

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE TO REPEAL AND REPLACE CITY CODE CHAPTER 12-5 ARTICLES 3 AND 4 RELATING TO ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS AND IMPOUNDMENT OR IMMOBILIZATION OF MOTOR VEHICLES FOR UNPAID PARKING CITATIONS; AND CREATING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 12-5, Article 3 (*ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS*) is repealed and replaced to read:

ARTICLE 3. ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS.

§ 12-5-51 DEFINITIONS

- (1) **APPEARANCE DATE** means the last day to respond to a parking citation, which is the 20th business day after the issuance of the parking citation.
- (2) **HEARING OFFICER** means the hearing officer and all associate hearing officers appointed by the municipal court clerk.

§ 12-5-52 PARKING VIOLATIONS MADE CIVIL OFFENSES.

A violation of a provision of this code governing the stopping, standing, or parking of a vehicle is a civil offense.

§ 12-5-53 CLERK OF THE MUNICIPAL COURT.

The municipal court clerk shall implement and enforce the provisions of this article and establish procedures consistent with this article necessary to discharge the clerk's duty or to effect the policy of this article.

§ 12-5-54 HEARING OFFICER POWERS, DUTIES AND FUNCTIONS.

- (A) The municipal court clerk shall appoint one or more hearing officers to administratively adjudicate parking violations for which a parking citation is issued under the City Code.
- (B) A hearing officer may:

- (1) Administer oaths;
- (2) Accept admissions and hear and determine contests of parking violations under the Code;
- (3) Issue orders enforceable by the municipal court compelling the attendance of witnesses and the production of documents;
- (4) Issue orders of immobilization or impoundment of vehicles;
- (5) Set conditions for the release of vehicles immobilized or impounded under this chapter; and
- (6) Administratively terminate parking citations or cases that the hearing officer determines to be uncollectable.

§ 12-5-55 PARKING CITATIONS.

- (A) A parking citation serves as the summons and provides the appearance date.
- (B) A parking citation must be on a form prescribed by the municipal court clerk and must include the following information:
 - (1) The nature, date, time, and location of the alleged parking violation;
 - (2) The state license plate number of the vehicle, or if the license plate number is not visible or legible, other observable identification information, including but not limited to vehicle identification number or the state inspection tag number;
 - (3) The make of the vehicle, if known, or a vehicle description;
 - (4) The appearance date for the parking citation;
 - (5) A notification that the person charged with the parking violation has the right to a hearing on or before the appearance date, during hours determined by the municipal court clerk;
 - (6) A notification that failure to answer the citation or to appear for a hearing on or before the appearance date is considered an admission of liability for the parking violation charge and will result in the assessment of civil fines, costs, and fees; and
 - (7) The identification number and/or the initials of the individual issuing the citation.

- 1 (C) The original or a copy of a parking citation is a governmental record kept in the
2 ordinary course of city business and is rebuttable proof of the facts it contains.

3 **§ 12-5-56 SERVICE OF A PARKING CITATION; PRESUMPTION OF**
4 **SERVICE.**

- 5 (A) A parking citation must be served on the operator of the vehicle or the registered
6 owner of the vehicle by either personal service of the citation or by affixing the
7 parking citation to the vehicle in a conspicuous place.
- 8 (B) The operator of a vehicle who is not the registered owner but has the express or
9 implied permission to operate the vehicle is considered the registered owner's
10 agent and is authorized to receive a parking citation.
- 11 (C) The original and all copies, including electronic copies, of a parking citation are
12 prima facie evidence that the parking citation was issued and that an attempt at
13 service was made in accordance with this section.

