

Parking Adjudication Strategic Plan

City of Lawrence, KS

May 2024

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Parking Adjudication Strategic Plan

Executive Summary

This Parking Adjudication Strategic Plan (Plan) was developed to outline the recommended implementation steps and strategies to transition the City of Lawrence's (City) current parking enforcement to a civil process. This transition will create a new administrative procedure for municipal parking offenses, replacing the current legal process through the Municipal Court. The new procedure promises to streamline operations, enhance efficiency, and provide a more user-friendly experience for all stakeholders.

The strategies outlined in this Plan should be implemented incrementally, with ongoing evaluation and community feedback to shape future actions. This Plan is not a rigid framework but a set of guidelines that can be tailored to the community's unique and ever-changing needs. The City is encouraged to adjust the implementation approach as needed, ensuring that the program designed is the best fit for the community.

Project Plan

The City desires to update the current procedure for processing municipal parking offenses to more closely align with the City's commitments identified in the

City of Lawrence Strategic Plan.¹ By transitioning parking enforcement to a civil process, a new administrative procedure for municipal parking offenses can replace the current legal process through the Municipal Court.

Administrative adjudication of downtown parking violations with a civil process would reduce the court system's workload and provide a more customer-friendly experience for visitors and the Lawrence community.

The City's existing parking violations are categorized as meter and overtime violations and all other parking violations. The City currently has a partial administrative process for meter and overtime violations. All other parking violations are traffic infractions under the rules and regulations set forth by the Kansas State Code through the City's Municipal Court.

Parking Adjudication Strategic Plan Structure

This Plan will highlight important considerations, measures, and best practices to optimize operations. The Plan is organized into five chapters:

- 1. Assessment and Findings** provides the approach, methodology, and background of the assessment and identifies the operational needs.
- 2. Phase 1 Strategies** presents the strategies for updating and optimizing the process and procedures for paid parking and overtime violations.
- 3. Phase 2 Strategies** highlights options and steps to transition long-form (or police style) traffic violations to a civil process.
- 4. Future Strategic Planning** concludes the report with a set of strategies for monitoring and adjusting the enforcement process.

¹ <https://lawrenceks.org/strategicplan/>

Guiding Principles

The following guiding principles were established as part of the overall parking experience in Lawrence. They were developed based on stakeholder feedback and industry best practices. Moving forward, all decisions and adjustments in the parking program should support the City's alignment with one or more of these guiding principles. The guiding principles are also reflected in the recommendations of this Plan.



In the effort to transition parking enforcement to a civil process in Lawrence, one key goal is to prioritize transparency. This entails keeping the public well-informed and engaged in the decision-making process regarding parking enforcement policies and practices. By providing clear and accessible information, updates, and opportunities for public input, the aim is to foster a sense of trust, understanding, and inclusivity among the community. Transparent communication channels, such as public meetings, stakeholder outreach, and online surveys, will be utilized to gather feedback and ensure that the public has a voice in shaping the future of parking enforcement in Lawrence.



Another key goal is to enhance the efficiency of parking enforcement operations in Lawrence. Through a comprehensive review of existing materials and practices, the project team will identify areas for improvement, including streamlining processes, optimizing staffing levels, and implementing industry best practices. By creating a more efficient system, the aim is to reduce administrative burdens, enhance accuracy in citation processing, and ultimately improve the overall effectiveness of the parking enforcement program.



Promoting equity is another fundamental objective of the project. This involves conducting a thorough analysis of fines, fees, and collection policies to ensure they are fair, reasonable, and proportionate. The project team will assess the impact of parking violations on different segments of the community and explore measures to address any disproportional impacts. By taking a proactive approach to equity, the goal is to create a just and balanced parking enforcement system that considers the diverse needs and circumstances of all residents and visitors in Lawrence.



Assessment and Findings

Dixon Resources Unlimited (DIXON) was retained by the City of Lawrence (City) in July 2023 to assess the City’s current parking enforcement practices, including municipal code updates, stakeholder engagement, existing document review, policy and study reviews, and parking policy and procedure assessment. This assessment resulted in this Parking Adjudication Strategic Plan (Plan) that provides recommendations for updated policies, procedures, and implementation strategies to outline steps for the City to transition parking enforcement to a civil process, creating a new administrative procedure.

About DIXON

DIXON is a California parking and transportation management consulting firm that offers extensive knowledge and hands-on experience with strategic planning and implementation of parking programs. With over 30 years of parking and transportation management experience, Julie Dixon founded DIXON to support municipal parking programs directly. As “Parking Coaches,” the team offers best-in-class municipal parking solutions across a broad spectrum, including operational audits, policy development, financial projections, community engagement, data collection, parking studies, citation and permit management, solicitations, and technology and services procurement support. Based upon industry awareness and familiarity with parking technology and current developments, DIXON has been sought for feedback and direction from parking programs both nationally and globally.

The findings and recommendations outlined in this Plan are guided by working experience supporting other agencies within California and nationwide. DIXON’s unique specialization in parking management and involvement in industry associations ensures that the expertise applied is current, relevant, and finetuned based on real-world results. The Plan draws on existing best practices and the latest industry feedback and is tailored to suit Lawrence’s reality based on the collected data, insights, and community feedback.

Background

The City of Lawrence launched parking services in downtown Lawrence in the early 1950s to support the local economy and help businesses prosper by creating turnover in the most desirable public parking spaces in the downtown business district. Revenues generated from public parking services fund the operation while assisting with parking infrastructure maintenance costs.

Historically, Parking Control Officers (PCOs) and the Lawrence Police Department have issued stationary offenses. PCOs enforce City ordinances in 12 public surface lots, three multi-level parking garages, and 1,089 single-space meters on downtown streets. PCOs also have the authority to issue Notice to Appear parking violations in the downtown district. In recent years, Parking Services issued around 60,000 municipal court parking violations per year.

The existing fines for parking violations and other mechanisms do not adequately deter habitual parking violators. A recent increase in the fine amount for a parking violation (from \$5 to \$10) has done little to curb the number of people parking illegally. Municipal Court clerks

must process all in-person payments of nearly 60,000 parking citations annually. Creating a new collection procedure is one of the recommendations in the 10-Year Parking Operations and Development Plan.

Standard municipal violation citations that have not reached the 10-day late fee can be internally reviewed and voided. Notice to appear violations cannot be appealed online and require the defendant to attend Municipal Court Parking docket on Wednesdays at 3:00 PM. Parking dockets allow offenders to make in-person void requests to the judge or prosecutor to contest parking violations. However, criminal complaints are currently the only recourse for compelling habitual violators to pay outstanding violations.

This is a time-consuming procedure for Municipal Court staff and requires the defendant to appear in person at a future court date. A warrant for Failure to Appear is issued if the defendant chooses not to appear on said date. Issuing warrants for parking tickets is considered overly punitive and does not align with the City of Lawrence Strategic Plan.

Existing Conditions Evaluation

Several evaluations and reviews were conducted to understand the City's processes and procedures for parking enforcement and violation processing.

Document Review

- Shared documents provided by the City were reviewed, including violation template examples, staff reports, municipal code sections, draft parking amnesty outlines, peer city presentations, parking violation flow charts, and various parking violation and enforcement statistics.

Parking Violation Reporting

- DIXON reviewed several parking violation reports, including aged citations, processed appeals, Municipal Court hearings, outstanding owed violations, and citation type breakdowns.

Policies and Procedures

- DIXON researched relevant state codes and comparable municipal parking citation processing policies and collection. This included reviewing how other states process parking citation appeals and in-state peer municipal code reviews.
- The Kansas State Code was researched and reviewed for state regulations and statutes that identify the process of the Municipal Court.

Stakeholder Outreach

- An online survey was available from August 10 - September 11, 2023. The survey aimed to gather initial feedback about transitioning the current parking violation process from a traffic infraction through the Municipal Court to an administrative, civil process. There were 630 total responses.
- To facilitate additional input from the community, two community meetings were hosted on August 2, 2023, at the public library and on August 14, 2023, conducted virtually through Zoom. During each meeting, an overview of the project was presented, and attendees were invited to provide feedback.
- A summary of the survey responses and community feedback can be found in Appendix A - Community Outreach Findings.

On-site Operational Needs Assessment

- DIXON conducted an on-site operational needs assessment, which included meeting with parking and Municipal Court staff and public stakeholders and conducting ride-alongs with parking enforcement.

Phase 1 Strategies

The City has several opportunities to enhance the parking adjudication program and should prioritize action on the following strategies for the paid parking and overtime violations for immediate impact. By implementing these strategies first, the City can garner momentum for future adjudication and appeal changes and demonstrate quick wins that help the City, community, and State Legislature see the benefits of an effective civil administrative parking adjudication program.

Rather than treating parking violations as a misdemeanor, parking violations can be converted to a civil process. To do so, this means that rather than making payments and submitting appeals to the Municipal Court, the process can be handled using the City-managed parking citation management system.

