential parking district.

b. If the application is to amend any restrictions of the residential parking district, then the application must be signed by the owners of at least seventy-five percent of the properties within the residential parking district. If the application is to amend the boundaries of a residential parking district, then the application must be signed by the owners of at least seventy-five percent of the new properties proposed to be included in the residential parking district.

c. Application shall contain (1) the signature of each owner, (2) the name of each owner in print (3) the subject area properties, (4) phone number, and (5) a precise statement that the purpose of the petition is to amend the parking restrictions of an existing residential parking district or amend the boundaries of the district to include a block(s) directly adjacent to the existing residential parking district. The owner's name and property address shall be clearly printed or typed. The city traffic engineer shall not consider properties that are not contiguous to other proposed properties in the district, illegible addresses, and/or printed names without signatures when evaluating the application.

d. Upon submission of the completed application to the city traffic engineer, the applicant shall sign a certificate on a form approved by the city traffic engineer declaring that to the best of the applicant's knowledge and belief, each signature was signed by an owner of property within the district or within the new area proposed to be added to the district.

3. City traffic engineer's evaluation. Within 30 calendar days of receipt of an application and payment of the established fee, the city traffic engineer shall verify that the contents of the application are accurate and complete and notify the applicant of the findings. If the city traffic engineer determines that the application is not accurate or complete, then the city traffic engineer will return the application to the applicant to be completed or corrected. If the application is not corrected within 30 calendar days, then the application will expire and a new application and fee will be required if applicant wishes to continue with the process. If the city traffic engineer determines that the application is accurate and complete, then the city traffic engineer will proceed to evaluate whether a parking restriction modification or boundary is appropriate. In making the determination, the traffic engineer may require studies at the expense of the applicant. The fees for the studies will be as established by City Council in the annual budget process. Failure to pay the fees for the studies within 30 calendar days of the traffic engineer informing the applicant of the need

for a study will result in the expiration of the application and a new application and fee will be required if applicant wishes to continue with the process. If the city traffic engineer determines that an amendment to the residential parking district restrictions or boundaries is not appropriate, then the city traffic engineer will inform the applicant and no amendment of the residential parking district restrictions or boundaries will be made and the application process will be completed at that point. If the city traffic engineer determines that an amendment to the residential parking district is appropriate, then the city traffic engineer shall designate a date on which the proposed amendment to the residential parking district restrictions or boundaries will be presented to city council for consideration. If the amendment is approved by city council, then the city traffic engineer will designate a date to install the new parking restriction, instruct the appropriate city departments to replace all signage and revoke and replace all previous permits and notify the applicant. If the proposed amendment is denied by city council, then the process will end with city council's denial. All amendment approvals or denials are at city council's discretion.

4. Appeal. The applicant may appeal to city council a determination by the city traffic engineer that an amendment to the residential parking district restrictions or boundaries is not appropriate. An applicant wishing to appeal such decision must submit the request for an appeal to the city traffic engineer on the form approved by the city traffic engineer. The appeal must be submitted within fifteen calendar days after the date of applicant's receipt of the notice of the city traffic engineer's decision. The appeal shall state the basis for the appeal specifying any findings by the city traffic engineer that the appellant asserts are in error. The city council may uphold the decision of the city traffic engineer, remand the matter to the city traffic engineer for further consideration, or allow the amendment of parking restrictions or boundaries within the residential parking district.

5. One-year waiting period to modify or submit new applications. The city traffic engineer will not accept any applications to modify any residential parking district restrictions or boundaries that are submitted within one year of a denial or approval of a previous application to modify the restrictions or boundaries of the same residential parking district. In the instance that an application is barred by a previous denial, the one year waiting period will commence on the date that City Council denied an appeal or if no appeal was made, then one year from the date the city traffic engineer determined that an amendment to the restrictions or boundaries is not appropriate. The one year waiting period does not apply if the previous application barring a current application expired or was withdrawn by an applicant prior to a determination by the city traffic engineer regarding the appropriateness of an amendment to the restriction or boundaries of a residential parking district.

6. Health and safety related modifications. Notwithstanding anything to the contrary, the city traffic engineer is authorized to modify any residential parking district restrictions or boundaries at any time if the city traffic engineer determines that such modification is warranted for health or safety reasons.

E. Removal of parking restrictions, dissolution of residential traffic parking districts.

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

2. Application for petition.

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

b. Application fee: There shall be a non-refundable application fee in the established amount which shall be paid at the time the application is filed.

c. Petition requirements: The city traffic engineer shall verify the location of the block or district upon receipt of an application. A petition will be given to the applicant, which, when returned must meet the following criteria to be considered valid.