14 **§ 12-5-57 LIABILITY OF THE VEHICLE OWNER AND OPERATOR;**
15 **PRESUMPTION OF LIABILITY.**

- 16 (A) Except as provided in Subsections (B) and (C), the registered owner of a vehicle
17 is liable to the city for parking violations.
- 18 (B) A registered owner is not liable if:
- 19 (1) The operator assumes responsibility with the court;
- 20 (2) The operator is actually named in the parking citation;
- 21 (3) The registered owner files an affidavit and documents, with the court, that
22 establish the vehicle was sold prior to the date and time of the violation;
- 23 (4) The registered owner proves that the vehicle was operated without the
24 owner's express or implied consent; or
- 25 (5) The registered owner files a copy of the police report and an affidavit
26 stating that the vehicle was stolen at the time of the violation.
- 27 (C) A registered owner, engaged in the business of renting or leasing vehicles under
28 written rental or leasing agreements, is not liable if, within 30 days after
29 receiving written notice of a parking violation, the owner provides:
- 30 (1) An affidavit stating the name, address, and driver's license number with
31 state of issuance, of the person in possession of the vehicle at the time the
32 parking citation was issued, or

(2) A copy of the lease or rental agreement in effect at the time the parking citation was issued that includes the name, address, and driver's license number of the person that leased the vehicle.

(D) A registered owner engaged in the business of renting or leasing vehicles who fails to comply with Subsection (C) is liable for civil fines, costs, and fees.

§ 12-5-58 PRESUMPTION.

In an administrative adjudication hearing for a parking citation,

(1) It is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place of the parking violation; and

(2) The Texas Department of Transportation's computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

§ 12-5-59 ANSWERING A PARKING CITATION.

(A) A person issued a parking citation shall answer the citation not later than the appearance date.

(B) An answer may be made in any of the following ways:

(1) A person may admit liability and pay the applicable civil fine, and any additional penalties and costs. A person may pay in person, by mail, by electronic means, or by other method of payment as determined by the municipal court clerk;

(2) A person may appear before a hearing officer at an instanter hearing on or before the appearance date on the parking citation;

(3) A person may request permission from a hearing officer to adjudicate by mail or electronic means; or

(4) A person may file a written request for a scheduled hearing.

(C) Payment of civil fines, costs, and fees assessed under this chapter operates as an admission of liability for the parking violation and is the final disposition of the parking violation charge.

§ 12-5-60 ADJUDICATION BY MAIL OR ELECTRONIC MEANS.

- 1 (A) A hearing officer may permit a person charged with a parking violation to
2 adjudicate the charge by mail or electronic means, if:
- 3 (1) The person shows good cause to adjudicate by mail or electronic means;
4 and
- 5 (2) If the person makes the request on or before the appearance date.
- 6 (B) Letters, memoranda, affidavits, photographs, and other documentary materials
7 are admissible as evidence for adjudication by mail or electronic means.
- 8 (C) A hearing officer may exclude from consideration any material that is not
9 relevant to the adjudication of the alleged violation.
- 10 (D) A person admits liability for a parking violation and shall pay the civil fines,
11 costs, and fees assessed by the hearing officer if the person fails to present
12 evidence, as allowed, to the hearing officer.
- 13 (E) A hearing officer shall decide a matter adjudicated by mail or electronic means
14 not later than the 60th business day after the appearance date shown on the
15 citation.
- 16 (F) If a hearing officer determines that adjudication cannot proceed by mail or
17 electronic means, the hearing officer shall advise the person charged, by first
18 class mail or electronic means, that he must appear in person to answer the
19 charge at a hearing.

20 **§ 12-5-61 HEARINGS FOR DISPOSITION OF A PARKING CITATION.**

- 21 (A) A hearing to adjudicate a parking violation charge under this chapter shall be
22 conducted by a hearing officer.
- 23 (B) The Texas Rules of Evidence do not apply to a hearing under this Article.
- 24 (C) The hearing officer shall hear and consider
- 25 (1) Evidence presented by the person charged;
- 26 (2) Presumptions and prima facie evidence established by this chapter or other
27 applicable law; and
- 28 (3) Evidence presented by the issuing officer, if required to attend the hearing.
- 29 (D) The hearing officer shall make a decision based on a preponderance of the
30 evidence after considering the presumptions.

