

**METHODS OF PLEADING AND PAYMENTS OF FINES
(APPLICABLE TO ALL TICKETED VEHICLES):**

The amount of the fine set forth on each summons issued is to be in accordance with the Section 359-87 of the Code of the City of Albany, "Schedule of Fines."

A plea shall be entered within twenty (20) days after the date the summons was issued. A plea may be entered in person or by representative or by ordinary mail at the City of Albany Treasurer's Office. Any plea entered by mail, if timely mailed, shall be accepted by the Treasurer's Office and no late fees shall be applied.

A plea of guilty shall be accompanied by a check or money order payable to the City of Albany Treasurer's Office for payment in full of the issued fine.

A respondent pleading not guilty or guilty with an explanation may appear either personally or by mail at the Bureau of Parking Violations located within City Hall and present his or her explanation to an adjudication clerk within the Bureau. Should the person not be satisfied with the plea offered by the Bureau of Parking Violations, that person may request a hearing. The City Treasurer shall draft and implement a policy that clearly sets forth the authority of adjudication clerks and general guidelines for reduction of tickets by adjudication clerks. A standard written policy will be developed after reviewing the existing policies of other municipalities and with input from the parking violations bureau. The written policy shall cover the process used by the adjudication clerks and their authority to forgive tickets and shall provide advice and guidance on the most commonly encountered situations. This policy will be reviewed and revised as necessary.

All negotiated reductions must be supported by a written memorandum or correspondence from the respondent, and the Parking Violations Bureau shall maintain records of all such written memorandums.

Whenever a plea of not guilty has been entered by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the Bureau shall not issue any notice of fine or penalty to the person prior to the date of final determination.

HEARINGS – NOTICE AND CONDUCT:

Whenever a person charged with a parking violation enters a plea of not guilty, the Bureau shall notify the person in writing by first class mail of the date on which he must appear to answer the charge at a pre-trial conference. The pre-trial conference shall consist of a conference with a representative from the Office of the Corporation Counsel. At this conference, a representative from the Office of the Corporation Counsel will listen to the explanation given by the ticketed individual and make a determination if a plea or other agreement is warranted and

present the offer to said individual. If the plea is acceptable to the individual, then the fine, if any, shall be paid within ten (10) days after the pre-trial conference.

If after the pre-trial conference, it is determined that a plea is not warranted or the ticketed individual is not satisfied with the plea offered, the individual will be given a date to appear for a trial on the traffic ticket issued to him or her.

Every trial for the adjudication of a charge of a parking violation shall be held in Albany City Court. All trials must be public. A respondent may be represented by legal counsel. No charges may be established except upon proof by substantial evidence. All testimony shall be given under oath or affirmation.

FINAL DETERMINATIONS; JUDGMENTS:

The trial judge shall make a determination on the charges, either sustaining or dismissing them. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the Bureau, together with records showing payment and nonpayment of penalties. A copy of such judgment record, or a transcript thereof, may be filed in the office of the Clerk of the City Court of Albany and/or in the office of the Clerk of the County of Albany and/or in such other county wherein the respondent resides or is employed.

If the trial judge makes a determination sustaining the charges, he/she shall impose no greater penalty or fine than that upon which the person was originally charged.

Where an operator or owner fails to enter a plea to a charge of a parking violation or fails to appear on a designated pre-trial conference date or trial date or subsequent adjournment date or fails after a trial to comply with the determination of the trial judge, such failure to plead, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment for the amount of the fine plus late fees and interest.

Prior to rendering a default judgment after a failure to plead, appear or comply, the Bureau or designee shall notify the operator or owner in writing by first class mail:

- (1) Of the violation charged;
- (2) Of the impending default judgment;
- (3) That such judgment will be entered in the City Court of the City of Albany, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the State of New York; and
- (4) That a default may be avoided by entering a plea or making an appearance within 30 days of the sending of such notice.

A judgment entered pursuant to the provisions of this section shall remain in full force and effect for eight years notwithstanding any other provision of law.

APPEAL OF CITY COURT RULING:

Appeals from a judgment entered in the Albany City Court shall be made to the Albany County Court in accordance with New York Civil Practice Laws and Rules.

**APPEAL OF PARKING TICKETS BY GOVERNMENT EMPLOYEES
WHILE ON GOVERNMENT DUTY/BUSINESS**

A government employee (City, County, State or Federal) who receives a parking summons while on government duty has the right to appeal the parking ticket.

The person to whom the motor vehicle that received the parking summons is registered must obtain an appeal form from the City of Albany Parking Violations Bureau. After completing the appeal form, the government employee must have the appeal form reviewed and signed by his/her supervisor.

The completed appeal form must be delivered by either First Class Mail or personal delivery to the City of Albany Parking Violations Bureau within fourteen (14) days of the date of the ticket. Once received, either the Director of the Parking Violations Bureau or an adjudication clerk may decide whether the government employee's ticket should be reduced or dismissed.

If the person to whom the ticket was issued is not satisfied with the relief granted to them by the Parking Violations Bureau, then they may further appeal the determination in accordance with the Albany City Code.

The Parking Violations Bureau must maintain all appeal forms.