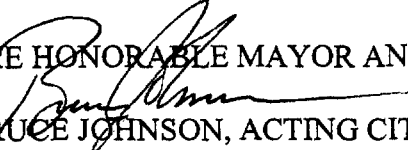


EXHIBIT NO. 1

City of Alexandria, Virginia

9
10-15-11
~~6~~
~~10-11-11~~

MEMORANDUM

DATE: SEPTEMBER 29, 2011
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM:  BRUCE JOHNSON, ACTING CITY MANAGER
SUBJECT: ORDINANCE TO ADD CODE SECTIONS NOT PREVIOUSLY INCLUDED, TO CLARIFY HOW A PARKING CITATION CAN BE CONTESTED, AND TO PROVIDE A DEADLINE FOR CONTESTING A PARKING CITATION.

ISSUE: Consideration of an ordinance to:

- Amend and reordain City Code Section 3-2-353 to include code sections that were not previously included therein;
- Amend and reordain City Code Section 3-2-353 to clarify the language regarding how a parking citation can be contested and to provide a deadline for contesting a citation; and
- Amend and reordain City Code Section 3-2-354(c) to more clearly follow the authorizing statute in Code of Virginia § 58.1-3958, which allows the City to recoup certain costs associated with parking citations.

RECOMMENDATION: That City Council pass the proposed ordinance (Attachment 1) on first reading and schedule it for public hearing, second reading and final passage on Saturday, October 15, 2011. The proposed ordinance would modify the language of City Code Section 3-2-353 and City Code Section 3-2-354(c).

DISCUSSION: Currently, City Code Section 3-2-353 does not include language that registered owners may contest a citation by contacting the Parking Adjudication Office or provide a deadline for contesting a ticket. Furthermore, it does not explicitly state that certain citations issued under the City Code can be contested by the registered owner of a motor vehicle. The modifications being proposed to City Code Section 3-2-353 would provide the foregoing.

City Code Section 3-2-354(c) does not reflect as clearly as it could the language that allows the City to collect payments of administrative costs for delinquent taxes or other delinquent charges, such as parking citations, as provided by Code of Virginia § 58.1-3958. The proposed language would clarify this provision.

These amendments will have no effect on City revenues but will introduce the new policy to provide a deadline for contesting a citation.

FISCAL IMPACT: This will have no financial impact.

ATTACHMENT: Proposed Ordinance

STAFF:

Laura B. Triggs, Acting Chief Financial Officer

Debbie Kidd, Acting Deputy Chief Financial Officer

David Clark, Assistant Director of Finance, Treasury

Christina Zechman Brown, Assistant City Attorney

Introduction and first reading: 10/11/2011
Public hearing: 10/15/2011
Second reading and enactment: 10/15/2011

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 3-2-353 (CONTESTED PARKING CITATIONS) and Section 3-2-354 (PENALTIES FOR UNCONTESTED CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The amendments to Section 3-2-353 incorporate code sections that were not previously included therein, clarify the language regarding how a parking citation can be contested, and provide a deadline for contesting a citation. The amendments to Section 3-2-354 clarify the language, that allows the City to recoup certain costs associated with parking citations, to more clearly follow the authorizing statute in Code of Virginia § 58.1-3958.

Sponsor

Staff

Bruce Johnson, Acting City Manager
Laura B. Triggs, Director of Finance
Debbie Kidd, Division Chief, Revenue Administration
Christina Zechman Brown, Assistant City Attorney

Authority

Alexandria City Charter § 2.04(g)
Va. Code § 46.2-1225
Va. Code § 58.1-3958

Estimated Costs of Implementation

None

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

None

ORDINANCE NO. _____

1
2
3 AN ORDINANCE to amend and reordain Section 3-2-353 (CONTESTED PARKING
4 CITATIONS) and Section 3-2-354 (PENALTIES FOR UNCONTESTED CITATIONS) of
5 Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS)
6 of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT)
7 of the Code of the City of Alexandria, Virginia, 1981, as amended.
8

9 THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

10
11 Section 1. That Section 3-2-353 of the Code of the City of Alexandria, Virginia,
12 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:
13