- 1 (E) The testimony at the hearing shall be recorded. If an electronic recording is
2 made, each voice shall be identified.
- 3 (F) The recorded testimony, documents, and other evidence shall constitute the
4 record for appeal. The acceptance of documents or real evidence shall be noted
5 on the record.
- 6 (G) The issuing officer is not required to attend an instanter hearing.
- 7 (H) The issuing officer shall attend a hearing that is scheduled
- 8 (1) If requested by the person charged with the violation; and
- 9 (2) The request is filed with the municipal court clerk at least three business
10 days before the scheduled hearing date.
- 11 (I) A scheduled hearing may be set after the appearance date on the parking citation
12 without the posting of a bond in the amount of fines, costs, and fees.
- 13 (J) A scheduled hearing may be reset for cause if the person charged submits a
14 written request for a reset received by the court at least three days before the
15 scheduled hearing date; and posts a bond with the municipal court equal to the
16 total amount of the civil fine, costs, and fees. If the court does not respond to a
17 request for a reset, the request is denied, and the person must appear as
18 scheduled.
- 19 (K) At the conclusion of the hearing, the hearing officer shall issue an order either:
- 20 (1) Finding the person is liable for the parking violation and assessing the
21 applicable civil fines, costs, and fees in accordance with fines, costs, and
22 fees found in this chapter; or
- 23 (2) Finding the person is not liable for the parking violation.
- 24 (L) A hearing officer may not waive fines, costs, and fees established in this chapter,
25 but a hearing officer may reduce fine amounts based on an inability to pay.
- 26 (M) A hearing officer may add additional fines, costs, and fees in accordance with
27 this chapter.
- 28 (N) The hearing officer's order shall be filed with the municipal court clerk in a
29 separate index and file. The order may be recorded using microfilm, microfiche,
30 or other data processing techniques.

31 **§ 12-5-62 FAILURE TO ANSWER A PARKING CITATION OR APPEAR AT A**
32 **HEARING.**

- 1 (A) If a person charged with a parking violation accepts liability for the violation on
2 or before appearance date, an early fine shall be assessed in accordance with
3 Section 12-5-90 (*Civil Fines, Costs, and Fees*).
- 4 (B) If a person charged with a parking violation fails to answer the citation in
5 accordance with Section 12-5-59 (*Answering a Parking Citation*) on or before
6 the appearance date, the person is liable for the violation and will be assessed the
7 standard civil fines, costs, and fees in accordance with Section 12-5-90 (*Civil*
8 *Fines, Costs, and Fees*).
- 9 (C) If a person charged with a parking violation fails to attend a scheduled hearing,
10 including an appeal hearing, the person is liable for the violation and will be
11 assessed the standard civil fines, costs, and fees in accordance with Section 12-5-
12 90 (*Civil Fines, Costs, and Fees*).

13 **§ 12-5-63 ENFORCEMENT OF ORDER.**

14 An order for fines, costs, and fees assessed for parking violations that is not paid when
15 ordered due may be enforced by impounding the vehicle subject of the order,
16 immobilizing the vehicle, and imposing an additional fine or fee.

17 **§ 12-5-64 APPEAL FROM A HEARING.**

- 18 (A) A person found liable by a hearing officer for a parking violation may appeal the
19 determination by:
- 20 (1) Filing a petition with the municipal court clerk within 30 business days
21 after the hearing officer's order is issued; and
- 22 (2) Paying a non-refundable filing fee.
- 23 (B) A person who accepts liability, as set forth in Section 12-5-59(B)(1), or fails to
24 contest liability by the appearance date is not entitled to an appeal hearing.
- 25 (C) When an appeal petition is received, the municipal court clerk shall schedule an
26 appeal hearing and notify all parties of the date, time, and location of the hearing.
- 27 (D) An appeal hearing is conducted by municipal court judge.
- 28 (E) The judge shall review the record and hear oral arguments of the parties at the
29 appeal hearing.
- 30 (F) At an appeal hearing, a party may request for leave to present additional
31 evidence.

