SECTION IV - FILING AN APPEAL

A. Right of Appeal. Any Responsible Party served with an administrative citation shall have the right to appeal that citation subject to the requirements and restrictions of this Section IV.

B. Deadline. A Responsible Party may file a written notice of appeal and the fee required below with the Manager within fifteen (15) calendar days from the effective date of service of the administrative citation on the Responsible Party. Compliance with this deadline shall be a jurisdictional prerequisite to any appeal brought under this Section IV, and failure to comply with this deadline shall bar an appeal. The Manager shall deny any notice of appeal not in compliance with the deadline or deadline extension prescribed in this Section IV.

C. Filing. The notice of appeal may either 1) be mailed to the Manager at the Department of Parks and Recreation, 201 West Colfax Avenue, Dept. 601, Denver, Colorado 80202 ATTN: Appeal; 2) be emailed to ParksRec-Manager@denvergov.org; or 3) hand-delivered to the Manager at the address above.

D. Fee. An appeal processing fee of twenty-five dollars ($25.00) must be delivered with the notice of appeal. If the notice of appeal is mailed or emailed to the Manager, a check for the required amount must be sent by mail and made out to the Denver Manager of Finance. If the notice is hand-delivered, cash or check will be accepted at the cashier on the second floor of the Wellington E. Webb Municipal Building at 201 West Colfax Avenue. The notice of appeal will not be processed if the required fee is not tendered or if a check is returned for insufficient funds. The $25.00 fee shall be refunded if the appellant prevails on his or her appeal; however, an appellant shall not be deemed to have prevailed if only a portion of the appeal is successful or if there is a reduction in fine due to a finding of mitigation of circumstances.

E. Form. The notice of appeal must be in writing and shall be electronically produced or legibly hand printed. No particular form of notice of appeal is required; provided, that the following information and/or documents are provided:

1) A legible copy of the administrative citation OR the following information from the administrative citation re-stated in the written appeal: citation number; date of issuance; the violation indicated; the amount of the fine; the location where the citation was issued (or statement that it was mailed); and the name of the Enforcement Official who issued the administrative citation.

2) The name, address and telephone number of the appellant and an affirmative statement that the appellant is a Responsible Party.

3) If the appellant is to be represented by another person, the name, address and telephone number of said representative. If that representative is an attorney and is representing the Responsible Party as an attorney, it must be so stated in the appeal. Any corporate or other legal entity (i.e., not a natural person) must be represented by legal counsel.

4) The reason(s) the appellant believes the appellant is not guilty of the alleged violation of the Code or that the administrative citation or penalty is objectionable, incorrect or not lawful; provided, however, an objection to the enforceability, legality or constitutionality of the Park Use R&Rs, Article 1 of Chapter 39, DRMC, these Admin R&Rs or Article XII of Chapter 2, DRMC, shall not be a basis for appeal under these Admin R&Rs.

5) The signature of the appellant, representative or legal counsel. Any minor under the age of 18 who is a Responsible Party must have a parent or guardian sign the notice of appeal and provide their name, address and telephone number.

F. Processing Notice of Appeal. If, in the opinion of the Manager, the notice of appeal substantially meets the requirements of 1 to 5 of Part E above, the Manager shall assign a case number and submit the appeal to the assigned Administrative Hearing Officer (AHO). If, in the opinion of the Manager, the notice of appeal does not substantially meet the requirements of 1 to
5 of Part D above, the Manager shall promptly return the notice of appeal and notify the appellant of what requirement the notice of appeal fails to meet. The deadline set forth in Part B above shall still apply unless the Manager determines, in the Manager's estimation, that the deficiency is reasonably excusable so as to warrant a one-time extension of up to three (3) days in order to amend the notice of appeal.