This process has numerous benefits for the City and the public. This simplifies the process, making it easier for people to pay their citations, and it gives staff more control over the adjudication process. This would also increase flexibility for record-keeping, supporting the ability to tow or immobilize scofflaws. Additionally, there are benefits to working with an experienced parking citation management vendor to optimize the collections process.

- Update municipal codes.** To support the implementation of the strategies in this Plan, the City will need to update its municipal codes. The following recommended updates are required:
 - Remove existing violation assessment fees and implement an escalating fee schedule.
 - Add the regulations for the paid parking and overtime violation adjudication process.
 - Add the process to appeal a violation.
 - Update the habitual violator definition and add a definition for delinquent violations.
 - Add the process and procedures for when a vehicle can be immobilized and impounded and how the process occurs.

The draft municipal code update can be found in [Appendix B - Municipal Code Updates](#).



The City is finalizing the review of the proposed municipal code updates for legal review and adoption by the City Commission.

- Develop a parking violation amnesty program.** The City and Municipal Court has about 30,000 unpaid parking violations, equaling about \$800,000. One of the City staff's primary goals is to implement a parking violation amnesty program to collect overdue fines and allow those with outstanding parking violations to clear their violations from their record. This process will allow habitual violators to resolve their violations outside the Municipal

Court. To encourage additional participation, the City will consider reducing the amount owed and donating a portion of the payments to charity.

Outstanding Violations Total	Possible Participation	Waived Amount (50%)	City Retains (25%)	Donated Amount (25%)
\$800,000	5% \$40,000	\$20,000	\$10,000	\$10,000
	15% \$120,000	\$60,000	\$30,000	\$30,000
	30% \$240,000	\$120,000	\$60,000	\$60,000

Several items will need to be considered for the amnesty program.

- Select a non-profit partner for the amnesty program.
- Set parameters for the amnesty program.
- Configure a special fund for non-profit partner funds.
- Consider online payments.
 - Collaborate with the citation management and Municipal Court payment vendors to determine online amnesty payment options.
- Restrict mail-in payments. *(Due to the need to confirm amounts owed through the amnesty program, it is recommended that only in-person and online payments be approved)*
- Set dates for the parking amnesty program. *(It is recommended that the program be set for one month)*
- Develop public outreach materials.
 - Social media release - at least five posts: 30 days before the program starts, one week before the program starts, day of launch, ½ way into the program, and when there is one week left.
 - Newspapers - at least two publications: one before the program launch and one during the month the program runs.
 - City website - post about the program 30 days before the program starts.
 - The Flame - at least two posts: one month before the program starts and one during the program.
 - Citation management and Municipal Court vendors - add text to the payment sites during the program.
 - Mailers - consider sending a mailer to registered owners with open parking violations.
- Provide staff training.
 - Ensure that Municipal Court and parking staff are trained to reduce the amount owed during the amnesty program.
- Launch and monitoring.

Length.	<ul style="list-style-type: none"> Based on a review of other city parking violation amnesty initiatives, it is recommended that the City consider having the amnesty program operate for one-month.
Eligible violations.	<ul style="list-style-type: none"> The City and Municipal Court have proposed that citations which are already adjudicated and on compliance review should not be included in the amnesty program. Any non-adjudicated parking violation would be eligible for the amnesty program. Consideration will be made for those individuals who have active warrants.
Charitable split.	<ul style="list-style-type: none"> It is recommended that the City consider waiving a percentage of the total fines owed. The City would then retain part of the remaining total and deposit the rest into a special fund to be donated to non-profits at the end of the amnesty program. These options are highlighted in the table below.
Public outreach.	<ul style="list-style-type: none"> It is recommended that the City engage in a comprehensive public outreach campaign for the amnesty program. Social media, flyers, website updates, and mailers to those with outstanding citations should be included. At least one month of outreach should be considered to encourage participation.

- The City has been actively discussing the amnesty program to determine what possibilities are feasible.
- The City has selected a non-profit organization to partner with for the parking amnesty program.

Establish administrative parking violation policies and procedures. Transitioning the paid parking and overtime violations from a partial civil process to an entirely civil administrative process requires updating the existing policies and procedures. The City should consider the following recommendations based on industry best practices and peer city evaluations.

Payment and Fine Schedule

- Violation issuance date / base fine
- Late fee #1 at +21 days from violation issuance date
- Late fee #2 at +42 days from violation issuance date
- Violation is delinquent at +60 days from violation issuance date

Appeal / Adjudication Schedule

- Administrative review within 21 days
- Administrative hearing within 21 days of administrative review
- Municipal court within 21 days of administrative hearing

Noticing

- First, courtesy notice at day 10
- Second, outstanding violation notice at day 31
- Third, delinquent notice at day 60
- Risk of immobilization and/or impound (two delinquent violations which are unpaid)
- Immobilization eligible for those with three unpaid, delinquent violations
- Impound notice sent within 48 hours of the vehicle's removal

Immobilization

- Three or more delinquent (over 60 days old) paid parking and/or overtime violations which are unpaid
- 48-hour notice for impound
- All outstanding paid parking and/or overtime violations must be paid in addition to any additional fees or fines as set forth by the municipal code

Impound

- Vehicles which have been immobilized are subject to impound after 48 hours if violations and fees have not been paid in full

- ❑ **Establish the appeal/adjudication process.** The City currently has a partial civil process for paid parking and overtime violations, which allows City staff to review appeals submitted within ten days of issuance. After ten days, these violations must be adjudicated or paid for through the Municipal Court.

To implement an entirely civil process, the City has determined that they would like to establish two levels of administrative adjudication before citations are eligible for a hearing through the Municipal Court. The following describes the recommended approach for adjudication.

01

ADMINISTRATIVE REVIEW

- Appeal must be received within 21 days of citation issuance
- Can be submitted online, by mail, or in person
- Results of the review must be mailed
- Parking staff review

02

ADMINISTRATIVE HEARING

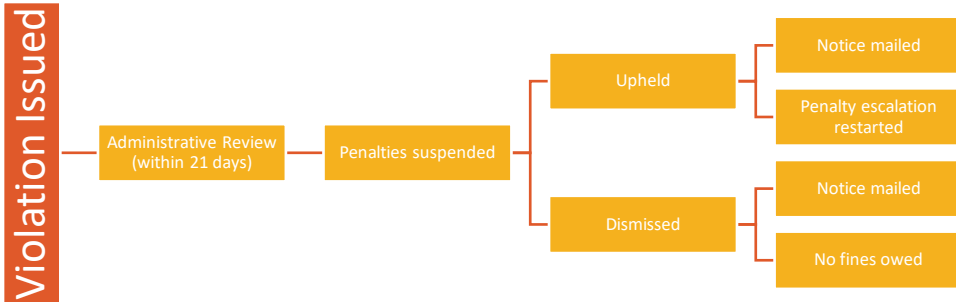
- Must be requested within 21 days of administrative review
- Can be submitted by mail or a date can be scheduled for in person
- Results of the hearing must be mailed
- Parking penalty to be paid as deposit
- Third party (legal) review

03

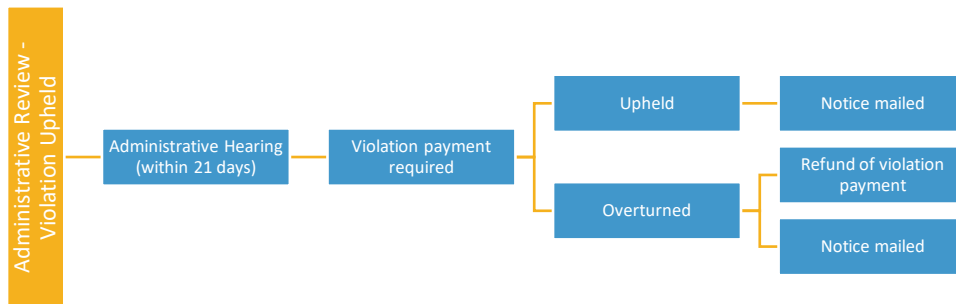
MUNICIPAL COURT HEARING

- Optional after Administrative Review and Hearing

- ❑ **Update citation management vendor workflows.** In implementing new policies and procedures, specific vendor-provided citation management system (CMS) configurations must be requested and updated. The following identifies the configurations required to support the proposed strategies in this Plan.
 - ❑ Fines and Fees. Based on the proposed schedule, the CMS must be configured to escalate paid parking and overtime violations.
 - ❑ First escalation at Day 21
 - ❑ Second escalation at Day 42
 - ❑ Delinquent Violations. The CMS must identify violations over 60 days old for secondary collections and scofflaw purposes.
 - ❑ Adjudication Schedule and Policies. The CMS should allow appellants to submit an online appeal within 21 days of violation issuance. Staff should always be able to enter mailed-in or in-person appeal documents and reset the violation escalation schedule based on the date the documents are received. During the appeal process, all violation escalations should be suspended, preventing the violation from escalating until a decision has been made.
 - ❑ For the Administrative Review, if an appeal is dismissed, the CMS should close the citation, and no fines should need to be paid. A notice should be sent to the appellant stating why the appeal was dismissed.
 - ❑ For the Administrative Review, if an appeal is upheld, the CMS should restart the escalation schedule at 21 days, and notice should be sent to the appellant stating that the appeal was denied, the reasoning, the new violation escalation schedule, and how to schedule/submit for an Administrative Hearing.