- 32 (1) A request may be granted if the party:

- 1 (a) Shows that the additional evidence is material; and
- 2 (b) Shows good reason it was not presented to the hearing officer
- 3 during the hearing.
- 4 (2) If the court grants a party's request for leave to present additional evidence,
- 5 the judge may order the hearing officer take the additional evidence or the
- 6 judge may take the additional evidence.
- 7 (3) The hearing officer may modify the findings and decision based on
- 8 additional evidence.
- 9 (G) The judge may receive evidence of procedural irregularities alleged to have
- 10 occurred at the hearing that are not reflected in the record.
- 11 (H) The judge may not substitute his or her judgment for that of the hearing officer as
- 12 to the weight of the evidence given by the hearing officer for questions that fall
- 13 within the hearing officer's discretion.
- 14 (I) The court may reverse the hearing officer's order or remand the case for a
- 15 rehearing if the appellant's substantial rights have been violated because the
- 16 administrative findings, conclusions, or decisions are:
- 17 (1) In violation of constitutional or statutory provisions;
- 18 (2) In excess of the statutory authority;
- 19 (3) Made upon unlawful procedure;
- 20 (4) Affected by other error of law;
- 21 (5) Not reasonably supported by substantial evidence in view of the reliable
- 22 and probative evidence in the record as a whole; or
- 23 (6) Arbitrary, capricious, characterized by abuse of discretion, or clearly
- 24 unwarranted exercise of discretion.
- 25 (J) If the findings of the hearing officer are affirmed, the civil fines, costs, or fees
- 26 may not be modified except that additional penalties, and other costs, or fees may
- 27 be added in accordance with the schedule in this chapter.
- 28 (K) Service of notice of appeal under this section does not stay enforcement and
- 29 collection of any order of a hearing officer, unless the person filing the appeal
- 30 posts with the municipal court clerk an appeal bond in an amount equal to all
- 31 civil fines, costs, and fees assessed against the person charged.

1 **§ 12-5-65 PARKING BY A PERSON WHOSE PRESENCE IS REQUIRED IN A**
2 **JUDICIAL PROCEEDING.**

3 Notwithstanding any other provision of this title, a hearing officer appointed under
4 Section 12-5-54 (*Hearing Officer Powers, Duties, and Functions*) may dismiss parking
5 citations for expired meter, expired parking pay station, expired parking space, and
6 extending time limit that are issued to jurors, witnesses, or any other individual
7 compelled to attend any court within the city limits of Austin if the hearing officer
8 determines that free or unrestricted parking was not available.

9 **§ 12-5-66 USE OF PAID PARKING BY A GOVERNMENTAL ENTITY.**

10 The city manager may provide for the use of paid parking spaces and paid parking
11 zones by a governmental entity.

12 **PART 2.** City Code Chapter 12-5, Article 4 (*IMPOUNDMENT OR IMMOBILIZATION*
13 *OF MOTOR VEHICLES FOR UNPAID PARKING CITATIONS*) is repealed and replaced
14 to read:

15 *IMPOUNDMENT OR IMMOBILIZATION OF MOTOR VEHICLE FOR UNPAID*
16 *PARKING CITATIONS*

17 **§ 12-5-81 CONDITIONS AUTHORIZING IMMOBILIZATION OR**
18 **IMPOUNDMENT.**

- 19 (A) The procedures in this article apply to parking violations adjudicated in
20 accordance with Article 3 (*Administrative Adjudication of Parking Violations*).
- 21 (B) A motor vehicle may be immobilized if the owner or operator of the vehicle has
22 accumulated three or more unpaid parking violation fines.
- 23 (C) A motor vehicle may be impounded immediately if the owner or operator of the
24 vehicle has accumulated three or more unpaid parking violation fines within a
25 calendar year.
- 26 (D) A hearing officer shall determine if a vehicle is subject to impoundment or
27 immobilization under this chapter.
- 28 (E) If a hearing officer determines that a vehicle is subject to impoundment or
29 immobilization, the hearing officer shall send a written notice of the opportunity
30 for a hearing before a written order to impound or immobilize the vehicle is
31 issued.

