

ARTICLE IV. ADJUDICATION OF PARKING CITATIONS

Sec. 16-61. Jurisdiction.

The municipal courts department shall have original jurisdiction over cases involving violations of city ordinances enumerated in articles II, IV, VI, XI, and XII and division 1 of article III of chapter 26 of this Code, and of offenses involving the parking or stopping of a vehicle that arise under the Fire Code of the city.

Sec. 16-62. Procedures.

The presiding judge shall establish and implement appropriate procedures to effect the policy of this article, which may include procedures for online adjudication.

Sec. 16-63. Adjudication hearing officers.

- (a) The municipal courts department shall employ one or more adjudication hearing officers who shall be appointed by the mayor. Staff required for the support of the adjudication hearing officer's functions shall be provided by the clerk of the municipal courts.
- (b) Adjudication hearing officers shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and production of documents.
- (c) An order compelling the attendance of witnesses or production of documents may be enforced by the municipal courts department.

Sec. 16-64. Parking citations.

- (a) The administrative adjudication process for parking, standing or stopping of vehicle violations that are subject to adjudication under this article shall be initiated by the issuance of a parking citation. A citation may be issued by a peace officer or other authorized parking compliance agent designated by or upon authority of the city.
- (b) If the owner or operator of the vehicle is not present at the time of issuance of the citation, the citation may be issued by affixing the citation to the vehicle in a conspicuous place.
- (c) The citation shall provide that the person charged with a parking, stopping or standing offense shall have the right of an instant hearing to determine the issue of liability for the charged offense. Such right to a hearing shall be exercised by appearing in person before an adjudication hearing officer within 30 days from the date of issuance of the citation at such convenient and reasonable hours as may be specified by the adjudication hearing officer, which hours shall be printed on the parking citation.

- (d) The original or any copy of the citation is a record kept in the ordinary course of business in the city and is rebuttable proof of the facts it contains.

Sec. 16-64.1. Online adjudication.

In addition to the information required in section 16-64(c), a citation shall provide that the person charged with a parking, stopping or standing offense may, within 30 days of the issuance of the citation, contest the citation online in accordance with procedures established by the director of the municipal courts department. Such procedures will allow the person charged to submit written statements and evidence.

Sec. 16-65. Presumption of ownership.

- (a) It is presumed that the registered owner of the motor vehicle that is the subject of the administrative hearing is the person who parked or stopped the vehicle at the time and place of the offense charged.
- (b) A state department of transportation computer-generated record of the registered vehicle is a prima facie evidence of its contents in an administrative adjudication hearing under this article.

Sec. 16-66. Hearings.

- (a) At the hearing before the adjudication hearing officer, the person charged may either admit, admit with explanation, or deny the alleged infraction.
- (b) The issuing peace officer or other authorized parking compliance agent shall not be required to attend the hearing.
- (c) No formal or sworn complaint shall be necessary. The adjudication hearing officer shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, and shall hear and review the testimony and evidence presented by the person charged. If the adjudication hearing officer determines by the preponderance of the evidence that the violation was committed by the person charged, he shall find the person charged liable therefor.
- (d) At the conclusion of the hearing, the adjudication hearing officer shall issue an order stating whether or not the person charged is liable for violation of the parking, standing or stopping ordinance and the amount of any fine, costs, or fees assessed against him. The order and all other records of the proceeding shall be filed with the clerk of the municipal court. All such orders shall be kept in a separate index or file by the clerk of the municipal court. The filing of the order and other records of the proceeding shall be kept in accordance with section 682.009 of the Texas Transportation Code.
- (e) Failure of a person charged with the offense to appear before an adjudication hearing officer within 30 days from the issuance of the citation shall be considered

an admission of liability for the charged offense and a default notice shall be issued on that basis.

- (f) Fines for violations shall be as provided in section 26-10 of this Code. The presiding judge shall establish fines for persons who do not wish to contest their citations and for persons who admit liability under subsection (f)[(e)], above. The presiding judge shall establish the amount of any added fine that shall be payable if a citation or fine ordered by an adjudication hearing officer is not fully satisfied within 30 days from the date of issuance of the citation.
- (g) Court costs shall be payable on all citations in the amounts required by law including, but not limited to, the fees payable under section 16-8 of this Code. The court costs shall be disposed of as provided in section 16-8, or as otherwise provided by law. All other fines and fees shall be deposited in the city treasury as general revenues of the city.
- (h) The clerk of the municipal courts shall cause a video or audio tape record to be made of each hearing and shall retain the tape and any documents introduced at the hearing until the time for an appeal to be filed has expired.

