

NOVEMBER 24, 2020

20-454

RESOLUTION

(CARRIED 7-0 LOST _____ LAID OVER _____ WITHDRAWN _____)

PURPOSE: APPROVE PARKING TICKET APPEALS POLICY

INITIATED BY: FINANCE DEPARTMENT

WHEREAS, the City of Oshkosh wishes to update and provide a defined and fair policy for persons wishing to appeal the issuance of parking tickets.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oshkosh that the attached Parking Tickets Appeals Policy is hereby adopted and the proper City officials are hereby authorized and directed to take those steps necessary to carry out the Policy.

This policy shall take effect immediately and shall supersede all prior policies relating to the same subject matter.



TO: Mayor and Members of the Common Council
FROM: Lynn A. Lorensen, City Attorney
DATE: November 19, 2020
RE: Approve Parking Ticket Appeals Policy

BACKGROUND

On the November 24, 2020 Agenda, the Council is asked to approve amendments to the City's Ordinance Pertaining to Enforcement of Parking Restrictions. In connection with the ordinance update, city staff recommends the adoption of a more formal policy for parking ticket appeals.

ANALYSIS

The proposed policy follows what has been the City's general process but which was not previously formally defined and published on the city website for easy public access. The proposed policy is consistent with the updated ordinance and clearly sets forth the process and time limits for parking appeals. It assures that persons appealing issuance of a parking ticket receive due process; that they can find and understand the process and that appeals are reviewed by someone other than the individual issuing the ticket.

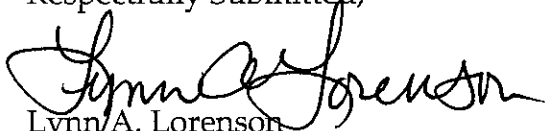
FISCAL IMPACT

There is no direct fiscal impact related to the adoption of this policy.

RECOMMENDATION

Staff recommends approval of the resolution.

Respectfully Submitted,


Lynn A. Lorensen
City Attorney

Approved:


Mark A. Rohloff
City Manager



CITY OF OSHKOSH PARKING TICKET APPEALS PROCESS

The City of Oshkosh hereby establishes this policy for the review and appeal of parking tickets issued under the provisions of Chapter 27 of the City of Oshkosh Municipal Code.

Applicability

This policy shall apply to parking tickets issued by the City of Oshkosh, including without limitation the Oshkosh Police Department and Oshkosh Parks Department.

Parking Tickets issued by the University of Wisconsin in relation to pay and display stations owned by the University shall be governed by University policies.

Timing of Appeals

Appeals must be received within 30 days of the date of issuance of the ticket. Appeals received after 30 days will be denied as untimely.

Process for Appeals

Persons wishing to appeal the issuance of a parking ticket under this policy must complete an appeal form. Appeal forms are available online at:

- [oshkoshpd.com>parking>parking ticket appeals](http://oshkoshpd.com/parking/parking%20ticket%20appeals)
- [ci.oshkosh.wi.us>residents>overnight parking>parking ticket appeals](http://ci.oshkosh.wi.us/residents/overnight%20parking/parking%20ticket%20appeals)

Appeal forms are also available from the following:

- kiosk located on the first floor of City Hall, 215 Church Avenue (during business hours, 8:00 a.m. to 4:30 p.m.)
- For those with no email/access to a computer, paper forms will be made available at the Oshkosh Police Department, 420 Jackson Street or at the Parking Utility Division located on the first floor of City Hall, 215 Church Avenue.

Appeals not submitted through electronic means (paper appeals) may be turned in to the Parking Utility Division on first floor of City Hall, mailed to the Parking Utility Division (appeals must be received by no later than 30 days from the date of issuance of the parking ticket) or deposited in the drop box located by the main entrance to City Hall, 215 Church Avenue.

Appeals will be reviewed by a supervisor from the Department issuing the ticket. The reviewing supervisor shall provide a written response to the Parking Utility Division within 10 business days of the date the appeal is filed with the Parking Utility and the Parking Utility shall provide a copy of the written decision on appeal to the Appellant within 2 business days of receipt of the written decision. The written decision shall specify whether the appeal is granted or denied and shall include the specific reasons for the decision made. If the appeal is granted, the Parking Utility Division shall take appropriate steps to void the ticket and any administrative fees that may have been assessed. If the appeal is denied, the decision shall inform the appellant of their right to further review through the Circuit Court and the amount and due date for payment of the ticket and any administrative fees.

Any Person whose appeal has been denied may request review through the Circuit Court. Persons wishing to have their ticket reviewed by the Circuit Court will be directed to the Oshkosh Police Department to be issued a municipal summons/citation for a court hearing. Issuance of a summons/citation may result in imposition of a forfeiture and court costs. The Parking Utility shall be informed of the issuance of a municipal summons/citation and shall administratively void the parking ticket upon order of the Circuit Court resolving the matter.

Resolution 20-454 adopted on November 24, 2020.