1) The petition must be signed by at least one of the owners of seventy-five percent of the property in the block, blocks or district identified in the petition.

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

3) The petition shall be returned to the city traffic engineer within thirty days from the time the city traffic engineer provides the petition to the applicant as shown by the date on the petition.

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

3. City traffic engineer's evaluation. Upon receipt of a petition meeting the requirements of this section, the city traffic engineer shall verify that the required signatures were provided in the petition and that the remaining requirements of this section have been met.

4. Notice. The city traffic engineer shall notify the applicant within thirty days of the day the petition is submitted to the office of the city traffic engineer whether the applicant has met the requirements of this section, citing any requirements that have not been met.

5. Designation of date. If the city traffic engineer determines that the requirements of this section have been met, he/she shall designate a date on which the parking requirements of that district shall end in the block or blocks identified in the petition and instruct the appropriate city departments to remove all signage and revoke all permits and notify the applicant.

6. Dissolution of district. If the city traffic engineer determines that the requirements of this section have been met when the petition is submitted to dissolve the residential parking district, he/she shall submit the petition and his findings and recommendations to the city council for consideration and notify the applicants of his findings and recommendations. The city council shall determine by ordinance whether or not the residential parking district should be dissolved.

7. Appeal. When the city traffic engineer finds that the applicant has not met the requirements to remove parking restrictions from one or more blocks or to dissolve a residential parking district, the city traffic engineer shall send the applicant notice of his decision. The applicant may appeal the decision to the city council by submitting an appeal to the city traffic engineer on a form approved by the city traffic engineer. The appeal must be submitted within fifteen consecutive calendar days after the date of applicant's receipt of the notice of the city traffic engineer's decision. The appeal shall state the basis for the appeal specifying any findings by the city traffic engineer that the appellant asserts are in error. The city council may uphold the decision of the city traffic engineer, remand the matter to the city traffic engineer for further consideration, or allow the removal of parking restrictions from one or more blocks or dissolve the residential parking district.

8. One-year waiting period. The city traffic engineer shall not accept applications for a petition to remove the parking restrictions of a residential parking district from one or more blocks that are within such district or to dissolve a residential parking district within one year from the date of designation of such district by the city council except as provided in this section.

9. Six-month waiting period. Property owners who meet the requirements of this section to remove the parking restrictions of a block or blocks within a residential parking district may have such parking restrictions rescinded between six months and one-year after the designation of the restrictions on parking in such block or blocks by the city traffic engineer, provided they pay to the city the cost of labor and materials to remove the parking restriction signs in the block, blocks or district. Property owners who meet the requirements of this section to dissolve the residential parking district may have such parking restrictions rescinded between six months and one-year after the designation of such district, provided they pay to the city the cost of labor and materials to remove the parking restriction signs in the block, blocks or district, provided that the city council has approved dissolving the district.

F. Petitions for reinstatement of residential parking district. The city traffic engineer shall not accept an application for the establishment of residential parking restrictions in one or more

blocks within a district when the application includes a block in which residential parking restrictions previously existed and were eliminated within one year of the date of the application.

G. Parking permits.

1. Permit required. It shall be a violation for any person to park a motor vehicle on a city street in a curbside parking space on any day or during any hours in a residential parking district without the display, as required in this section, of a parking permit issued by the city traffic engineer pursuant to this chapter ("parking permit") allowing the motor vehicle to be parked in the district and during the times specified on residential parking district signs posted in such district by the city.

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

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

4. Limitations on the issuance of parking permits.

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

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

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

   d. The city traffic engineer may limit the number of vehicles that may be issued a permit for each household on each block or blocks within a residential parking district when such limitation is appropriate to accommodate the parking needs within the block or blocks in the district.

   e. No permit shall be issued if the applicant has pending parking tickets issued in the city.

5. Prohibitions regarding the use of parking permits.

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

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

   c. Permits shall be returned to the city traffic engineer when the permit expires, the person to whom the permit was issued no longer resides in the residential parking

district, and when the vehicle to which the permit was issued is loaned (for more than thirty days) or is stolen, sold or traded.

d.   Permits shall not be transferred, provided that owners who obtain visitor permits from the city traffic engineer may provide such visitor permits to their tenants.

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

6.   Requesting parking permits.

a.   All parking permits under this section may be issued by the city traffic engineer or his designee upon receipt of a completed application which provides the information required under this section.

b.   All applicants must present a valid driver's license or other government-issued identification showing the applicant's photograph.

c.   All applications shall be accompanied by the established fee for the parking permit(s) requested in the manner established in Section 12.44.280 M.