32 **§ 12-5-82 NOTICE REQUIREMENTS.**

1 (A) Notice shall be sent to the last known registered owner of the vehicle, unless the
2 municipal court has been advised that the vehicle was sold prior to the violation
3 date.

4 (B) If the municipal court has been advised that the vehicle was sold prior to the
5 violation date, as set forth in Section 12-5-57(B)(3), notice shall be sent to the
6 individual who purchased the vehicle from the last known registered owner of
7 the vehicle.

8 (C) Notice may be sent by regular mail to:

9 (1) The address of the owner listed on the vehicle registration; or

10 (2) Another address determined by the municipal court clerk to be more
11 current.

12 (D) Notice to the owner may be delivered in person or by electronic means.

13 (E) A notice under this Section shall include:

14 (1) The license number of the vehicle;

15 (2) The name of the registered owner or person to whom the vehicle was sold
16 prior to the violations if known;

17 (3) A list of all unpaid parking violation fines;

18 (4) The amount of the fine assessed for each violation and the total amount for
19 all unpaid fines, costs, and fees;

20 (5) A statement that the registered owner of the vehicle or person to whom the
21 vehicle was sold prior to the violations, if known, is responsible for all
22 charges and costs incurred in providing notice, impounding, or
23 immobilizing the vehicle and storage fees, in addition to all amounts
24 assessed for the accumulated parking violations; and

25 (6) A statement summarizing the method to request a hearing under Section 12-
26 5-83 (*Hearing Before a Hearing Officer Regarding Impoundment or*
27 *Immobilization of Vehicle; Issuance of Order*).

28 **§ 12-5-83 HEARING BEFORE A HEARING OFFICER REGARDING**
29 **IMPOUNDMENT OR IMMOBILIZATION OF VEHICLE; ISSUANCE OF**
30 **ORDER.**

- 1 (A) The only issue at a hearing held under this section is whether the vehicle may be
2 impounded or immobilized under Section 12-5-81 (*Conditions Authorizing*
3 *Immobilization or Impoundment; Notice Requirements*).
- 4 (B) A person may request a hearing before a hearing officer to contest impoundment
5 or immobilization of a vehicle.
- 6 (C) A request for a hearing under this section must be submitted in writing to the
7 municipal court clerk not later than the 20th business day after the date on the
8 notice of impoundment or immobilization.
- 9 (D) A failure to timely request or appear at a hearing under this section waives any
10 objection to the proposed impoundment or immobilization of the vehicle.
- 11 (E) The hearing officer shall issue an order of impoundment or immobilization if
- 12 (1) A person does not timely request a hearing under this section;
- 13 (2) A person does not appear at a scheduled impoundment or immobilization
14 hearing; or
- 15 (3) A hearing officer's determines at the hearing that the vehicle is subject to
16 impoundment or immobilization.
- 17 (F) An impoundment order and an immobilization order must include the
18 information described in Subsection 12-5-82 (*Notice Requirements*).
- 19 (G) If a hearing is requested and held, the hearing officer shall provide the signed
20 order of immobilization or impoundment at the hearing or make arrangements at
21 the hearing to have it mailed.
- 22 (H) If a hearing is not requested, a signed order of immobilization or impoundment
23 will be provided upon request and at no cost to a party to the case.

24 **§ 12-5-84 STAY OF IMPOUNDMENT OR IMMOBILIZATION ORDER.**

- 25 (A) A person whose vehicle has been ordered to be impounded or immobilized may
26 petition a hearing officer to stay the execution of the order.
- 27 (B) The hearing officer may impose conditions on a stay issued under this section,
28 including a requirement that the person pay:
- 29 (1) All accumulated civil fines, costs, and fees by a deadline specified in the
30 stay; or

(2) A specified portion of the accumulated civil fines, costs, and fees at designated intervals.

