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AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.08 (ADMINISTRATION AND ENFORCEMENT), SECTION 12.08.220 A (IMPOUNDING VEHICLES) TO REVISE AND ADD ADDITIONAL CIRCUMSTANCES FOR THE IMPOUNDMENT OF VEHICLES; AND TO SET AN EFFECTIVE DATE; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 TO 1.08.030 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, the Texas Legislature has revised the statutory authority for the impoundment and removal of certain obstructions from the highways, which necessitates a change in the City's ordinance; and

WHEREAS, an additional circumstance and significant governmental interest exists which manifests a need for authorized persons to impound motor vehicles under additional circumstances and conditions relating to street construction.

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

Section 1. That Section 12.08.220, subsection A (Impounding vehicles) of the Municipal Code be amended to read as follows:

**12.08.220 A Impounding vehicles.**

A. Members of the police department, authorized employees operating city towing equipment, and the fire chief or his designee are authorized to remove or impound vehicles from any street, highway, alley, public or private ground, or public rights-of-way to the nearest garage, vehicle storage facility, or other place of safety, or to a garage or storage facility designated or maintained by the city under the circumstances herein enumerated:

1. When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
2. When a vehicle upon a street or highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of such vehicle are absent or are unable to provide for its custody or removal;
3. When the police department is authorized or directed to remove obstructions, including vehicles and personal property, from any right-of-way or any other portion of the roadway in accordance with the provisions in Section 545.3051, Transportation Code;

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4. When a vehicle is stored in the streets, alleys or other rights-of-way in violation of Section 12.80.150 of this code.
5. When the vehicle is illegally parked in any zone or within any area where parking is prohibited by official signs or curb markings, or is parked in such a manner as to obstruct or partially obstruct any crosswalk, sidewalk or driveway;
6. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
7. When the vehicle has been involved in an accident and by reason of damage or incapacity of the driver cannot be driven or is unsafe to drive;
8. When the vehicle constitutes a traffic hazard because of defective lights, brakes or steering apparatus;
9. When a vehicle is so parked as to obstruct the movement of any railroad train, railroad car or locomotive;
10. When the vehicle is parked on public or private property under or next to any fire escape or fire exit at a location such that the parked vehicle would obstruct or interfere with the operation or use of the fire escape or fire exits as a means of exit from the building;
11. When the vehicle is parked on public or private property next to any standpipe or sprinkler connection used by the fire department at a location such that the parked vehicle would obstruct or interfere with the operation or use of such connection;
12. When any vehicle is illegally parked in a zone designated by the City Engineer under Section 12.44.180 of this code and such zone is marked as a tow-away zone by a sign;
13. When any vehicle other than a commercial vehicle is parked in a loading zone designated for commercial vehicles only and such zone is marked by a sign as a tow-away zone;
14. When any vehicle is parked on city-owned property in violation of official signs or curb-markings established in accordance with Section 12.44.170 of this code;
15. When the vehicle is being used to transport hazardous materials in violation of Title 9 of this code;

16. When a vehicle is left parked or standing on any portion of a limited-access or controlled-access highway for a continuous period of time in excess of ten hours;

17. When a vehicle is left parked or standing on city-owned property that is not held open or provided for vehicular traffic or public parking, and the property is so marked by a sign.

18. When the Police Department is authorized to take an abandoned motor vehicle, watercraft or outboard motor found on public or private property into custody pursuant to section 683.011, Texas Transportation Code.

19. When a vehicle is offered or exposed for sale in violation of section 13.20.040 of this code and removed and stored in accordance with the provisions of that section.

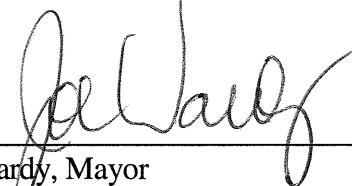
20. When a vehicle remains parked in violation of no parking signs posted regarding street construction in accordance with the provisions in section 12.44.220 of this code.

Section 2. This ordinance shall take effect September 1, 2003.

Section 3. Except as herein amended, the remainder of Section 12.08.220 and Chapter 12.08 (Administration and Enforcement) of the El Paso Municipal Code shall remain in full force and effect.

ADOPTED THIS 26<sup>th</sup> day of August 2003.

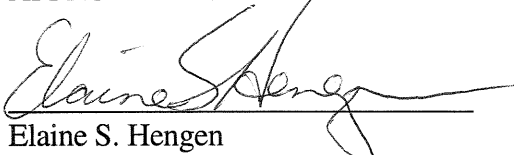
CITY OF EL PASO

  
\_\_\_\_\_  
Joe Wardy, Mayor

ATTEST:

  
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elaine S. Hengen  
Assistant City Attorney