



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 19, 2008**

DATE: July 19, 2008

SUBJECT: Authorize the advertisement of a public hearing to consider technical adjustments to the Arlington County Code concerning the collection of fines for parking violations and contests of citations.

C. M. RECOMMENDATION:

Authorize the advertisement of a public hearing on September 13, 2008, to consider an amendment to the Code of Arlington County, Virginia, to amend §14.2-95., Collection of Fines for Parking Violations and Contests of Citations.

ISSUES: The County Board adopted changes to the collection of fines as a part of the FY 2009 budget. Technical adjustments are necessary to the County Code to align the code with the County Board's action for FY 2009.

SUMMARY: The Code of Arlington County, §14.2-95 needs to be amended to reflect decisions made during the FY 2009 budget process. For FY 2009, three positions were moved from the Parking Notice Review Office to parking enforcement. Parking notice review will still be handled by the Police Department and the General District Court.

BACKGROUND: The Arlington County Code permits those wishing to contest a parking citation to appeal their case to an administrative review and/or the Arlington County General District Court. As a part of the FY 2009 budget, the Police Department reorganized the Parking Notice Review Office which was staffed by three (3) full time employees (FTE) and redeployed them to parking enforcement.

DISCUSSION: The proposed amendment would require those desiring to contest a parking citation to request a court date for the General District Court within 30 days of the citation. The violation review process will now be handled by the General District Court and the Police Department will facilitate in the scheduling of the court date. The FY 2009 budget reflects the reallocation of personnel to parking enforcement and the resulting increase in the revenue (\$742,000 net).

County Manager: _____

County Attorney: _____

Staff: Sgt. W. Vincent, Police Department

FISCAL IMPACT: There is no budgetary impact related to the advertisement, public hearing and adoption of this ordinance change. The reorganization of the Parking Notice Review Office was included in the FY 2009 budget and Board action is required for technical County Code adjustments.

ORDINANCE TO AMEND, REENACT AND RECODIFY SECTION 14.2-95 OF THE ARLINGTON COUNTY CODE

I. BE IT ORDAINED that Chapter 14.2-95 (Collection of Fines for Parking Violations and Contests of Citations) of the Arlington Code is hereby amended, reenacted and recodified to read, in pertinent part, as follows:

§ 14.2-95. Collection of fines for parking violations and contests of citations.

(a) The county treasurer shall be responsible for the collection of parking citation fines and the fees. ~~for hearings in the parking notice review office.~~

(b) The owner or operator of a vehicle charged with a parking offense contained in Chapter 14 of the Arlington County Code or in Section 33.D of the Zoning Ordinance shall appear before the office of the treasurer of Arlington County during normal business hours on weekdays or at the police department on weekends and after normal business hours on weekdays and make payment of any uncontested parking citation, in accordance with the payment schedule set forth in section 14.2-7.1. An owner or operator may elect to make such payment to the treasurer by mail in lieu of a personal appearance.

(c) Any person desiring to contest a parking citation for which no date for court appearance is specified on the citation shall register his intent to contest the violation to the general district court within thirty (30) days of the issuance, ~~either by providing the information requested over the Internet on the county's website; providing by facsimile or in person a copy of the ticket and written statement of facts with supporting information; or any other method established by the County Manager or his designee. An administrative review will be conducted to determine whether the citation was issued properly. Persons will be notified of the review officer's decision by mail, email, telephone or in person within ten (10) days of receipt of the request. If it is determined that the citation was not issued in conformance with the provisions of this Code or the Code of Virginia, the citation will be abrogated. If it is determined that the citation was issued in conformance with the requirements of this Code or the Code of Virginia, the individual will be required to make payment of the citation. In arriving at a decision, mitigating circumstances presented by the individual may be considered. A fee of ten dollars (\$10.00) will be assessed to defray the costs of a hearing in which the citation is upheld. Payment of the fee for hearings will be collected by the treasurer and deposited to a separate account in the general fund.~~

Upon proper notification of a person's intention to contest a parking citation before the general district court, ~~the parking notice review office, or other authorized person, shall cause a notice to be~~ shall be issued which shall ~~summon~~ summons the person to appear before the general district court on an appointed date. Signing of the notice by the person contesting the parking citation shall constitute acknowledgement of receipt of the notice. Notice of such action shall be certified in writing on an appropriate form to the general district court.

~~(d) The County Manager shall designate who shall be authorized, for good causes shown, to abrogate parking citations.~~