(C) A person whose vehicle has been ordered to be impounded or immobilized by a municipal judge before December 10, 2001, may petition a municipal court judge to stay the execution of the order. The judge may impose conditions on a stay issued under this Section, including a requirement that the person pay:

(1) All accumulated civil fines, costs, and fees by a deadline specified in the stay; or

(2) A specified portion of the civil fines, costs, and fees at designated intervals.

(D) A stay will be lifted and the vehicle impounded or immobilized without further notice if a person fails to comply with stay issued under this chapter.

§ 12-5-85 INTERFERENCE WITH IMPOUNDMENT OR IMMOBILIZATION PROHIBITED.

(A) A person may not knowingly, intentionally, or recklessly obstruct, prevent, hinder, or interfere with a person executing an order of impoundment or immobilization.

(B) A person may not tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed.

(C) An offense under this Section is a Class C misdemeanor.

§ 12-5-86 EXECUTION OF IMPOUNDMENT ORDER.

(A) An impoundment order is executed when the vehicle identified in the order is seized, removed to, and stored at an authorized vehicle depository.

(B) A vehicle subject to an impoundment order and located on private property with the consent of the property owner may not be impounded.

(C) An impoundment order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer; or

(3) An employee designated by the municipal court clerk.

(D) If it is necessary for a person executing an order of impoundment to enter a motor vehicle to effectuate its impoundment, entry into the vehicle shall be made

1 by or in the presence of a certified peace officer. An inventory of the vehicle
2 shall be conducted by or in the presence of certified peace officer who shall sign
3 the inventory.

- 4 (E) The person executing an order of impoundment shall promptly notify the
5 municipal court clerk or designee of the date and time of the impoundment.

6 **§ 12-5-87 EXECUTION OF IMMOBILIZATION ORDER.**

- 7 (A) An immobilization order is executed when a device designed to restrict the
8 normal movement of the vehicle has been installed or attached.

- 9 (B) An immobilization order may be executed by:

- 10 (1) A certified peace officer;
11 (2) A city parking enforcement officer; or
12 (3) An employee designated by the municipal court clerk.

- 13 (C) At the time of immobilization, the person executing the order of immobilization
14 shall attach to the vehicle a conspicuous written notice, on a form provided by
15 the City, that includes the following information:

- 16 (1) Notice that the vehicle has been immobilized under a court order and that
17 attempted movement may cause damage to the vehicle;
18 (2) Notice that it is unlawful for any person to tamper with, deface, damage, or
19 attempt to remove an immobilization device when it has been installed;
20 (3) Instructions to obtain a release of the vehicle;
21 (4) Notice that the vehicle will be towed and impounded if the owner or a
22 person authorized to act on behalf of the owner does not obtain a release of
23 the vehicle from the municipal court by 6:00 p.m. the day the vehicle has
24 been immobilized; and
25 (5) Notice that if the vehicle is towed and impounded, the owner shall be
26 responsible for payment of applicable fees for towing, impoundment, and
27 storage in addition to the civil fines, costs, and fees under this chapter.

- 28 (D) This section does not restrict or limit the right to tow and impound vehicles
29 under other applicable law.