14 Sec. 3-2-353 Contested parking citations.

15
16 The registered owner of any motor vehicle receiving a parking citation issued for a
17 violation of the provisions of sections 3-2-336, 5-8-72, 5-8-114, 9-12-162 through 9-12-164, 10-
18 3-1242, 10-4-1 through 104-18, 10-4-22 through 10-4-25, 10-4-28, 10-4-30, 10-4-33, 10-4-34,
19 10-4-39 through 10-4-41, 10-4-44 of this code who wishes to contest the same may do so, by
20 contacting the parking adjudication office or by executing on an appropriate form provided by
21 the director of finance, an affidavit of his intent to contest the citation in court. The director of
22 finance shall certify the same in writing on an appropriate form to the general district court or, in
23 the case of a juvenile, the juvenile and domestic relations court. The registered owner must
24 contest the ticket within 10 calendar days of the issuance of the parking citation.
25

26 Section 2. That Section 3-2-354 of the Code of the City of Alexandria, Virginia,
27 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:
28

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

30
31 Any other provisions of this code to the contrary notwithstanding, the penalty for any of
32 the following violations of this code shall, when the citation which was issued for the violation is
33 uncontested, be as follows:
34

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

37
38 (1) \$40 for a violation of section 10-4-1, "Stopping contrary to directions of police
39 officers;"
40

41 (2) \$40 for a violation of section 10-4-2, "Permitting vehicle to remain parked contrary
42 to the directions of an official sign;"
43

44 (3) \$40 for a violation of section 10-4-3, "Right to parking space;"
45

1 (4) \$40 for a violation of section 10-4-4, "Stopping so as to obstruct traffic or on
2 crossing;"

3
4 (5) \$40 for a violation of section 10-4-5, "Double parking;"

5
6 (6) \$40 for a violation of section 10-4-6, "Parking trucks or commercial vehicles in
7 residential districts;"

8
9 (7) \$40 for a violation of section 10-4-7, "Parking of vehicles by businesses on streets;"

10
11 (8) \$25 for a violation of section 10-4-8, "Parking for more than 72 continuous hours;"

12
13 (9) \$40 for a violation of section 10-4-9, "Parking trailers or recreational vehicles in
14 residential districts;"

15
16 (10) \$40 for a violation of section 10-4-10, "Parking on sidewalk;"

17
18 (11) \$40 for a violation of section 10-4-11, "Parking in alleys or courts;"

19
20 (12) \$40 for a violation of section 10-4-12, "Parking of vehicles on private property;"

21
22 (13) \$40 for a violation of section 10-4-13, "Stopping for purpose of sale, repairs, etc.;"

23
24 (14) \$40 for a violation of section 10-4-14, "Use of bus stops;"

25
26 (15) \$40 for a violation of section 10-4-15, "Stopping for loading or unloading
27 passengers or cargo generally;"

28
29 (16) \$40 for a violation for section 10-4-16, "Permit for parking truck beside railroad car
30 on public right-of-way;"

31
32 (17) \$40 for a violation of section 10-4-17, "Angle parking for loading and unloading;"

33
34 (18) \$40 for a violation of section 10-4-18, "Use of loading zones;"

35
36 (19) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-
37 69.40:1 of the Code of Virginia, as amended, for a violation of subsection (a) of section 10-3-
38 1242, "Parking in spaces reserved for persons with a disability;"

39
40 (20) \$35 for a violation of section 10-4-22, "How meter and space to be used;"

41
42 (21) \$35 for a violation of section 10-4-23, "Overtime parking;"

43

1 (22) \$35 for a violation of section 10-4-24, "Depositing coin in meter for purpose of
2 extending time;"

3
4 (23) \$35 for a violation of section 10-4-25, "Permitting vehicle to remain parked at meter
5 after expiration of time limit;"

6
7 (24) \$40 for a violation of section 10-4-28, "Parking across lines designated parking
8 space;"

9
10 (25) \$40 for a violation of section 10-4-30, "Interfering with enforcement of chapter;"

11
12 (26) \$40 for a violation of section 10-4-33, "Use of metered parking lots by vehicles
13 other than private passenger automobiles;"

14
15 (27) \$40 for a violation of section 10-4-34, "Parking illegally in permit parking
16 districts;"

17
18 (28) \$40 for a violation of section 5-8-114, "Designation of parking spaces; parking
19 across lines;"

20
21 (29) \$40 for a violation of section 10-4-40, "Location of parked vehicles;"