- For the Administrative Hearing, if the decision is overturned, the CMS should generate or allow for a refund of the violation payment. A notice should be sent to the appellant stating why the decision was overturned.
- For the Administrative Hearing, if the decision is upheld, the CMS should close the violation, and a notice should be sent to the appellant stating that the decision was upheld, the reasoning, and how to schedule/submit for a Municipal Court Date.



- Adjudication / Appeal Deadlines. The CMS should be configured to restrict appeals based on the following schedule:
 - 1st-level reviews (Administrative Review) must be received within 21 days of violation issuance.
 - 2nd level reviews (Administrative Hearing) must be received within 21 days of the Administrative Review decision letter being mailed.
 - 3rd level review (Municipal Court) hearing must be received within 30 days of the Administrative Hearing decision letter being mailed.
- Scofflaw. Vehicles with three delinquent paid parking or overtime violations (over 60 days old) should be placed on the scofflaw list for immobilization. Violations that remain unpaid 48 hours after being marked as immobilized in the CMS shall be placed on the scofflaw list for impound.
- Noticing. New and updated notices must be developed with specific requirements and mailing dates.

Notice	Mailing Date	Notice Requirements
Notice #1 (Courtesy Notice)	Ten days post-issuance for unpaid / violations not in an appeal / suspended status	<ul style="list-style-type: none"> • Violation date and time • Violation number • Violation location • Violation type • How to appeal / Administrative Review • Appeal deadline • Escalation schedule • How to pay • Warning on delinquent violation process
Notice #2 (Overdue Notice)	25 days post-issuance for unpaid / violations not in an appeal / suspended status	<ul style="list-style-type: none"> • Violation date and time • Violation number • Violation location • Violation type • Indication that the appeal deadline has passed • Escalation schedule • How to pay • Warning on delinquent violation process
Notice #3 (Delinquent Notice)	45 days post-issuance for unpaid / violations not in an appeal / suspended status	<ul style="list-style-type: none"> • Violation date and time • Violation number • Violation location • Violation type • Escalation schedule • How to pay • Final warning on delinquent violation process
Administrative Review decision letter	Within 24 hours of the decision being recorded in the CMS	<ul style="list-style-type: none"> • Violation date and time • Violation number • Violation location • Violation type • Appeal decision • Appeal decision reason <ul style="list-style-type: none"> ○ If upheld: How to pay ○ If upheld: Escalation schedule ○ If upheld: How to request an Administrative Hearing ○ If upheld: Notice of payment due before an Administrative Hearing ○ If upheld: Warning on delinquent violation process ○ If dismissed: Notice that no fine/fee is owed

Notice	Mailing Date	Notice Requirements
Administrative Hearing decision letter	Within 24 hours of the decision being recorded in the CMS	<ul style="list-style-type: none"> • Violation date and time • Violation number • Violation location • Violation type • Hearing decision • Hearing decision reason <ul style="list-style-type: none"> ○ If upheld: How to pay ○ If upheld: Escalation schedule ○ If upheld: How to further appeal to the Municipal Court ○ If upheld: Notice of payment due before an Administrative Hearing ○ If upheld: Warning on delinquent violation process ○ If dismissed: Notice that no fine/fee is owed, and a refund will be issued
Scofflaw Warning Notice	When a vehicle has two delinquent violations (over 60 days old)	<ul style="list-style-type: none"> • Violation dates and times • Violation numbers • Violation locations • Violation types • Notice of delinquent violations • How to pay • Warning that the vehicle is nearing scofflaw status and that vehicles with three delinquent violations may be eligible for immobilization and impound
Immobilization-eligible Notice	When a vehicle has three delinquent violations (over 60 days old) and is on the scofflaw list	<ul style="list-style-type: none"> • Violation dates and times • Violation numbers • Violation locations • Violation types • Notice of delinquent violations • How to pay • Warning that the vehicle is on the scofflaw list and may be eligible for immobilization and impound
Impound Notice	When a vehicle is impounded after scofflaw immobilization	<ul style="list-style-type: none"> • Violation dates and times • Violation numbers • Violation locations • Violation types • Notice of delinquent violations • How to pay and retrieve their vehicle

❑ **Update pre-printed violation stock.** The City must update its pre-printed handheld violation stock to include the new violation penalty schedule, appeal options, and dates.

- ❑ **Develop an in-person parking education program.** As part of the initiative for equity and providing additional customer service options, the City should consider implementing an in-person parking education program where violators can schedule a meeting with a parking staff member to review their violation and receive guidance on their parking needs to reduce or eliminate future infractions. As part of this program, the City should consider the following:
 - ❑ In-person and virtual attendance options.
 - ❑ Ad-hoc meetings and scheduled group meetings.
 - ❑ Two violations are eligible to be waived or reduced for participation.
 - ❑ One-time, per-person offer only.

Phase 1 - Before and After



Phase 1 - Sample Timeline

The following timeline has been developed as a guideline for implementing the Phase 1 strategies. Actual implementation of strategies should depend on ongoing evaluation and community feedback.

Sample Implementation Timeline - Phase 1	Month 1	Month 2	Month 3	Month 4	Month 5
Update Municipal Codes					
Final legal review	■				
City Commission meeting 1		■			
City Commission meeting 2			■		
Updated Municipal Code adoption				■	
Develop a Parking Violation Amnesty Program					
Configure special fund				■	
Train staff				■	
Public outreach				■	
Program live					■
Establish Administrative Parking Violation Policies and Procedures					
Draft updated policies	■	■	■		
Meet and review draft policies		■			
Finalize updated policies			■	■	■
Public outreach				■	■
Establish the Appeal/Adjudication Process					
Draft updated appeal process	■	■	■		
Determine thrid-party for Administrative Hearings	■	■			
Meet and review updated appeal process		■			
Finalize updated appeal process			■	■	■
Public outreach				■	■
Update Citation Management Vendor Workflows					
Scoping call with citation management (CMS) vendor				■	
CMS configuration updates				■	■
Update Pre-Printed Violation Stock					
Develop an In-Person Parking Education Program					
Train staff				■	
Determine application process				■	
Public outreach			■	■	■

Phase 2 Strategies

To implement the strategies outlined in Phase 2, the City must petition the State of Kansas to change the state code. Current State code section 8-2116 states:

*8-2116. Classification of violations; traffic infractions; misdemeanors; repeat misdemeanor offenses. (a) Every person convicted of violating K.S.A. 8-2503, and amendments thereto, or violating any of the sections listed in the uniform fine schedule in K.S.A. 8-2118, and amendments thereto, **is guilty of a traffic infraction.***

*(b) Except where another penalty or class of misdemeanor is provided by statute, every person convicted of violating any provision of the uniform act regulating traffic on highways designated as a **misdemeanor is guilty of a class C misdemeanor**, except that upon a second such offense committed within one year after the date of the first such offense, upon conviction thereof, such person is guilty of a class B misdemeanor, and upon a third or subsequent such offense committed within one year after the first such offense, upon conviction thereof, such person is guilty of a class A misdemeanor.*

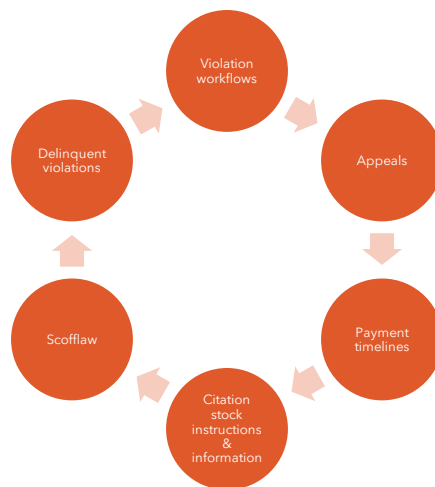
- ❑ **Petition the State to allow for the civil administration of parking violations.** The first step in implementing a fully civil, administrative process for all parking violations in the City is to garner support from Kansas State legislation to amend the State code. This could come in the form of a pilot program or an overhaul of the existing code, and it depends on local representatives' interest.
 - ❑ Present paid parking and overtime process as planned and implemented from [Phase 1](#).
 - ❑ Provide best practices from other state legislatures. The City should present the administrative processes already in place in many states.
 - ❑ Ask for the option to pilot the program with regular updates.
 - ❑ Highlight customer service improvements:
 - ❑ Timelines to pay for citations.
 - ❑ Additional adjudication options
 - ❑ 1:1 meetings with parking services staff
 - ❑ Elimination of warrant to appear, replaced with immobilization.
- ❑ **Update the municipal code.** A second round of municipal code updates will be required to transition the remaining parking violations from a "traffic offense" to a civil violation. This includes 17-116.3 VIOLATIONS. Any person who violates the provisions of this ordinance shall, upon conviction, be guilty of a traffic offense. Each violation of this section shall constitute a separate offense and shall be punishable as a separate offense.
- ❑ **Consider a second round of amnesty.** During Phase 1, the type of parking violation a person receives will determine whether they can appeal administratively or through the Municipal Court. Running a second round of the amnesty program may be practical when transitioning all parking violations to the administrative and civil process. The City could consider different parameters for this second round; however, keeping the same setup may be sensible based on how the first amnesty goes.
- ❑ **Develop a comprehensive education and outreach plan.** Like the strategy in Phase 1, the City should proactively notify and inform the community of the changes to the parking

violation processes. Utilizing social media, community meetings, business engagements, and traditional methods such as flyers and mailers providing information on the program will garner support for the transition.