H.   Residential parking permits: The following requirements must be met before a residential parking permit may be issued.

1.   Residents: Each applicant must demonstrate that he/she is a current resident of the residential parking district for which the permit is to be issued by providing one of the following documents which shows that the applicant resides in the residential parking district:

a.   A current electric, gas, telephone or water bill for service at the resident's address within the district that is dated within thirty days of the application for a permit;

b.   A lease of premises or contract for sale of a residence that lists the applicant's residence within the district; or

c.   Any other current valid document issued by a government agency that shows that the applicant resides within the district.

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

a.   A current electric, gas, telephone or water bill or application for service at the resident's address within the district that is dated within thirty days of the application for a permit;

b.   A lease of premises or contract for sale of a residence that lists the applicant's residence within the district; or

c.   Any other current valid document issued by a government agency that shows that the applicant resides within the district.

I.   Visitor parking permits.

1.   Eligibility. Visitor parking permits may be issued by the city traffic engineer for each property in the residential parking district. Two visitor permits may be issued at no

additional cost to owners and residents of a residential parking district who have purchased at least one residential parking permit.

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

J.   New resident temporary parking permit. A new resident temporary parking permit may be obtained from the city traffic engineer by submitting an application in the same manner as is required in this section for applying for residential parking permits except that no document shall be required that contains the address located within the residential parking district. The new resident temporary parking permit shall expire at the end of the ninetieth day after its issuance and shall be subject to all other requirements and limitations of a residential parking permit. No residential parking permit shall be issued to the holder of new resident temporary parking permits until all new resident temporary parking permits issued to the applicant are returned to the city traffic engineer.

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

L.   Owner's parking permit: Subject to the limitations in this section, each owner of property within a residential parking district may obtain an annual owner's parking permit, provided that such owner shall not be required to show current residency at the property he/she owns in the district but shall be required to provide proof of ownership.

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

N.   Residential parking permit, visitor parking permit, owner's parking permit and temporary one-day permit fees. The following fees are established and shall be charged: (1) a residential parking permit fee, (2) a visitor parking permit fee, (3) an owner's parking permit fee, (4) a

ORDINANCE NO. _____
21-1036-3434 | 1054879
Title 12-Restrictions on parking in residential parking districts
OAR   Page 11 of 13

new resident temporary permit fee, and (5) a temporary one-day permit fee. The residential parking permit fee, new resident temporary permit fee, and the owner's parking permit fee shall be charged for each authorized vehicle. The visitor parking permit fee shall be charged for each visitor parking permit issued. The visitor parking permit fee shall be charged only when a residential or owner's parking permit has not been purchased. Temporary one-day permit fees shall be charged for each permit issued.

O. Permit term. Residential parking permits, owner's parking permits and visitor parking permits shall be valid for a consecutive twelve-month period from the day they are issued by the city traffic engineer and shall be renewable annually provided that the applicant provides evidence that he/she is still eligible for the permit. The permit may be renewed by mail provided that proof of eligibility and fee payment are also included with the renewal application.

P. Revocation of permits. A residential parking permit, owner's parking permit or visitor parking permit may be revoked for the following reasons:

1. The transfer or assignment of a permit.

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

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

Q. Lost or stolen permits. The city traffic engineer may replace a lost, stolen or destroyed residential parking permit, owner's parking permit or visitor parking permit. To be eligible to receive a replacement permit, the permit holder must submit a signed affidavit stating the permit was lost, stolen or destroyed and pay the established permit replacement fee. The remaining part of a damaged permit shall be submitted to the city traffic engineer before receiving a replacement permit.

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

S. Violations. Any person who violates any provision of this chapter shall be subject to the penalties set forth in Section 12.84.010 B., except that a violation of the provisions of this Section related to the parking, standing or stopping of vehicles shall be a civil offense and violation of Section 12.84.010 A. and subject to the administrative procedures provided in Chapter 12.85 (Parking Violations). Fines shall be in accordance with the schedule of standard fines adopted by resolution of city council.

SECTION 2. Except as herein amended, Title 12 of the El Paso City Code shall remain in full force and effect.

> **ADOPTED** this _____ day of _____, 2021.

CITY OF EL PASO

_____
Oscar Leeser, Mayor

ATTEST:

_____
Laura D. Prine
City Clerk

APPROVED AS TO FORM:

_____
Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Richard J. Bristol, Director
Streets & Maintenance Department

ORDINANCE NO. _____
21-1036-3434 | 1054879
Title 12-Restrictions on parking in residential parking districts
OAR

Page 13 of 13