30 **§ 12-5-88 RECLAMATION OF AN IMPOUNDED OR IMMOBILIZED**
31 **VEHICLE.**

- 1 (A) The owner or other person with legal right of possession of a vehicle that has
2 been impounded or immobilized under an order may reclaim the vehicle by:
- 3 (1) Presenting evidence satisfactory to the municipal court clerk that establishes
4 ownership or right of possession, and
- 5 (2) Paying in full accumulated civil fines, costs, and fees.
- 6 (B) If the owner or other person with legal right of possession cannot provide
7 payment in full, the person may appear before a hearing officer to arrange to pay:
- 8 (1) All accumulated civil fines, costs, and fees at some later date; or
- 9 (2) A specified portion of the accumulated civil fines, costs, and fees at
10 designated intervals.
- 11 (C) If the owner or other person with legal right of possession has paid, or arranged
12 to pay, the accumulated civil fines, costs and fees, the owner or other person may
13 reclaim the impounded vehicle or have the immobilization device removed.
- 14 (D) The municipal court clerk may issue a written order to release an impounded
15 vehicle to its owner or to a person named in the order that the hearing officer has
16 determined to have a legal right of possession of the vehicle.
- 17 (E) A hearing officer may reissue an impoundment or immobilization order under
18 Section 12-5-83(*Hearing Before a Hearing Officer Regarding Impoundment or*
19 *Immobilization of Vehicle; Issuance of Order*) without additional notice if the
20 owner or other person with legal right of possession of the vehicle fails to
21 comply with a condition imposed under this section.

22 **§ 12-5-89 RELEASE OF IMPOUNDED VEHICLE.**

- 23 (A) A person in actual possession of the impounded vehicle shall release the vehicle
24 to a person named in the release order if the person named in the order presents
25 the signed release order and proof of identity.
- 26 (B) A person releasing the vehicle shall indicate the date and time that a vehicle was
27 released on the release order, or on a paper attached to it.
- 28 (C) A release order shall be signed by the person reclaiming the vehicle and the
29 person releasing the vehicle.
- 30 (D) After the release order is signed, the person releasing the vehicle shall return the
31 order to the municipal court.

1 (E) A person in possession of an impounded vehicle may not request or require the
2 person reclaiming the vehicle to sign a release from liability for damages or loss
3 until the person authorized to reclaim the vehicle has been provided a meaningful
4 opportunity to inspect the vehicle and its contents.

5 (F) A release from liability shall:

6 (1) Indicate whether the person reclaiming the vehicle has made an inspection
7 of the vehicle;

8 (2) An enumeration of the damages, if any, allegedly the result of impounding
9 the vehicle; and

10 (3) A list of the items, if any, allegedly missing from vehicle.

11 (G) A copy or duplicate of the original release shall be provided to the person that
12 reclaims an impounded vehicle.

13 **§ 12-5-90 CIVIL FINES, COSTS, AND FEES.**

14 (A) If the payment of the fine is made on or before the appearance date, the owner or
15 operator shall remit "EARLY PAYMENT FINE" as the total fine and costs due
16 for the violation.

17 (B) If the payment of the fine is made after the appearance date or on the scheduled
18 hearing date, the owner or operator shall remit the "STANDARD FINE" as the
19 total fine and costs due for the violation.

20 (C) A person may submit to the municipal court a request for an extension of time to
21 pay the Early Payment Fine, if the request is made on or before the appearance
22 date.

23 (D) If a person is granted an extension to pay the Early Payment Fine and does not
24 pay on or before the date the extension period expires, the person must pay the
25 Standard Fine.

26 (E) A payment received by mail is considered remitted on the post-marked date.

27 (F) A fine for "Parking – In a Handicapped Space" or "Parking – In a Handicapped
28 Zone" may be reduced if the violation resulted from an expired disabled parking
29 placard that is renewed within 20 business days from the date of the violation,
30 and proof of the renewal is provided to a hearing officer.

(G) Civil fines, costs, and fees assessed in connection with the impounding or immobilizing process are limited to those specified by ordinance. Fines, costs, or fees may not be waived by a hearing officer or a judge of the municipal court.

(H) If a vehicle violates more than one parking regulation, the issuing officer shall issue a citation for the violation that carries the highest civil fine.