22
23 (30) \$40 for a violation of section 10-4-37, "Failure to procure and display city license
24 plate, windshield tag or decal;"

25
26 (30A) \$40 for a violation of section 10-4-37.1, "Enforcement of the Northern Virginia
27 Local Motor Vehicle License Compact;"

28
29 (31) \$40 for a violation of section 10-4-38, "Parking without display of current state
30 inspection sticker or current state license plate;"

31
32 (32) \$40 for a violation of section 10-4-39, "Temporary parking prohibited;"

33
34 (33) \$40 for a violation of section 9-12-162, "Use of locations other than designated
35 parking spaces by sight-seeing buses;"

36
37 (34) \$40 for a violation of section 9-12-163, "Use of parking spaces designated for use
38 by sight-seeing buses by other vehicles;"

39
40 (35) \$40 for a violation of section 9-12-164, "Use of designated spaces by sight-seeing
41 buses;"

42

1 (36) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-
2 69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-41, "Parking
3 prohibited at certain locations;"
4

5 (37) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-
6 69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-42, "Parking
7 prohibited near fire hydrant, etc.;"
8

9 (38) \$40 for a violation of section 10-4-35, "Parking in two-hour parking zones in the
10 central business district;"
11

12 (39) \$40 for a violation of section 10-4-36, "Removal of chalk marks placed for
13 enforcement purposes;"
14

15 (40) \$40 for a violation of section 3-2-336, "Offenses relating to city license plate,
16 windshield and decal."
17

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

31 (i) that the owner did not find the citation at the time of its issuance on the owner's
32 vehicle and only learned of the citation after the day on which it was issued, and has tendered the
33 required payment with 30 days of first learning of the citation;
34

35 (ii) that, within 30 days after the issuance of the citation or, if later, after first learning of
36 the citation, the owner has made a written request to the director for information concerning the
37 citation, and has tendered the required payment within 30 days of the director's response; or
38

39 (iii) that the owner was medically incapable of making the required payment within 30
40 calendar days of the date the citation was issued.
41

42 (c) In addition to the fees and charges imposed pursuant to subsections (a) and (b)
43 hereof, upon collection the director of finance shall impose on each person chargeable with a
44 delinquent parking citation fees to cover the administrative costs and reasonable attorney's or

1 collection agency fees actually contracted for. The attorney's or collection agency's fees shall
2 not exceed a fee of 20 percent of charges collected. The administrative costs fee shall not exceed
3 \$30 for any amount collected subsequent to 30 days or more after notice of a delinquent parking
4 citation is provided by the director of finance but prior to taking judgment and shall not exceed
5 \$35 for any amount collected subsequent to judgment.

6
7 Section 3. That this ordinance shall become effective upon the date and at the time
8 of its final passage.

9
10 WILLIAM D. EUILLE
11 Mayor

12
13 Introduction: 10/11/2011
14 First Reading: 10/11/2011
15 Publication:
16 Public Hearing: 10/15/2011
17 Second Reading: 10/15/2011
18 Final Passage:

ORDINANCE NO. 4739

AN ORDINANCE to amend and reordain Section 3-2-353 (CONTESTED PARKING CITATIONS) and Section 3-2-354 (PENALTIES FOR UNCONTESTED CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of 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 3-2-353 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. 3-2-353 Contested parking citations.

The registered owner of any motor vehicle receiving a parking citation issued for a violation of the provisions of sections 3-2-336, 5-8-72, 5-8-114, 9-12-162 through 9-12-164, 10-3-1242, 10-4-1 through 104-18, 10-4-22 through 10-4-25, 10-4-28, 10-4-30, 10-4-33, 10-4-34, 10-4-39 through 10-4-41, 10-4-44 of this code who wishes to contest the same may do so, by contacting the parking adjudication office or by executing on an appropriate form provided by the director of finance, an affidavit of his intent to contest the citation in court. The director of finance shall certify the same in writing on an appropriate form to the general district court or, in the case of a juvenile, the juvenile and domestic relations court. The registered owner must contest the ticket within 10 calendar days of the issuance of the parking 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 fees to cover the administrative costs and reasonable attorney's or

collection agency fees actually contracted for. The attorney's or collection agency's fees shall not exceed a fee of 20 percent of charges collected. The administrative costs 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.

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: October 15, 2011