Sec. 16-67. Appeal.

- (a) A person who is found liable after an administrative adjudication hearing or online adjudication process may appeal that finding of liability to the municipal courts by filing a notice of appeal with the clerk of the municipal courts. The notice of appeal must be filed not later than thirty days after the date on which the adjudication hearing officer entered the finding of liability and shall be accompanied by the payment of the appellate filing fee stated for this provision in the city fee schedule for each citation that is appealed. The appellate filing fee shall be refunded if the municipal court overturns the hearing officer's finding of liability. Unless the person, on or before the date of filing of the notice of appeal, posts a bond in the amount of the civil penalty and any late fees, an appeal does not stay the enforcement of the civil penalty. An appeal shall be decided by the municipal court under the substantial evidence rule and on the basis of the evidence adduced at the hearing before the adjudication hearing officer. The clerk's office shall provide or cause to be provided a copy of the record to the municipal court. If the municipal court finds the record to be materially incomplete, the court may upon its own motion or upon the motion of the defendant or the prosecuting attorney refer the case back to the adjudication hearing officer for further proceedings; however, no evidence may be adduced at the appeal hearing.
- (b) The municipal court shall not reverse the adjudication hearing officer's decision unless it is determined to be:
 - (1) In violation of the law;

- (2) Not reasonably supported by substantial evidence, based upon a review of the reliable and probative evidence in the record as a whole; or
- (3) Arbitrary and capricious or characterized by an abuse of discretion.

Sec. 16-68. Enforcement.

In addition to the added fine amount for delayed payment as provided in section 16-66(g) of this Code, the failure to comply with an order or default notice issued under this article may be enforced in any of the other manners provided in Section 682.010 of the Texas Transportation Code.

Sec. 16-69. Service of parking citation by mail.

- (a) In addition to the methods of service provided in section 16-64, a parking citation may be served on the registered owner or operator of a motor vehicle by mail. A citation must be mailed by a peace officer or other authorized parking compliance agent designated by or upon authority of the city, not later than the 30th day after the alleged violation.
- (b) It is presumed that the registered owner of the motor vehicle that is the subject of the administrative hearing is the person who parked or stopped the vehicle at the time and place of the offense charged.
- (c) A citation served by mail under this section must be mailed to:
 - (1) the owner's address as shown on the registration records of the Texas Department of Motor Vehicles; or
 - (2) If the motor vehicle is registered in another state or country, the owner's address as shown on the registration records of the appropriate agency of that state or country
- (d) If mailed, the citation must also include:
 - (1) a description of the alleged violation;
 - (2) the location where the violation occurred;
 - (3) the date and time of the violation;
 - (4) the name and address of the owner of the motor vehicle involved in the violation;
 - (5) the license plate number of the motor vehicle involved in the violation;

- (6) a copy of a recorded image of the violation, including a depiction of the area of the registration number displayed on the license plate of the motor vehicle involved in the violation;
 - (7) the amount of the civil fine for which the owner is liable;
 - (8) the number of days the person has to pay or contest the imposition of the civil fine, and a statement that the person may incur a late payment penalty if the civil fine is not paid or the imposition of the fine is not contested within that period;
 - (9) a statement that the person may pay the civil fine in person, by mail sent to a specified address, or by electronic means instead of appearing at the time and place of the administrative adjudication hearing;
 - (10) Information that informs the person:
 - a. of the owner's right to contest the imposition of the civil fine against the person in an administrative adjudication hearing;
 - b. that imposition of the civil fine may be contested by appearing at the administrative adjudication hearing, whether conducted in person, online, or by other electronic means designated by the local authority; and
 - c. that failure to pay the civil fine or to contest liability for the penalty in a timely manner is an admission of liability and a waiver of the owner's right to appeal the imposition of the civil penalty;
 - (11) a statement that a recorded image is evidence in a proceeding for the imposition of a civil fine.
- (e) A citation served by mail is presumed received on the tenth day after the date of mailing. The appearance date shall be the 30th business day after the presumed date of receipt. Except as modified by this section, all provisions of this article governing adjudication, hearings, appeals, and enforcement apply to citations served by mail.
- (f) A citation served by mail is not invalid and may not be dismissed solely due to the omission of, or an error in, one or more of the elements required by subsection (d), if the citation complies with the requirements of section 682.006 of the Texas Transportation Code, and the citation substantially complies with all other requirements of this section.