

# A Citizen's Guide to a Parking Appeal

The ordinance governing parking appeals can be found in Austin City Code 12-5-64, which allows for a person found liable for a parking violation to appeal this finding in the Austin Municipal Court. There are certain procedures that must be followed in accordance with this law. THE FOLLOWING INFORMATION IS PROVIDED TO YOU AS A GUIDE AND DOES NOT INCLUDE ALL THE APPELLATE RULES.

## **I was found liable of my parking violation by a Municipal Court hearing officer and I want to appeal. How do I do that?**

If you were found liable for a parking violation and you want to appeal your case, you must complete the following steps:

- 1) File a petition with the Austin Municipal Court within 30 business days after the hearing officer's order was issued.
- 2) Pay a non-refundable \$5.00 filing fee.
- 3) (Optional) Post a bond to secure the original fine amount of the parking violation.

(See Austin City Code [12-5-64](#))

## **What does a petition for a parking appeal look like?**

The Court has provided a petition form that must be filled out completely. It is a signed statement indicating that you understand the bond agreement, as well as a petition to the Court describing why you believe the decision made during your hearing is wrong and should now be reviewed by a Municipal Court Judge.

There are two versions of the petition form:

- [This version](#) can be submitted by mail, email, or in person.
- [This version](#) can be submitted online only.

## **How do I pay the required \$5.00 filing fee?**

You can pay the required, non-refundable \$5.00 filing fee when submitting your petition form. The fee can be paid by mail, in person, or by phone at (512) 974-4800.

### **What is the posting of a bond for a parking case?**

You have the option of securing the original fine amount by posting a bond. If the judge affirms the hearing officer's decision, this money will be applied toward the full final balance of your case. If the judge reverses the hearing officer's decision, the bond will be refunded to you. If the judge remands the hearing officer's original finding, this money is then held, pending the outcome of your new hearing. The bond must be posted with the Court within 30 business days of the hearing officer's order. Filing an appeal without posting a bond could result in the accrual of additional fines and costs.

### **When are parking appeal dockets usually scheduled?**

After submitting a timely appeal petition and the required \$5.00 filing fee, you will be sent a notice to appear at the next available parking appeal docket. Parking appeal dockets are currently held on the first Tuesday of each month at 9:00 AM. Please note that this scheduling practice is subject to change.

### **What else do I need for my appeal?**

You may request to present additional evidence to the judge. The request may be granted if it can be shown that the evidence is material and there is good reason it was not presented to the hearing officer during the hearing.

### **Do I need a reporter's record?**

No. A reporter's record (formally called a statement of facts) is the court reporter's preservation of the proceedings at the trial in a criminal case and usually used in a criminal appeal. The proceedings of parking hearings are captured either by audio (in person hearings), video (Zoom hearings), or in writing (correspondence hearings). All proceedings are part of the case record and will be provided to the judge prior to the appeal docket. If you would like a copy of the case file prior to the appeal docket, please submit a records request at [court@austintexas.gov](mailto:court@austintexas.gov).

### **What kind of decisions can the Municipal Court Judge render?**

The Municipal Court Judge must review the case record and hear oral arguments of the parties at the appeal docket.

The judge may reverse the hearing officer's original order. Any bond you have posted will be returned to you.

The judge may remand the case for a rehearing. If the case is remanded for a rehearing, another hearing with a different hearing officer will be scheduled. Any bond you posted will be held, pending the outcome of your new hearing.

The judge may affirm the hearing officer's original order. Any bond you have posted will be applied to satisfy the original fine amount of the parking violation. If you chose not to post a bond, payment will be due, and will include all civil fines, costs, and fees that have accrued between petition and appeal.

### **How will I find out the decision of the Municipal Court Judge?**

The judge will write an order which will be applied to your case. You will receive a copy of this order at the end of the appeal hearing.

### **Do I have the right to be represented by an attorney?**

You have the right to hire an attorney to represent you in all proceedings in the Municipal Court. However, parking violations are considered fine-only civil offenses, and you do not have an automatic right to have a court appointed attorney unless determined by a judge that it is in the interest of justice.

### **Will I be making an oral argument before the Municipal Court Judge?**

You will be responsible for attending the appeal docket, where you or your attorney will be expected to present oral arguments before the judge and may also request leave to provide additional evidence if necessary.

### **What happens if I miss my appeal date?**

Failure to appear at your scheduled appeal docket will result in the affirmation of the original order issued by the hearing officer unless the judge rules otherwise.

### **Where can I go for additional legal assistance?**

Many people represent themselves on their parking appeal. However, if after reading this guide and after reviewing Austin City Code 12-5-64 you find you need more assistance, it may be advisable to seek the advice of an attorney. Please understand that the staff of the Austin Municipal Court is prohibited from recommending a specific attorney or giving legal advice.