- ❑ **Optimize and expand staffing.** Transitioning all parking violations to an administrative process to be managed and supported by parking services will require additional staffing resources. Additional resources include the hiring, training, and retaining:



- ❑ **Work with the citation management system vendor to update all parking violation processes.** As provided in Phase 1, the citation management system must be fully updated to follow the same processes as paid parking and overtime violations. The City should work with the vendor to determine the timeline for the transition and identify any potential issues before going live with the new developments for the administrative process.



- ❑ **Review parking violation rates.** The City currently has a different rate structure for paid parking and overtime violations compared to municipal violations. The City should consider standardizing the violation rates. Fees should be reviewed annually to determine whether the City's costs are being recovered and whether the cost structure effectively encourages compliance. The City could adjust the fees yearly based on the local Consumer Price Index (CPI). The City should also evaluate the ongoing enforcement personnel costs required to provide enough consistency and coverage to encourage compliance.
- ❑ **Report to the Commission and State (if needed). As strategies are implemented and new policies are established, the City should continuously evaluate the program's effectiveness and policies. Ongoing data collection and evaluation will ensure the program adapts to fit the community's needs best.** Rather than reacting to perceptions, parking demand management strategies are most effective when changes are made incrementally and based on data.

Appendix A - Community Outreach Findings

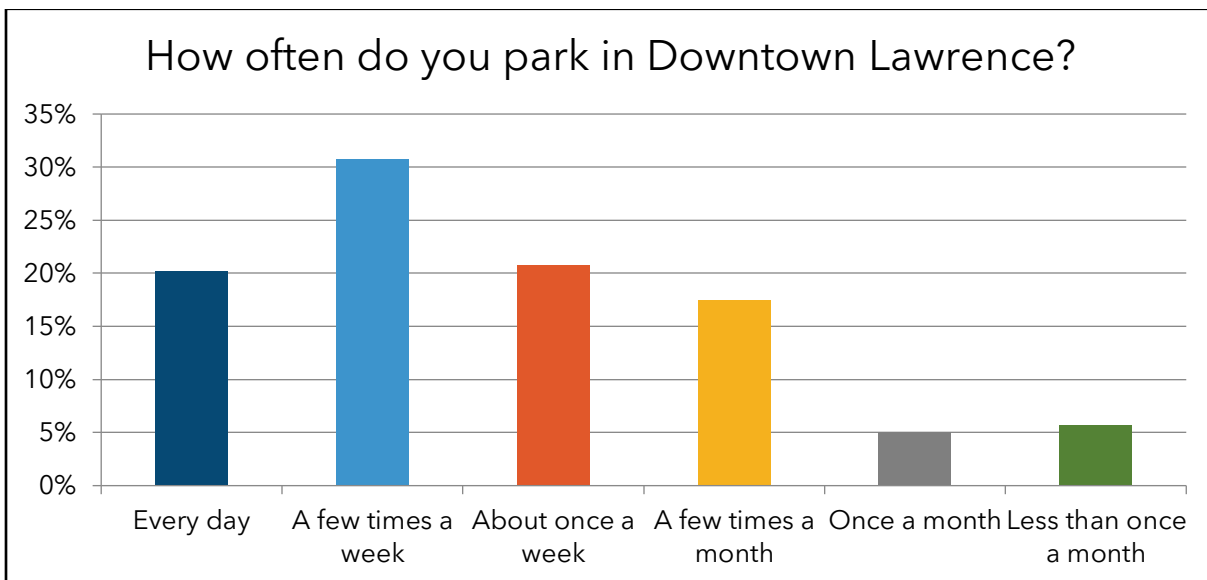
DIXON conducted a survey and two community meetings to solicit feedback from the public regarding their parking experience and to solicit input on potential changes to the citation adjudication process. The following subsections describe the results and key themes from community outreach efforts.

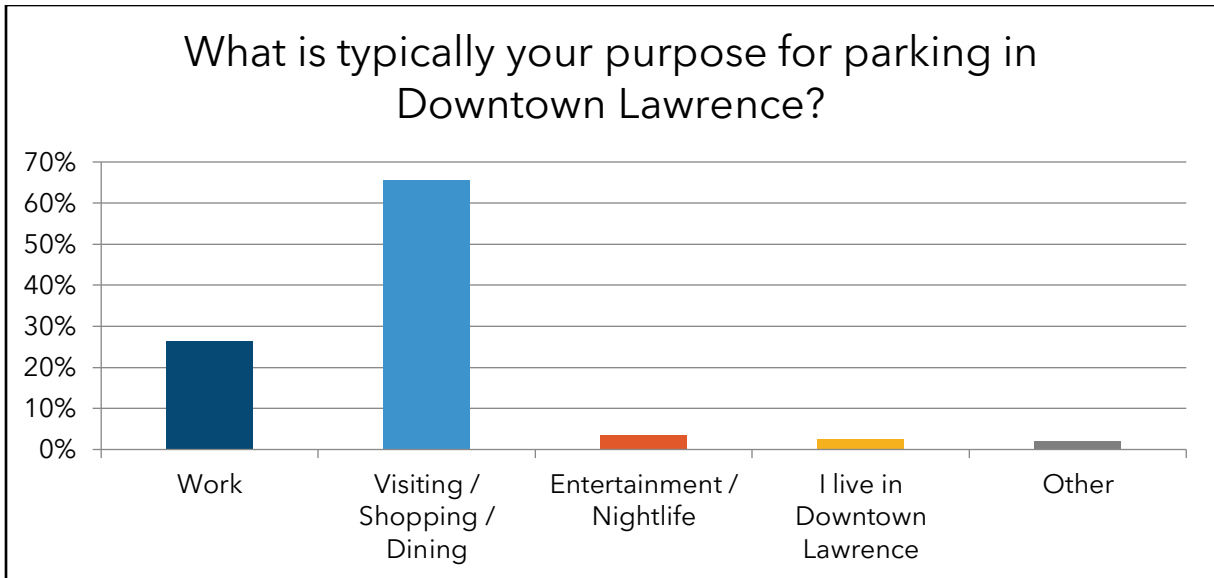
Survey Results

The survey received 901 responses from Downtown Lawrence residents, visitors, business owners, and employees regarding their parking experience. The survey was open throughout August 2023. The following are key findings from the survey for each audience group.

Of the 630 respondents, 43 were business owners, 109 were employees of a Downtown Lawrence business, and 545 identified as Lawrence residents.

