



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Appeal of Parking Tickets

Background: Greg Furneaux and Lou Ann Lovett received parking tickets. In accordance with the BIMC, Section 30-76(b), "Any person summoned by a parking violation citation, upon the payment of a fee of \$35.00 in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing before the city council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$35.00 shall be refunded to the person that paid such fee within five working days of the city council's decision."

The individuals requested a hearing before the City Council and they were notified according to Section 30-76(b).

Staff Recommendation: Hear the appeals.

Suggested Motion: If Council wants to approve the appeal: I move we approve the appeal of (PERSON'S NAME) and reduce the parking citation to a warning (or waive the citation).

If the Council denies the appeal: I move we deny the appeal of PERSON'S NAME and impose the original fine (or reduce the fine to \$_____).

Alternatives: None

Fiscal Impact: Parking fines are \$150.

Attachments: Request from Greg Furneaux and Lou Ann Lovett for appeal
BIMC Section 30-76



Yolanda Quiceno <yquiceno@belleislefl.gov>

Parking fine appeal

gwfscout@yahoo.com <gwfscout@yahoo.com>

Tue, May 22, 2018 at 12:01 PM

To: "yquiceno@belleislefl.gov" <yquiceno@belleislefl.gov>

Good Morning,

I'm sending this email as an appeal to the parking fine I received on May 13, 2018.

I received the fine for parking in my yard. I've lived in Belle Isle since 1968 and bought my home on Idaho Ave. in 1990. It has a one vehicle driveway and since we have two vehicles, I've been parking one in the grass in front of my house since I bought the house. A couple of years ago, I received a notice about this issue. When I inquired about how I can rectify this, Code Enforcement advised me that the City was still working on this issue and to continue parking where I was until further notice. We have heard nothing else until we found this ticket for \$150.00 on Mother's Day this year.

My wife and I are going to be applying for a permit to tear out the existing driveway and put in a wider concrete paver driveway. This will definitely solve the issue of parking in the grass and it will enhance the aesthetics of the neighbourhood, as well as that of our house.

This email is a request to overturn the parking fine and reduce it to a warning. We certainly want to be in compliance and are striving to do so as timely as possible.

Respectfully Submitted,
Greg Furneaux

Sent from my Verizon ASUS tablet



Yolanda Quiceno <yquiceno@belleislefl.gov>

Ticket #00842

Lou Lovett <lovettswan@yahoo.com>

Fri, May 18, 2018 at 4:10 PM

To: "Yquiceno@belleislefl.gov" <Yquiceno@belleislefl.gov>

Cc: "lovettswan@yahoo.com" <lovettswan@yahoo.com>

RE: Ticket #00842

Issued: May 13, 2018

Location: 1416 Swann Ave, Belle Isle, FL 32809

To Whom It May Concern,

I would like to contest the merit of this city ordinance violation.

My 2010 Ford Escape was parked on the grass on May 13, 2018. We have extra vehicles due to my son and his family staying with us while they wait to close on their new house. We do not want to park on the street for fear of being hit or vandalized.

Also, this was Mother's Day weekend and we, along with many neighbors, had company. We failed to move our vehicles around after our guests left.

Respectfully,

Lou Ann Lovett

Sec. 30-76. - Fines and hearings.

- (a) *Payment of fines; issuance of receipts.* The city manager shall accept payment of civil penalties for parking violations and issue receipts therefor.
- (b) *Hearing request by person cited.* Any person summoned by a parking violation citation, upon the payment of a fee of \$35.00 in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing before the city council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$35.00 shall be refunded to the person that paid such fee within five working days of the city council's decision.
- (c) *Delinquent fee; notice of summons for failure to respond.* If any person summoned by a parking violation citation on a motor vehicle does not respond to such citation within five business days, by either paying the fine or requesting a hearing under subsection (b) of this section, the city manager shall assess a \$10.00 penalty against the registered owner of the vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation citation and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply. Costs in the amount of \$5.00 shall be assessed incident to this notification process.
- (d) *Summons for failure to respond, charges.* If a response is not made within the time period specified in the notice of summons, a summons for failure to respond will be issue to the registered owner of the motor vehicle commanding an appearance before a hearing officer. In addition to all other costs, fines and administrative fees assessed by the county, a service of process charge in the amount allowed by state statute will be assessed by the city manager for each summons issued.
- (e)

Hearing on charge of failure to comply. After issuance of summons, a hearing on the charge of failure to comply shall be scheduled and such charge prosecuted by the city attorney in the county court.

- (f) *Waiver of rights to contest citation.* Any person who fails to respond to the original parking violation citation within the time period specified on such citation shall be deemed to have waived the right to contest the merits of such parking violation.

(Code 1980, § 12-26; Ord. No. 96-8, 12-3-1996; Code 1991, § 7-76)