

ORDINANCE NO. _____

1 AN ORDINANCE amending Section 10.06.120 of the Lincoln Municipal Code
 2 relating to payment of fines and costs for parking violations by providing a one dollar discount for
 3 online payment to the administrative fee for waiver of arraignment and right to a hearing and entry
 4 of a plea of guilty, and increasing the administrative fee to \$23.00 if payment is not made within
 5 seven days after a complaint is served; and repealing Section 10.06.120 of the Lincoln Municipal
 6 Code as hitherto existing.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 10.06.120 of the Lincoln Municipal Code be amended to
 9 read as follows:

10 **10.06.120 Payment of Fines and Costs; Administrative Hearing Process; Appeal.**

11 (a) Any person accused of any of the following violations of the Lincoln Municipal Code
 12 may waive arraignment and right to a hearing and pay the sum indicated for those complaints as
 13 listed below:

14 (1) Violation of a motor vehicle parking ordinance or
 15 duly established parking regulation not otherwise
 16 herein-after specified, or parking on or obstructing a
 17 fire lane in violation of Title 19 of this code \$ 2.00

18 (2) Parking or stopping of a motor vehicle in such a
 19 manner as to interfere with the lawful use of the
 20 street, street intersection or sidewalk, or parking in an
 21 alley in violation of Section 10.32.150, or the parking,
 22 stopping, or standing of a motor vehicle in a bus stop
 23 zone, or parking near street intersections in violation
 24 of Section 10.32.140, or obstructing private
 25 driveways in violation of Section 10.32.110 \$ 12.00

26 (3) Parking or stopping of a motor vehicle too close to a
 27 fire hydrant in violation of Section 10.32.320 \$ 32.00

- 1 (4) Parking or stopping of a motor vehicle in violation of
2 Sections 10.40.030, 10.40.040, or 10.40.080 regarding
3 prohibition of parking on snow emergency routes,
4 arterials, and bus routes \$ 42.00

- 5 (5) Parking of a motor vehicle in violation of Section
6 10.40.050 relating to parking on residential streets
7 during a snow emergency \$ 27.00

- 8 (6) Violation of Section 10.32.020 relating to handi-
9 capped parking:
10 First offense within a one-year period \$ 92.00
11 Second offense within a one-year period \$192.00
12 Third or subsequent offense within a one-year period \$292.00

- 13 (7) Failure to carry registration certificate as required by
14 Section 10.08.010 \$ 2.00

- 15 (8) Failure to have motor vehicle registered and display-
16 ing proper plates (other than violations subject to the
17 penalty set forth in Section 10.08.050) \$ 92.00

- 18 (9) Parking a motor vehicle in violation of Section
19 10.32.070 relating to parking of trucks and other
20 oversized vehicles on streets adjacent to residentially
21 zoned property \$ 32.00

22 In ~~each instance of the event such~~ the payment for violation, as specified above, and
23 waiver of arraignment and right to a hearing and entry of a plea of guilty occurs within seven (7)
24 days of service of the complaint, the person charged in the complaint shall pay, in addition to the
25 amount specified above, the administrative costs of eight dollars and no cents (\$8.00); in the event
26 such payment for violation and waiver occurs after such seven-day period the person charged in the
27 complaint shall pay, in addition to the amount for the violation specified above, administrative costs
28 of twenty-three dollars and no cents (\$23.00); provided, however, that persons making such
29 payments online shall be entitled to deduct one dollar (\$1.00) from the administrative costs that
30 would otherwise be payable according to the terms of this section.

1 (b) (1) For a period of 14 calendar days from the issuance of a notice of parking violation,
2 a person may request an initial review of the notice by the Parking Services Division. The request
3 may be made by telephone, in writing, or in person. The review shall occur within seven days of
4 such request and there shall be no charge for this review. If, following the initial review, the Parking
5 Services Division is satisfied that the violation did not occur, that the registered owner was not
6 responsible for the violation, or that extenuating circumstances make dismissal of the citation
7 appropriate in the interest of justice, the Parking Services Division shall cancel the notice of parking
8 violation or notice of delinquent parking violation. The Parking Services Division shall mail the
9 results of the initial review to the person contesting the notice.

10 (2) If the person is dissatisfied with the results of the initial review, the person may, no
11 later than 14 calendar days following the initial review, request an administrative hearing of the
12 violation. The request may be made in writing or in person. The person requesting an administrative
13 hearing shall, at the time of making the appeal request, deposit the amount of the parking penalty
14 with the Parking Services Division. Notice of this procedure shall be provided to all persons
15 requesting an administrative hearing. An administrative hearing shall be held within 30 calendar
16 days following the receipt of a request for an administrative hearing.

17 (3) If a person has requested either the review in subsection (b)(1) or the appeal in
18 subsection (b)(2), the impoundment provisions of this title shall be automatically deferred until the
19 completion of the review and/or appeal process.

20 (4) The administrative hearing process shall include the following:

21 (i) The person requesting a hearing may present any written statements or
22 documentary evidence relevant to the determination. All hearings shall be conducted within the
23 jurisdictional limits of the City of Lincoln.

24 (ii) If the person requesting a hearing is a minor under the age of 18, that person shall
25 be permitted to appear at a hearing or admit responsibility for the parking violation without the
26 necessity of the appointment of a guardian. The Parking Services Division may proceed against the
27 minor in the same manner as against an adult.

28 (iii) The administrative hearing shall be conducted in accordance with written
29 procedures established by the Parking Services Division and approved by the Director of Urban
30 Development.

1 (iv) The Director of Urban Development may delegate conducting the administrative
2 hearings to another city employee or to a company contracting with the City to provide parking
3 services. If the hearing is delegated to someone other than the Director of Urban Development, such
4 delegatee shall make written findings and conclusions and a recommendation to the Director of
5 Urban Development for the final determination of the matter.

6 (v) The officer or person who issues a notice of parking violation shall not be
7 required to participate in the administrative hearing. The Parking Services Division shall not be
8 required to produce any evidence other than the notice of parking violation or copy thereof and
9 information received from the Department of Motor Vehicles identifying the registered owner of the
10 vehicle. The documentation in proper form shall be prima facie evidence of the violation.

11 (vi) The Director of Urban Development shall make a final and binding
12 determination, within fifteen days following the administrative hearing. Such determination shall
13 then be sent by first-class mail to the person requesting the appeal.

14 (c) Any person aggrieved by the decision of the Director of Urban Development in
15 Subsection (b) may appeal such decision to district court through the provisions established in
16 Nebraska Revised Statutes § 15-1201 et seq.

17 Section 2. That Section 10.06.120 of the Lincoln Municipal Code as hitherto existing
18 be and the same is hereby repealed.

19 Section 3. That this ordinance shall take effect and be in force from and after passage
20 and publication in one issue of a daily or weekly newspaper of general circulation in the City,
21 according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2011:

Mayor