

## Ordinance 00XX-25 – Certification of Parking Citation Debt (Amended)

An ordinance to create Chapter 94, Article I, Section 94-23 and to create Chapter 2, Article III, Division 8, Section 2-263(i) of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 18, Article I, Section 94-23 of the Municipal Code of the City of Racine, Wisconsin is created as follows:

### Sec. 94-23. – Certification of Parking Citation Debt.

(a) *Definitions*. In this section:

(1) *Debt* means a parking citation of at least \$20 that is unpaid and for which there has been no court appearance by the date specified in the citation or, if no date is specified, that is unpaid for at least 28 days.

(2) *Debtor* means a person who owes a debt to the city.

(3) *Department* means the Wisconsin Department of Revenue.

(b) *Certification*. The Racine Police Department may certify to the department any debt owed to it.

(c) *Notification*. Not later than 5 days after certification under subsection (b), the Racine Police Department shall notify the debtor in writing of its certification of the debt to the department, of the basis of the certification and of the debtor's right to appeal, and of the debtor's right to contest the citation.

(d) *Request for review of initial determination*. The debtor may request a review of the initial determination to certify the debt by filing with the Racine Police Department within 15 days after the date of the mailing of the notice of certification a written request for review of the initial determination, which shall state the specific ground(s) for the debtor's objections thereto.

(e) *Review and decision*. Within 15 days after the filing of the request for review, the Racine Police Department Customer Service Representative Supervisor shall review the notification and the request for review along with the objections stated therein and render a written decision on review that is mailed first class to the debtor. The decision on review shall advise the debtor of the right and process by which to appeal from the decision on review.

(f) *Appeal of decision on review*. The debtor may appeal from the decision on review by filing with the Racine City Clerk's Office a written notice of appeal

within 15 days after the date of the mailing of the decision on review, which shall state the specific ground(s) upon which the debtor contends that the decision on review should be modified or reversed.

- (g) *Hearing on appeal.* Not more than 30 days from the date of the filing of the notice of appeal, the due process board shall convene for a hearing on the appeal. The city shall serve the debtor with notice of such hearing by mail or personal service at least 7 days before such hearing. At the hearing, the parties may present evidence, call and examine witnesses, and cross examine witnesses of the other party.
- (h) *Final determination.* Within 15 days of the completion of the hearing, the due process board shall mail first class or deliver to the debtor its written final determination to affirm, reverse, or modify the decision on review and therein shall state the reasons therefor. The final determination shall advise the debtor of the right to judicial review of the final determination.
- (i) *Judicial review.* Any party to the hearing resulting in a final determination under subsection (h) may seek judicial review at the Racine County Circuit Court within 15 days after the date of the mailing or delivery of the final determination.
- (j) *Governing procedure.* The city elects not to be bound by Wisconsin Statutes chapter 68 for purposes of this section.

State Law reference – Setoffs for municipalities and counties, Wis. Stat. § 71.935; Election not to be governed by [chapter 68], Wis. Stat. § 68.16.

Part 2: Chapter 2, Article III, Division 8, Section 2-263 of the Municipal Code of the City of Racine is amended to create subsection (i) as follows:

- (i) Conduct due process hearings on appeal filed by the debtor aggrieved by the Racine Police Department Customer Service Representative Supervisor's decision on review under section 94-23(e). Within 10 days after such hearing, the board shall mail or deliver to the debtor its written determination to affirm, reverse, or modify the Racine Police Department Customer Service Representative Supervisor's decision on review and state therein the reasons therefor.

Part 3: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: The fiscal impact will be determined by the amount of parking citation debt that is eligible for certification, which may vary from year to year.

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by

necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within five days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.

PROPOSED