

EXHIBIT NO. _____

11
5-16-09

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~~5-12-09~~

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 29, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 8

SUBJECT: ORDINANCE TO LEVY AN ADMINISTRATIVE FEE FOR PARKING
TICKET COLLECTIONS

ISSUE: Consideration of an ordinance to apply an administrative fee in the amount of 20 percent of the original amount due to cover the costs of collection for unpaid parking tickets.

RECOMMENDATION: That City Council approve the proposed ordinance (attached) on first reading on May 12, 2009, and schedule it for public hearing, second reading, and final passage on Saturday, May 16, 2009.

DISCUSSION: Code of Virginia Section 58.1-3958 authorizes jurisdictions to impose fees upon anyone delinquent in the payment of taxes or other charges. These fees may be assessed to cover the administrative cost and reasonable attorney's and/or collection agency's fees actually contracted for and may not exceed 20 percent of the taxes or other charges collected. City Council tentatively accepted this new fee as part of the FY 2010 Approved Budget.

The City's parking ticket administrator has been contracted to collect unpaid parking tickets and charges the City a collections fee of 32 percent. An administrative fee of 20 percent assessed against the delinquent parking ticket holder will help partially offset this cost. For example, on an original outstanding parking ticket balance of \$100, the City will assess a \$20 administrative fee to substantially offset the contractor charge of \$32.

FISCAL IMPACT: This fee increase will generate approximately \$40,000 of additional revenue in FY 2010.

ATTACHMENT: Proposed Ordinance

STAFF:
Mark Jinks, Deputy City Manager
Laura B. Triggs, Director of Finance

Introduction and first reading: 5/12/09
Public hearing: 5/16/09
Second reading and enactment: 5/16/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 3-2-352 (DIRECTOR OF FINANCE TO ACCEPT PAYMENT OF UNCONTESTED CITATIONS; DELINQUENT CITATIONS) and Section 3-5-354 (PENALTIES FOR UNCONTESTED CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance permits the City to apply an administrative fee in the amount of 20 percent of the original amount due to cover the costs of collection for unpaid parking tickets.

Sponsor

Bruce Johnson, Chief Financial Officer

Staff

Bruce Johnson, Chief Financial Officer
Laura Triggs, Director of Finance
Christina Zechman Brown, Assistant City Attorney

Authority

Virginia Code § 58.1-3958

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 3-2-352 (DIRECTOR OF FINANCE TO ACCEPT PAYMENT OF UNCONTESTED CITATIONS; DELINQUENT CITATIONS) and Section 3-2-354 (PENALTIES FOR UNCONTESTED CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-352 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-352 Director of finance to accept payment of uncontested citations; delinquent citations.

(a) The director of finance shall receive and accept payment tendered pursuant to section 3-2-351 for any uncontested parking citations, and shall account for same.

(b) When any parking citation for which payment may be accepted pursuant to section 3-2-351 is plus any fees or penalties imposed pursuant to section 3-2-354 are unpaid and uncontested at the expiration of 120 days from the date the citation was issued, the director of finance shall cause a letter to be sent to the last known address of, or the address shown on the records of the division of motor vehicles for the registered owner of the motor vehicle receiving the citation. Such letter shall notify the registered owner that, unless the citation is paid by a specified date not more than 45 days from the date of the letter, a summons or warrant shall be requested to issue to such registered owner to appear in court and answer on the citation. If the citation is unpaid as of the date specified in the letter, the director of finance shall obtain a summons or warrant for the registered owner to appear and answer on the citation.

Section 2. That Section 3-2-354 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-354 Penalties for uncontested citations.

Any other provisions of this code to the contrary notwithstanding, the penalty for any of the following violations of this code shall, when the citation which was issued for the violation is uncontested, be as follows:

(a) If a payment is tendered to the director of finance within 30 calendar days from the date the citation was issued:

(1) \$40 for a violation of section 10-4-1, "Stopping contrary to directions of police officers;"

(2) \$40 for a violation of section 10-4-2, "Permitting vehicle to remain parked contrary to the directions of an official sign;"

(3) \$40 for a violation of section 10-4-3, "Right to parking space;"

(4) \$40 for a violation of section 10-4-4, "Stopping so as to obstruct traffic or on crossing;"

(5) \$40 for a violation of section 10-4-5, "Double parking;"

(6) \$40 for a violation of section 10-4-6, "Parking trucks or commercial vehicles in residential districts;"

(7) \$40 for a violation of section 10-4-7, "Parking of vehicles by businesses on streets;"

(8) \$25 for a violation of section 10-4-8, "Parking for more than 72 continuous hours;"

(9) \$40 for a violation of section 10-4-9, "Parking trailers or recreational vehicles in residential districts;"

(10) \$40 for a violation of section 10-4-10, "Parking on sidewalk;"

(11) \$40 for a violation of section 10-4-11, "Parking in alleys or courts;"

(12) \$40 for a violation of section 10-4-12, "Parking of vehicles on private property;"

(13) \$40 for a violation of section 10-4-13, "Stopping for purpose of sale, repairs, etc.;"

(14) \$40 for a violation of section 10-4-14, "Use of bus stops;"

(15) \$40 for a violation of section 10-4-15, "Stopping for loading or unloading passengers or cargo generally;"

(16) \$40 for a violation for section 10-4-16, "Permit for parking truck beside railroad car on public right-of-way;"

(17) \$40 for a violation of section 10-4-17, "Angle parking for loading and unloading;"

(18) \$40 for a violation of section 10-4-18, "Use of loading zones;"

(19) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of subsection (a) of section 10-3-1242, "Parking in spaces reserved for persons with a disability;"