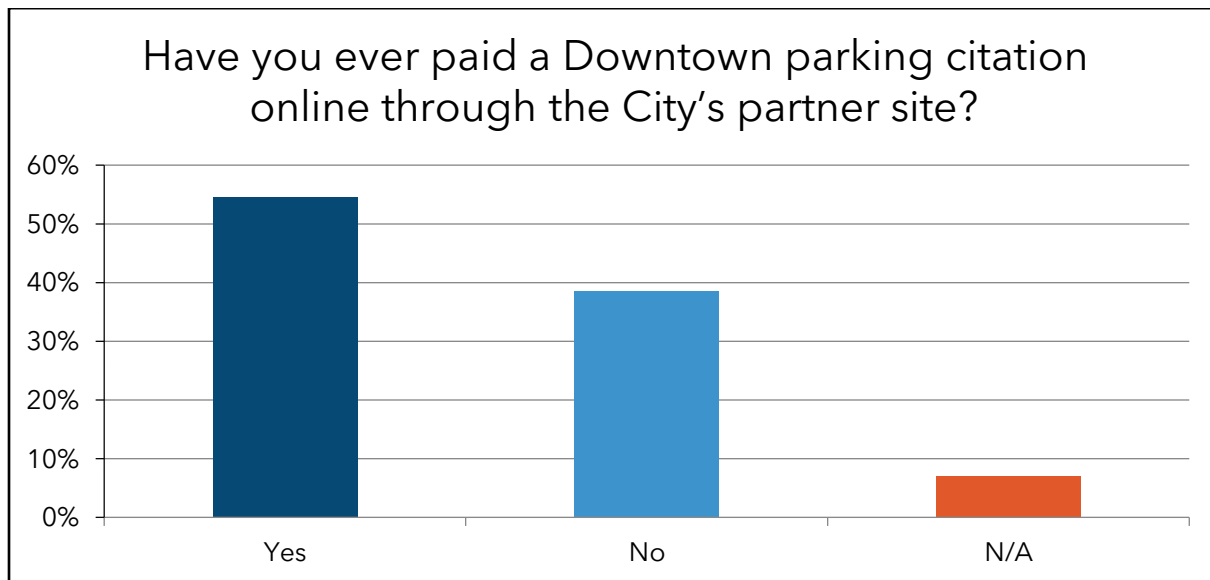
General Questions

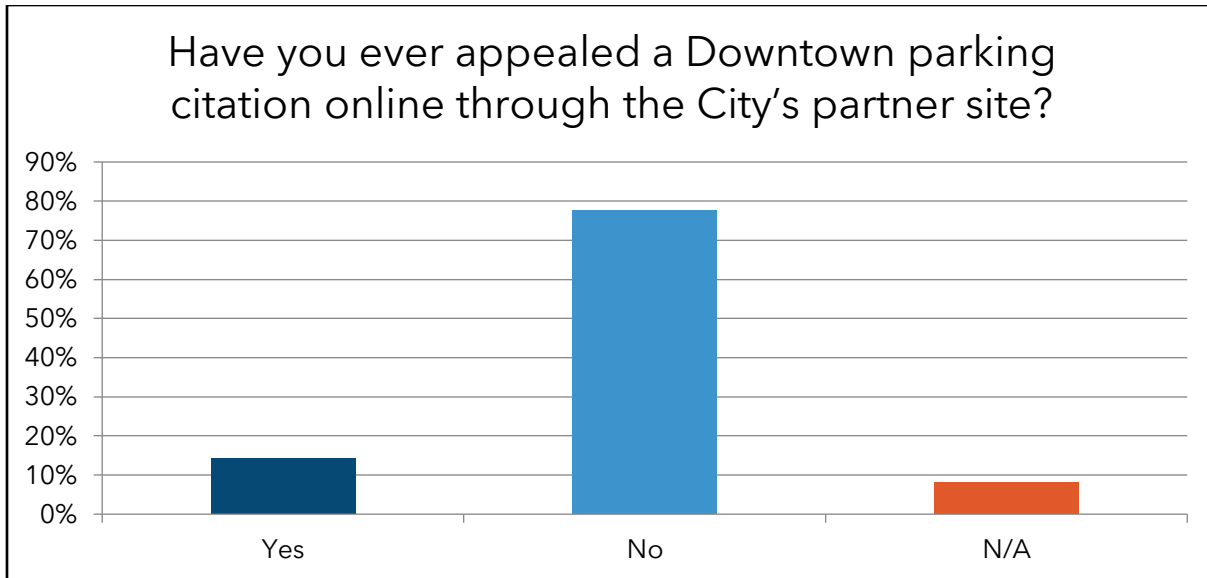




Parking Citation Questions

Of the 630 respondents, 499 responded that they had received a Downtown parking citation for overtime parking or parking at an expired meter and provided the following data:



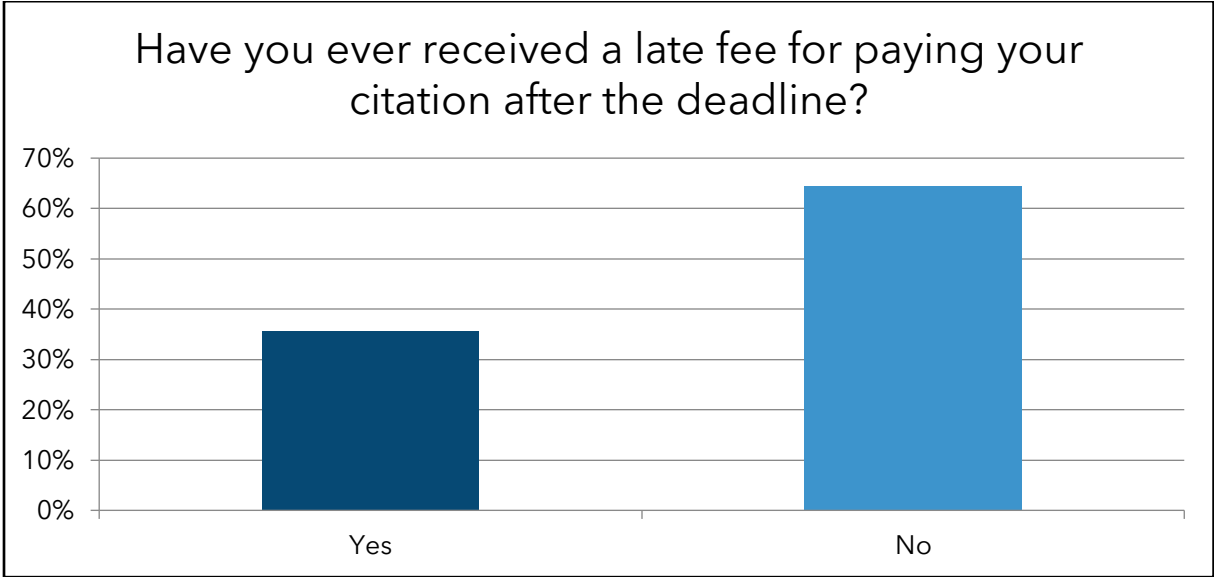
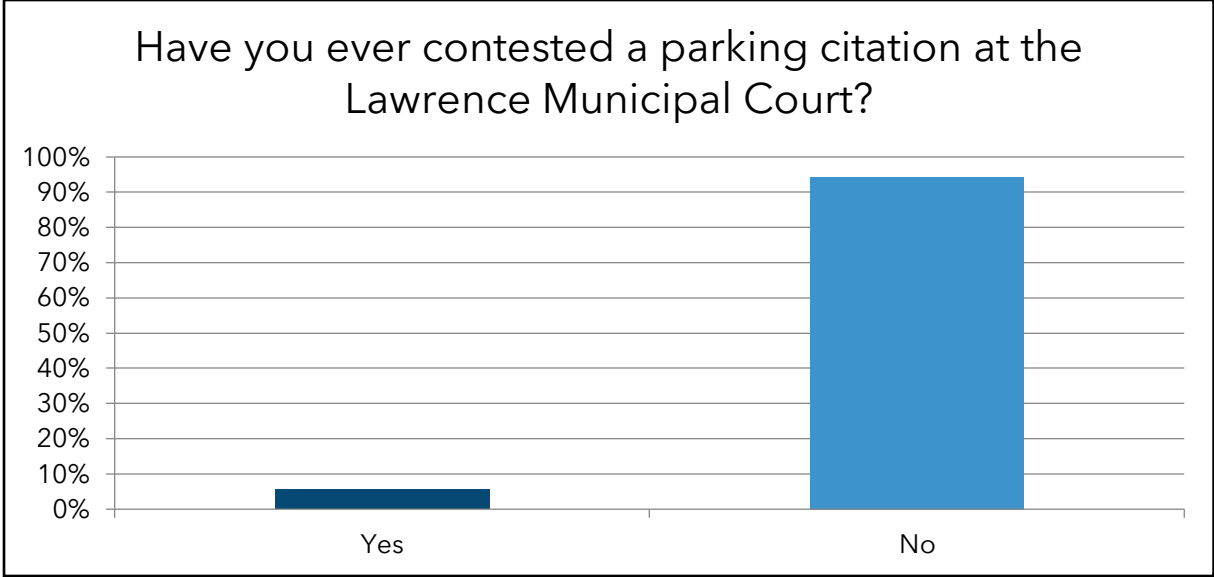


359 respondents of the 499 who received a Downtown parking citation for overtime parking or parking at an expired meter indicated their satisfaction with paying or appealing a parking citation through the City's partner site as follows:

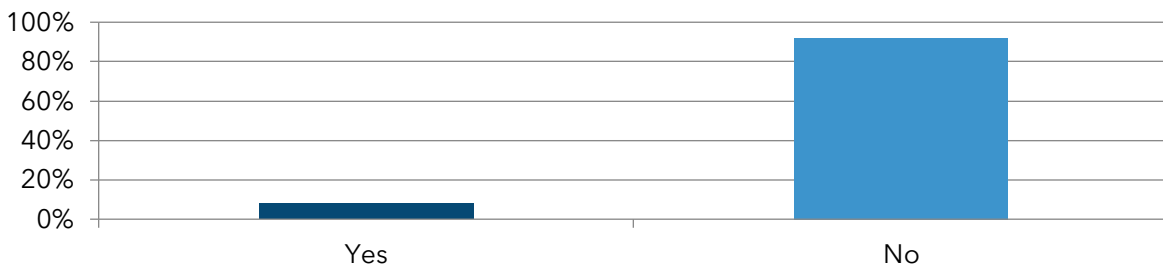


Of the 630 respondents, 70 responded that they had received a long-form or Municipal parking violation.