(I) The following schedule of fines, fees, and costs is established:

Parking Violation	Standard Fine	Early Payment Fine
Illegal/Copy of Pay Station Receipt	\$40.00	\$25.00
Obstructing Traffic Next to Construction Site	\$40.00	\$25.00
Parking – Between Curb and Private Property Line	\$40.00	\$25.00
Parking – Blocking Alley	\$40.00	\$25.00
Parking – Blocking Crosswalk	\$40.00	\$25.00
Parking – Blocking Driveway	\$40.00	\$25.00
Parking – Blocking Handicap Access Ramp	\$300.00	\$255.00
Parking – Bus Stop	\$40.00	\$25.00
Parking – Commercial Service Zone (No Markings)	\$40.00	\$25.00
Parking – Commercial Service Zone (Over 30 Minutes)	\$40.00	\$25.00
Parking – Customer Service Zone	\$40.00	\$25.00
Parking – Double Parked	\$70.00	\$40.00
Parking – Expired Meter	\$30.00	\$20.00
Parking – Expired Parking Space	\$30.00	\$20.00
Parking – Expired Pay Station Receipt	\$30.00	\$20.00
Parking – Extending Time Beyond Limit (Meter)	\$40.00	\$25.00
Parking – Extending Time Beyond Limit (Motorcycle/Moped)	\$40.00	\$25.00

1	Parking – Extending Time Beyond Limit (Pay By Space)	\$40.00	\$25.00
2	Parking – Extending Time Beyond Limit (Pay Station)	\$40.00	\$25.00
3	Parking – Facing Traffic	\$40.00	\$25.00
4	Parking – Front or Side Yard of a Residential Property		
5	First Offense	\$40.00	\$25.00
6	Second Offense within 24 months	\$50.00	
7	Third or subsequent offense within 24 months	\$60.00	
8	Parking – In a Fire Zone	\$70.00	\$40.00
9	Parking – In a Handicap Space or Zone	\$300.00	\$255.00
10	Parking – Left Wheel to Curb	\$40.00	\$25.00
11	Parking – Loading Zone	\$40.00	\$25.00
12	Parking – Mexican Consulate Zone	\$40.00	\$25.00
13	Parking – Motorcycle	\$40.00	\$25.00
14	Parking – No Parking Area	\$40.00	\$25.00
15	Parking – Not within Lines (Meter Zone)	\$40.00	\$25.00
16	Parking – On Sidewalk Area	\$40.00	\$25.00
17	Parking – Other	\$40.00	\$25.00
18	Parking – Over 18” from Curb	\$40.00	\$25.00
19	Parking – Over Stall Line (unmetered)	\$40.00	\$25.00
20	Parking – Passenger Zone	\$40.00	\$25.00
21	Parking – Pay Station Receipt Incorrectly Displayed	\$30.00	\$20.00
22	Parking – Pay Station Receipt Not Displayed (Malfunctioning meter)		
23		\$30.00	\$20.00
24	Parking – Pay Station Receipt Not Displayed (Malfunctioning pay by space)		
25		\$30.00	\$20.00

Parking – Pay Station Receipt Not Displayed (Malfunctioning pay station)	\$30.00	\$20.00
Parking – Parallel Only	\$40.00	\$25.00
Parking – Reserved for Municipal Court	\$40.00	\$25.00
Parking – Right of Way	\$40.00	\$25.00
Parking – Sidewalk Area	\$40.00	\$25.00
Parking – Taxicab Stand	\$40.00	\$25.00
Parking – Time Zone	\$30.00	\$20.00
Parking – Within an Intersection	\$40.00	\$25.00
Parking – Within 20’ of Crosswalk	\$40.00	\$25.00
Parking – Within 15’ of Fire Hydrant	\$70.00	\$40.00
Parking – Within 30’ of Stop Sign	\$40.00	\$25.00
Parking – Within 30’ of Yield Sign	\$40.00	\$25.00
Parking – Without Permit	\$40.00	\$25.00
Public Park	\$50.00	\$30.00
Tow Away Zones	\$50.00	\$30.00
Appeal Fee	\$5.00	
Expired Disabled Placard Reduced Fine	\$20.00	
Immobilization Fee	\$10.00 per case included in the immobilization order	

Note: Fines include \$5.00 in statutory court costs.

PART 3. This ordinance takes effect on _____, 2009.

PASSED AND APPROVED

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_____, 2009

Lee Leffingwell
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk

Draft