

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Police

AGENDA DATE: July 26, 2016—First Reading
August 9, 2016—Public Hearing

CONTACT PERSON/PHONE: Assistant Chief Michelle Gardner, 212-4301
Dionne Mack, City Manager's Office, 212-1070

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 2: Set the Standard for a Safe and Secure City

SUBJECT:

An ordinance amending Title 10 of the El Paso City Code (Public Peace, Morals and Welfare), Chapter 10.24 (Miscellaneous Offenses) to add Section 10.24.050 (Sun Metro Priority Seating); the penalty being as provided in Sections 1.08.010, 1.08.020 and 1.08.030 of the El Paso City Code.

BACKGROUND / DISCUSSION:

On August 25, 2015, City Council unanimously carried to direct staff to review the Taxicab Ordinance and revise as needed or provide for a new ordinance to allow transportation network companies (TNC's) to operate legally in the City of El Paso, remove outdated language that no longer applies, remove over-extensive requirements, and ensure compliance with accommodating disabled persons. On May 17, 2016, City Council discussed proposed revisions and directed that staff work with the taxicab and TNC industry to make the taxi industry thrive and be competitive, allow TNC's to operate and compete as well, level the playing field and possibly put forth incentives. Such reviews and revisions included movement of portions of Title 6 to other Titles of the Municipal Code that are more suitable.

SELECTION SUMMARY:

N/A

PRIOR COUNCIL ACTION:

City Council adopted the current ordinance on November 18, 2008.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 10 OF THE EL PASO CITY CODE (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 10.24 (MISCELLANEOUS OFFENSES) TO ADD SECTION 10.24.050 (SUN METRO PRIORITY SEATING); THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010, 1.08.020 AND 1.08.030 OF THE EL PASO CITY CODE.

WHEREAS, on November 18, 2008, the City adopted its currently effective Sun Metro priority seating ordinance;

WHEREAS, the current ordinance is codified under Chapter 6.08, Section 6.08.060 under Title 6 – VEHICLES FOR HIRE;

WHEREAS, current amendments to Title 6 – VEHICLES FOR HIRE change the structure and context of the title significantly; and

WHEREAS, such changes result in the creation of Section 10.24.050 – Sun Metro Priority Seating under Title 10, Chapter 10.24, to maintain the effective ordinance in a more suitable codification.

Section 1. Title 10 – Public Peace, Morals and Welfare – Chapter 10.24 – Miscellaneous Offenses – Section 10.24.050 – be created as follows:

Chapter 10.24 Miscellaneous Offenses

10.24.050 - Sun Metro Priority Seating.

- A. “Priority Seating” or “Priority Seats” is defined as seats or areas of the bus designated as priority seating for elderly and/or disabled persons, including other seats as necessary, and fold-down or moveable seats located in a wheelchair securement location.
- B. Pursuant to the Federal Code of Regulations and the Federal Transit Administration, elderly and disabled persons who meet the established qualifications shall have preference to occupy Priority Seating while on Sun Metro vehicles. Passengers not meeting the qualifications for priority seating who are occupying a seat designated as Priority Seating shall relinquish such seat upon being informed that a qualified person desires to occupy such seat.

- C. A violation of any provision of this section is a misdemeanor offense punishable by a fine not to exceed five hundred dollars per violation.

Section 2. Except as expressly amended herein, Title 10 – Public Peace, Morals and Welfare – will remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2016.

CITY OF EL PASO

Oscar Leeson
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Oscar G. Gabaldón, Jr.
Assistant City Attorney



Jay Banasjak
Mass Transit Director