The 630 respondents were then asked the following questions about delinquent citations:



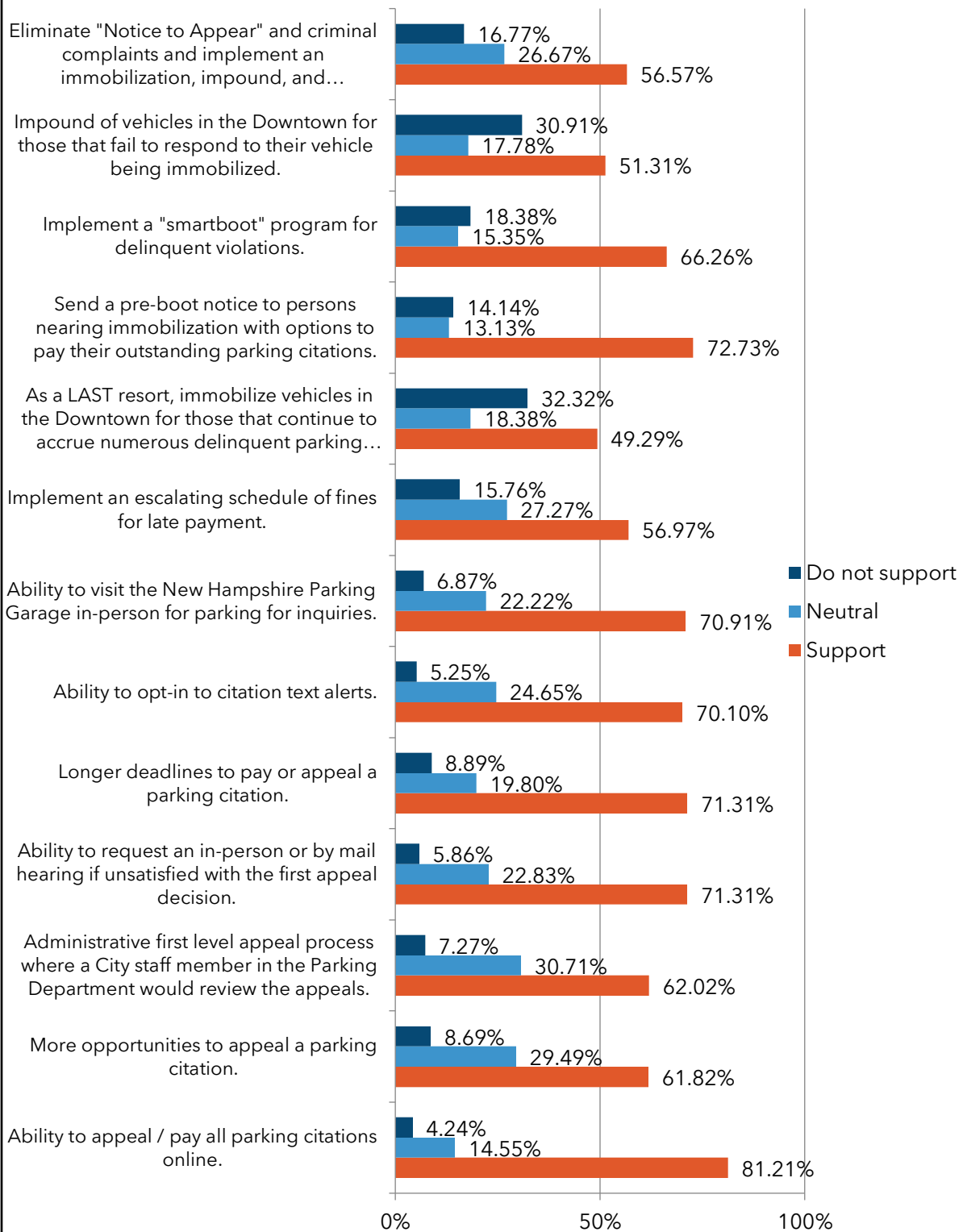
Have you ever received a "habitual violator" citation? (If you receive five tickets in a 30-day rolling period, paid or not, your sixth ticket will be a "habitual violator" ticket with a fine of \$75.00.)

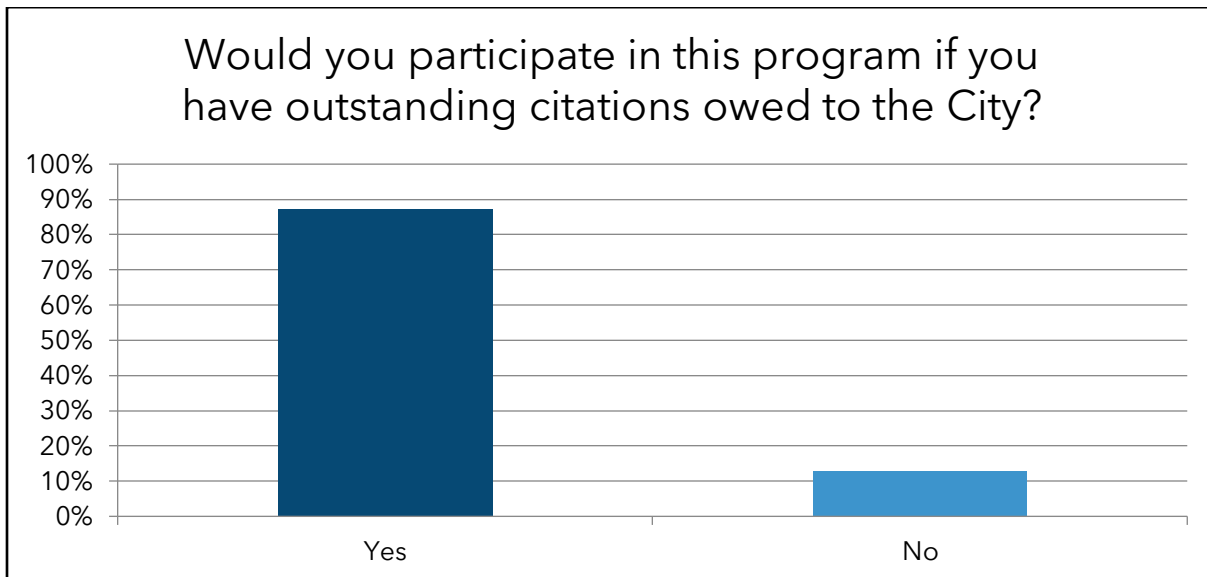
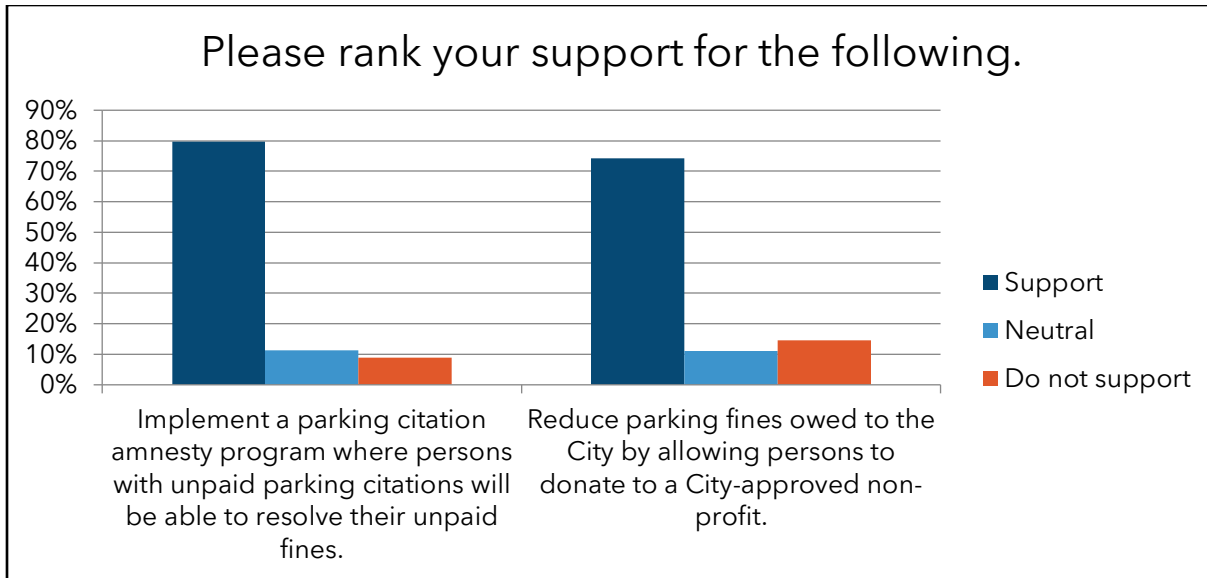


Proposed Civil Process

The respondents were asked to rank their support for the following considerations for an updated civil administrative citation process:

Please rank your support for the following:





Community Meetings

Two community meetings were held in August 2023, one held virtually via Zoom and the other in person. The following table summarizes the details of each community meeting:

Meeting	Date	Setting	Number of Attendees
Lawrence Community Meeting	August 2, 2023	In-person	12
Civil Parking Enforcement Public Meeting	August 14, 2023	Virtual	4

Appendix B - Municipal Code Updates

The following is a DRAFT of the proposed municipal code updates to support Phase 1 of this Plan. This draft is subject to legal review by the City's legal department.