(20) \$35 for a violation of section 10-4-22, "How meter and space to be used;"

(21) \$35 for a violation of section 10-4-23, "Overtime parking;"

(22) \$35 for a violation of section 10-4-24, "Depositing coin in meter for purpose of extending time;"

(23) \$35 for a violation of section 10-4-25, "Permitting vehicle to remain parked at meter after expiration of time limit;"

(24) \$40 for a violation of section 10-4-28, "Parking across lines designated parking space;"

(25) \$40 for a violation of section 10-4-30, "Interfering with enforcement of chapter;"

(26) \$40 for a violation of section 10-4-33, "Use of metered parking lots by vehicles other than private passenger automobiles;"

(27) \$40 for a violation of section 10-4-34, "Parking illegally in permit parking districts;"

(28) \$40 for a violation of section 5-8-114, "Designation of parking spaces; parking across lines;"

(29) \$40 for a violation of section 10-4-40, "Location of parked vehicles;"

(30) \$40 for a violation of section 10-4-37, "Failure to procure and display city license plate, windshield tag or decal;"

(30A) \$40 for a violation of section 10-4-37.1, "Enforcement of the Northern Virginia Local Motor Vehicle License Compact;"

(31) \$40 for a violation of section 10-4-38, "Parking without display of current state inspection sticker or current state license plate;"

(32) \$40 for a violation of section 10-4-39, "Temporary parking prohibited;"
(33) \$40 for a violation of section 9-12-162, "Use of locations other than designated parking spaces by sight-seeing buses;"
(34) \$40 for a violation of section 9-12-163, "Use of parking spaces designated for use by sight-seeing buses by other vehicles;"
(35) \$40 for a violation of section 9-12-164, "Use of designated spaces by sight-seeing buses;"
(36) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-41, "Parking prohibited at certain locations;"
(37) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-42, "Parking prohibited near fire hydrant, etc.;"
(38) \$40 for a violation of section 10-4-35, "Parking in two-hour parking zones in the central business district;"
(39) \$40 for a violation of section 10-4-36, "Removal of chalk marks placed for enforcement purposes;"
(40) \$40 for a violation of section 3-2-336, "Offenses relating to city license plate, windshield and decal."

(b) If payment is not tendered to the director of finance with 30 calendar days of the date the citation is issued, a penalty of \$25 in addition to the penalty imposed by subsection (a) for the violation for which the citation was issued; provided, that, in the event the 30th calendar day from the date the citation is issued is a Saturday, Sunday or legal holiday, such additional penalty shall not be imposed if payment is tendered in the amount required by subsection (a) on the next succeeding business day; provided further, that if payment is remitted to the director of finance in a sealed envelope bearing a postmark on or before midnight of the 30th calendar day from the date the citation is issued, no such additional penalty shall be imposed; and provided further, that the director of finance may waive such additional penalty, even though payment has not been tendered or mailed within 30 calendar days of the date the citation was issued, whenever the owner of the vehicle identified in the citation establishes any of the following to the satisfaction of the director:

(i) that the owner did not find the citation at the time of its issuance on the owner's vehicle and only learned of the citation after the day on which it was issued, and has tendered the required payment with 30 days of first learning of the citation;

(ii) that, within 30 days after the issuance of the citation or, if later, after first learning of the citation, the owner has made a written request to the director for information concerning the citation, and has tendered the required payment within 30 days of the director's response; or

(iii) that the owner was medically incapable of making the required payment within 30 calendar days of the date the citation was issued.

(c) In addition to the fees and charges imposed pursuant to subsections (a) and (b) hereof, upon collection the director of finance shall impose on each person chargeable with a delinquent parking citation a fee of twenty percent of charges collected. The fee shall not exceed \$30 for any amount collected subsequent to 30 days or more after notice of a delinquent parking citation is provided by the director of finance but prior to taking judgment and shall not exceed \$35 for any amount collected subsequent to judgment.

1 Section 3. That this ordinance shall become effective upon the date and at the time of
2 its final passage.

3
4 WILLIAM D. EUILLE
5 Mayor

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7 Introduction: 5/12/09
8 First Reading:
9 Publication:
10 Public Hearing:
11 Second Reading:
12 Final Passage:

ORDINANCE NO. 4590

AN ORDINANCE to amend and reordain Section 3-2-352 (DIRECTOR OF FINANCE TO ACCEPT PAYMENT OF UNCONTESTED CITATIONS; DELINQUENT CITATIONS) and Section 3-2-354 (PENALTIES FOR UNCONTESTED CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

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Sec. 3-2-352 Director of Finance to accept payment of uncontested citations; delinquent citations.

(a) The Director of Finance shall receive and accept payment tendered pursuant to section 3-2-351 for any uncontested parking citations, and shall account for same.

(b) When any parking citation for which payment may be accepted pursuant to section 3-2-351 plus any fees or penalties imposed pursuant to section 3-2-354 are unpaid and uncontested at the expiration of 120 days from the date the citation was issued, the Director of Finance shall cause a letter to be sent to the last known address of, or the address shown on the records of the division of motor vehicles for the registered owner of the motor vehicle receiving the citation. Such letter shall notify the registered owner that, unless the citation is paid by a specified date not more than 45 days from the date of the letter, a summons or warrant shall be requested to issue to such registered owner to appear in court and answer on the citation. If the citation is unpaid as of the date specified in the letter, the Director of Finance shall obtain a summons or warrant for the registered owner to appear and answer on the citation.

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\$30 for any amount collected subsequent to 30 days or more after notice of a delinquent parking citation is provided by the Director of Finance but prior to taking judgment and shall not exceed \$35 for any amount collected subsequent to judgment.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: May 16, 2009