

AGENDA



Recommendation for Council Action

Austin City Council - Commissioner's Court Meeting	Item ID	34806	Agenda Number	40.
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Meeting Date:	9/25/2014	Department:	Municipal Court
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Subject

Approve an ordinance amending City Code Section 12-5-43 to make a transit-lane parking violation a civil offense instead of a criminal offense and setting fines.

Amount and Source of Funding

Revenue is included in the Fiscal Year 2014-2015 Operating Budget of the Municipal Court.

Fiscal Note

There is no anticipated fiscal impact A fiscal note is not required.

Purchasing Language:	
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Prior Council Action:	
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For More Information:	Rebecca Stark, Clerk of the Municipal Court, (512) 974-4690
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Boards and Commission Action:	
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MBE / WBE:	
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Related Items:	
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Additional Backup Information

The traffic-lanes ordinance, as currently enacted, makes a violation of the ordinance a criminal offense. This is contrary to City Code §12-5-52 which states that city standing/stopping/parking violations are civil offenses. Because the transit-lanes ordinance was drafted later in time than the City Code provision, the transit-lanes ordinance is treated as an exception to this rule and must currently be enforced as a criminal offense.

Since all other city parking violations are civil, this ordinance amendment would make a violation of the traffic-lanes ordinance a civil violation as well. This amendment also changes the penalty to reflect an early and standard fine in keeping with the Austin Municipal Court's tiered fine schedule. The Early Fine (which includes the \$5.00 maximum Child Safety Fee allowed by state law) is set at \$350 and the Standard Fine (again including the Child Safety Fee) is set at \$500. The Early Fine is available to violators receiving citations for 20 working days, after which the Standard Fine is applied.

The Law Department has reviewed this proposal. This proposal is supported by the Transportation Department.