

AGENDA



Thursday, September 24, 2009

**Municipal Court
RECOMMENDATION FOR COUNCIL ACTION**

Item No. 44

Subject: Approve an ordinance repealing and replacing City Code Chapter 12-5 Articles 3 and 4 relating to the administrative adjudication of parking violations, the impoundment or immobilization of motor vehicles for unpaid parking citations, and fines, costs and fees.

For More Information: Rebecca Stark, Clerk of the Municipal Court, 974-4690

Boards and Commission Action: Recommended by the Judicial Committee.

The City of Austin handles parking citations in an administrative (civil) manner in accordance with Sec. 682.002 of the Texas Transportation Code. Procedures for contesting parking citations and immobilization and impoundment requirements are set out in the City Code. This ordinance updates certain procedures, the main ones being:

- (1) that associate hearing officers have the same duties and responsibilities as the hearing officer;
- (2) that persons have an appearance date of 20 business days by which to respond to the citation instead of 20 calendar days;
- (3) that vehicles immobilized (booted) for non-payment of delinquent parking citations may be towed no earlier than 6:00 p.m. on the date the boot was affixed;
- (4) that immediate walk-in hearings are available up to and including the appearance date shown on the citations; but that scheduled hearings are also available as long as persons contact the court on or before the appearance date;
- (5) that in addition to hearings by mail, electronic hearings may also be held if approved by a hearing officer; and
- (6) other miscellaneous non-substantive changes.

(Note: The procedures and the ability to boot or immediately tow a vehicle for non-payment of delinquent citations has not changed.)

The ordinance includes a new procedure which would give the hearing officers the ability to reduce the fine for a citation issued for parking in a handicapped parking space with an expired placard as long as the person renews the placard on or before the appearance date shown on the citation (20 working days after the violation) to \$20. This change is similar to the criminal parking procedure changes in H.B. 400 passed by the 81st Legislature.

In June 2009, the City Council approved a new parking system and passed an ordinance creating new violations. Five violations and fines were added in August 2009 by ordinance adopted by the City Council. The Transportation Department has requested that the Court recommend fines for three additional violations which are:

- (1) Extending Time Beyond Limit (Meter) \$40/ early \$25;
- (2) Extending Time Beyond Limit (Motorcycle/Moped) \$40/ early \$25; and
- (3) Extending Time Beyond Limit (Pay by Space) \$40/ early \$25.

Finally, as an option to assist with the reduction of the budget gap for FY 2009-10, Municipal Court proposed to increase early payment fines by \$5.00. Municipal Court has a tiered fine system in which there is a standard fine for each specific violation; however, there is a reduced fine if a person pays on or before the appearance date shown on the citation. The standard fine remains unchanged.