ARTICLE 3. PARKING METERS-PAID PARKING

17-304 DUTIES OF PARKING CONTROL OFFICERS; FEES AND FINES.

(Ord. 9724)

(A) It shall be the duty of parking control officers, and other persons designated by the City Manager, or his or her designee, acting in accordance with instructions issued by the City Manager to report:

- (1) ~~The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parking in violation of any of the provisions of this Article~~ location of the vehicle;
- (2) The state license number of such vehicle;
- (3) The time during which such vehicle is parked in violation of any of the provisions of this Article; and
- (4) Any other facts, or knowledge of which is necessary for a thorough understanding of the circumstances attending such violation.

(B) In addition, the parking violation notice shall state the applicable fine, the monetary penalty which shall be automatically assessed for late payment, that payment of the indicated fine, and any applicable penalty shall operate as a final disposition of the violation, and information about the availability of an administrative appeal in which the violation may be contested on its merits and the time and manner in which such appeal must be received.

~~(C) No person shall park a vehicle in violation of any provisions of this Article. The penalty for any violation of Sections 17-305 or 17-306 of this Article shall be an assessment in the amount of \$10.00, except that:~~

- ~~(1) The penalty for any violation of Sections 17-305 or 17-306 committed by a habitual violator, as defined in Section 17-417, and amendments thereto, shall be \$75.00, plus any applicable court costs.~~
- ~~(2) If a person fails to pay the \$10.00 assessment before the ticket becomes overdue, as provided in subsection (C) of this section, the violation shall be punished by a fine of no less than \$20 nor more than \$100, exclusive of court costs.~~

For violations subject to the \$10.00 assessment, the parking control officer, or other person designated by the City Manager, or his or her designee, shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle is parked contrary to the time parking limitations of this Article and instructing such owner or operator to deposit \$10.00 with the ticket describing the violation into the envelope provided and place the same in the collection box, or to make such payment by other accepted payment option including online payment or in-person payment at the Municipal Court.

- (D) ~~If the necessary payment is not received by the Municipal Court by the end of ten (10) calendar days following the issuance of the notice required by this section, the ticket will be considered overdue. Postal marking will not suffice for proof of intent to pay within the allotted period. At the end of the ten (10) day period after the issuance of the notice required by this section, the Municipal Court shall open a docket to allow prosecution for failure to pay parking fees as specified.~~

17-### PAID PARKING AND OVERTIME PARKING VIOLATION

ADJUDICATION

- (A) The purpose of this article is to provide for the administrative adjudication of violations of ordinances defining parking violations and regulating vehicular standing and parking within the City, and to establish a fair and efficient system for the enforcement of such ordinances. The administrative adjudication system set forth in this article is established pursuant to K.S.A. 8-2002, as amended.
- (1) The City Manager, or their designee shall appoint a designee who is authorized to:
- (a) Adopt, distribute, and process parking violation notices and additional notices, collect money paid as fines and penalties for violations of parking ordinances;
 - (b) Establish procedures necessary for the prompt, fair and efficient operation of the administrative adjudication system; and
 - (c) Adopt rules and regulations pertaining to: the adjudication process, the content of forms and procedures, and the daily operation of the administrative adjudication of parking violations program.
- (B) The violation of Section 17-305 or 17-306 shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed herein, shall be imposed.
- (C) The fines imposed for such violations are prescribed in XXX.

17-### METER VIOLATIONS APPEAL PROCESS

- (A) A person on whom a parking or violation notice has been served shall within twenty-one (21) days from the date of the notice:
- (1) Pay the indicated fine; or
 - (2) Submit the written materials to appeal the violation.

- (B) For a period of 21 calendar days from the issuance of a violation of Section 17-305 or 17-306, a person may request an initial review of the violation.
- (1) If, following the initial review, the City Manager or their designee is satisfied that the violation did not occur or that extenuating circumstances make dismissal of the violation appropriate in the interest of justice, the City shall mail the results of the initial review to the person contesting the notice, and close the citation with no fees owed.
- (2) If following the initial review, the City Manager or their designee upholds that a violation did occur, the City shall mail the results of the initial violation to the person contesting the notice, and, include a reason for that denial, notification of the ability to request an administrative hearing, and schedule of payment due.
- (a) If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the violation no later than 21 calendar days following the mailing of the results of the initial review. The request may be made by telephone, in writing, or in person. The person requesting an administrative hearing shall deposit the amount of the parking penalty with the City. The issuing agency shall adopt a written procedure to allow a person who is unable to pay the deposit, to request an administrative hearing without payment of the parking penalty upon satisfactory proof of an inability to pay the amount due. An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.
- (b) The administrative hearing process shall include all of the following:
1. The person requesting a hearing shall have the choice of a hearing by mail or in person.
 2. The administrative hearing shall be conducted in accordance with written procedures established by the City Manager or their designee. The hearing shall provide an independent, objective, fair, and impartial review of contested parking violations.
 3. The City shall appoint or contract with qualified examiners or administrative hearing providers that employ qualified examiners to conduct the administrative hearings. Examiners shall demonstrate those qualifications, training, and objectivity necessary to conduct a fair and impartial review. An examiner shall not be employed, managed, or controlled by a person whose primary duties are parking enforcement or parking violation, processing, collection, or issuance. The examiner shall be separate and independent from the violation, collection, or processing function. An examiner's continued employment, performance

- evaluation, compensation, and benefits shall not, directly or indirectly, be linked to the amount of fines collected by the examiner.
4. The examiner's decision following the administrative hearing shall be sent by first-class mail, and, if the violation is upheld, include a written reason for that denial and option to appeal to the Municipal Court.
- (C) If the respondent fails to pay the indicated fine, submit documentary evidence to appeal the violation within twenty-one (21) days from the date of the violation, final determination of liability shall be entered in the amount in accordance with the fine schedule. Failure to pay the fine within twenty-one (21) days of issuance of the determination of liability will result in the imposition of enhanced penalty in accordance with the provisions of the fine schedule. Enhanced penalties will continue to accrue for unpaid fines in accordance with the provisions of the fine schedule. Upon the occurrence of a final determination of liability, any unpaid fine or penalty will constitute a debt due and owing the City. The second notice of violation shall provide the above information.

17-417

HABITUAL VIOLATOR DEFINED.

- A. "Habitual Violator" shall mean any person who has received # of citations and has failed to appeal, pay, or resolve their delinquent violations, in the previous thirty days ~~has done any of the following, in any combination, five or more times:~~ (Ord. 8413)
- B. "Delinquent violations" shall mean any parking violation listed below over 60 days old which have not been resolved and closed by appeal or payment.
 - (1) Violated Section 17-305 of this code, and amendments thereto.
 - (2) Violated Section 17-306 of this code, and amendments thereto.
 - (3) Violated Section 17-414 of this code, and amendments thereto.

The thirty day period established above shall be measured from date of offense to date of offense.

17-###

VEHICLES WITH UNPAID PARKING METER AND OVERTIME

VIOLATIONS

- (A) Parking control staff and police officers are hereby authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that has three or more unpaid parking violations issued to the vehicle by the City. A parking violation is considered unpaid under any of the following circumstances:
 - (1) The registered owner or lessee has not paid the full amount of the fine within 60 days of the violation notice.
 - (2) The registered owner or lessee has not successfully contested the parking violation through the procedure set forth in Section

- 17-315 of this chapter.
- (3) When a vehicle has been issued three or more unpaid parking violations, the registered owner or lessee shall be sent a warning that the vehicle may now be subject to immobilization. All such notices will be delivered by first class mail and shall be deemed served as of the date of deposit in the U.S. mail.
 - (4) If the vehicle subject to immobilization cannot be fitted with a device because of the vehicle's size or shape, then the vehicle may be impounded in accordance with the procedures for impoundment set forth in XXX.
- (B) It shall be unlawful for any person to move or attempt to move any vehicle that has an immobilization device attached thereto, except as authorized by a police officer or a parking control staff.
- (1) It shall be unlawful for any person to tamper with an immobilization device or remove or attempt to remove an immobilization device placed thereon by a parking control staff or police officer.
 - (a) Any person violating this section may be punished by:
 - 1. A fine of not more than \$499.00; and/or
 - 2. Imprisonment in jail for not more than 179 days; and/or
 - 3. Payment of the cost of a replacement immobilization device.
- (C) When a vehicle is immobilized, a notice shall be affixed to the vehicle, advising the registered owner or lessee of the procedures and requirements to have the immobilization device removed. Such notice shall include:
- (1) A caution not to attempt to move the vehicle or remove the immobilization device without City authorization and assistance;
 - (2) The date and time when the immobilization device was affixed to the vehicle;
 - (3) The signature and identification number of the person who affixed the immobilization device to the vehicle;
 - (4) The state registration number, if known, and make of the vehicle;
 - (5) The number and amount of unpaid parking tickets and fines;
 - (6) A statement that payment of the fines along with a removal charge will be required for removal of the device and final disposition of the matter;
 - (7) A statement that the opportunity to contest the grounds for the immobilization is available, but must be written and filed with the City Manager or their designee within five business days of the time at which the immobilization device was affixed to the vehicle;
 - (8) The contact name, telephone number, and daytime hours of the City office where payment of the fines can be made or information regarding the procedures for contesting the immobilization can be obtained;
 - (9) The contact name and telephone number of a City official responsible for providing after-hours assistance; and
- (D) A warning that if the vehicle remains immobilized for 48 hours, it will be subject to impoundment.
- (E) The registered owner or lessee may secure the release of the immobilization device, provided the person pays all parking fines and removal charges within 48 hours of the notice. This does not preclude the registered owner or lessee from subsequently contesting the immobilization.
- (1) After payment of all fines and removal charges, the registered owner or lessee may contest the immobilization only if the

registered owner or lessee submits, within five business days of the date the immobilization device was affixed to the vehicle, written materials to obtain adjudication by mail. Compliance with this time limit shall be a jurisdictional prerequisite. Failure to comply shall bar any contest.

- (2) The request shall include an affidavit, signed by the owner and made subject to the penalties of perjury, that the owner denies there are three or more unpaid parking violations outstanding against the license plate on the vehicle at the time of immobilization.
 - (3) The notice affixed to the vehicle or a copy thereof shall be prima facie evidence of the correctness of the facts specified therein.
 - (4) The only issue for determination will be whether there were three or more unpaid parking violations outstanding against the license plate on the vehicle at the time of immobilization.
 - (5) The City's hearing examiner will determine whether there is proof by a preponderance of the evidence that the immobilization was warranted.
 - (a) Upon review of the materials submitted, the hearing examiner shall determine whether the immobilization was warranted and shall notify, in writing, the owner or lessee.
 - (b) Administrative hearings shall be held before the City's hearing examiner. The registered owner or lessee may appear with or without an attorney. An attorney who appears on behalf of such person shall file an entry of appearance. If the registered owner or lessee or his or her attorney fails to appear or request a continuance, the request for hearing shall be considered withdrawn.
 - (c) The rules of evidence shall not apply in the conduct of the administrative hearing.
 - (d) All testimony shall be given under oath or affirmation which shall be administered by the Hearing Officer.
 - (e) The hearing examiner shall cause a record to be made of the hearing.
- (F) If a vehicle remains immobilized after 48 hours from the date of the notice it will be subject to impoundment by the Police Department. Members of the Police Department are authorized to remove such vehicle to the nearest private garage or a place designated or maintained by the Police Department and hold it until the requirements for claiming the vehicle in subsection (c) of this section are satisfied.
- (1) A written notice shall be sent by first class mail to the registered owner and lienholder of record within 48 hours of the vehicle's removal advising such person(s) of the procedures available to regain possession of the vehicle and challenge the impoundment.
 - (2) Once a vehicle has been impounded, the registered owner or lienholder may:
 - (a) Regain possession by paying all charges associated with the impoundment, including but not limited to the removal fee, parking fines, towing fees, and storage charges;
 - (b) Regain possession by signing a signature bond in the amount of the charges in subsection (c)(1) of this section; or
 - (c) Request a hearing on the validity of the impoundment to be held before the Municipal Court judge before the seventh business day following such request. Before the registered owner or lienholder can regain possession, the Municipal

- Court judge must determine whether or not there was probable cause for the impoundment. If there was probable cause, the judge will order the registered owner or lienholder to comply with this section before possession may be regained. If no probable cause for the impoundment can be shown, the vehicle shall be returned to the registered owner or lienholder. No vehicle shall be returned until the registered owner or lienholder provides sufficient documentation to establish right to possession.
- (d) The purpose of the hearing will be to determine whether the impoundment was warranted. If the impoundment was not warranted and the registered owner or lienholder has previously paid the shall be refunded by the City. Refunds may be ordered by the Municipal Court and the registered owner or lienholder shall not be required to submit a claim to the City Council.
- (3) Personal property found in the vehicle may be released at any time to the owner of such property upon presentation of proof of ownership or right to possession of such personal property.
- (G) Disposition of vehicles which remain unclaimed by the registered owner or lienholder of record for a period of 30 days or more shall be done in compliance with the procedures for impoundment, notice and public auction provided by K.S.A. 8-1102(a)(2) and amendments thereto.
- (H) Pursuant to K.S.A. 8-1102 and amendments thereto, all moneys derived from the sale of motor vehicles, after payment of the expenses of impoundment and sale, shall be paid into the fund for construction and maintenance of streets. No moneys derived from the sale of motor vehicles shall be used for the payment of parking fines.

Appendix C - Citation Management System (CMS) Configuration Checklist

- Set escalating rate structure.**
 - 1st escalation at day 21.
 - 2nd escalation at day 42.
- Set violation delinquency schedule.**
 - Violations become delinquent and are eligible for secondary collections at 60 days.
- Set adjudication deadlines.**
 - 1st-level reviews (Administrative Review) must be received within 21 days of violation issuance.
 - 2nd level reviews (Administrative Hearing) must be received within 21 days of the Administrative Review decision letter being mailed.
 - 3rd level review (Municipal Court) hearing must be received within 30 days of the Administrative Hearing decision letter being mailed.
- Set violation suspensions during adjudication.**
 - Violation escalation suspended during the appeal process.
 - Escalation is automatically reset after the Administrative Review or Administrative Hearing for 21 days until escalation #1.
- Configure scofflaw.**
 - Vehicles with three delinquent paid parking or overtime violations (over 60 days old) should be placed on the scofflaw list for immobilization.
 - Violations that remain unpaid 48 hours after being marked as immobilized in the CMS shall be placed on the scofflaw list for impound.
- Configure noticing.**
 - Notice #1 (Courtesy Notice) shall be mailed at day ten and include:
 - Violation date and time
 - Violation number
 - Violation location
 - Violation type
 - How to appeal / Administrative Review
 - Appeal deadline
 - Escalation schedule
 - How to pay
 - Warning on delinquent violation process
 - Notice #2 (Overdue Notice) shall be mailed at day 25 and include:
 - Violation date and time
 - Violation number
 - Violation location
 - Violation type
 - Indication that the appeal deadline has passed
 - Escalation schedule
 - How to pay

- Warning on delinquent violation process
- Notice #3 (Delinquent Notice) shall be mailed at day 45 and include:
 - Violation date and time
 - Violation number
 - Violation location
 - Violation type
 - Escalation schedule
 - How to pay
 - Final warning on delinquent violation process
- Administrative Review decision letter shall be mailed within 24 hours of the decision being recorded in the CMS and shall include:
 - Violation date and time
 - Violation number
 - Violation location
 - Violation type
 - Appeal decision
 - Appeal decision reason
 - If upheld: How to pay
 - If upheld: Escalation schedule
 - If upheld: How to request an Administrative Hearing
 - If upheld: Notice of payment due before an Administrative Hearing
 - If upheld: Warning on delinquent violation process
 - If dismissed: Notice that no fine/fee is owed
- Administrative Hearing decision letter shall be mailed within 24 hours of the decision being recorded in the CMS and shall include:
 - Violation date and time
 - Violation number
 - Violation location
 - Violation type
 - Hearing decision
 - Hearing decision reason
 - If upheld: How to pay
 - If upheld: Escalation schedule
 - If upheld: How to further appeal to the Municipal Court
 - If upheld: Notice of payment due before an Administrative Hearing
 - If upheld: Warning on delinquent violation process
 - If dismissed: Notice that no fine/fee is owed, and a refund will be issued
- Scofflaw Warning Notice shall be sent when a vehicle has two delinquent violations (over 60 days old) and include:
 - Violation dates and times
 - Violation numbers
 - Violation locations
 - Violation types
 - Notice of delinquent violations
 - How to pay

- Warning that the vehicle is nearing scofflaw status and that vehicles with three delinquent violations may be eligible for immobilization and impound
- Immobilization-eligible Notice shall be sent when a vehicle has three delinquent violations (over 60 days old) and is on the scofflaw list and include:
 - Violation dates and times
 - Violation numbers
 - Violation locations
 - Violation types
 - Notice of delinquent violations
 - How to pay
 - Warning that the vehicle is on the scofflaw list and may be eligible for immobilization and impound
- Impound Notice shall be sent when a vehicle is impounded after scofflaw immobilization and include:
 - Violation dates and times
 - Violation numbers
 - Violation locations
 - Violation types
 - Notice of delinquent violations
 - How to pay and retrieve their vehicle