



## **PROCEDURE FOR APPEALING A PARKING CITATION**

In 1993, legislation went into effect which provides procedures for contesting a parking citation or a notice of delinquent parking citation. Minor parking citations are considered civil offenses and are not criminal infractions. Accordingly, the criminal courts do not hear parking matters. If you wish to contest a parking citation or a notice of delinquent parking citation, you may do so by following the civil administrative process outlined below.

### **STEP 1- Initial Review**

The first step is an *Initial Review* by the City of Encinitas. The purpose of this investigation is to screen out those citations where the appellant is clearly not liable for the citation. Complete and return the "Initial Review Request" form on the reverse side of this page within 21 days of citation issuance. Please attach a copy of your parking citation or notice of delinquent parking citation; your request for an investigation cannot be processed without it. You will be notified of the results of the investigation by mail. If the citation or notice of delinquent parking citation is dismissed, you may consider the matter resolved. If the citation is upheld, you may either pay the parking penalties or move on to Step 2 below.

### **STEP 2- Administrative Hearing**

If you are not satisfied with the results of the *Initial Review*, you may request an *Administrative Hearing* with a neutral hearing examiner. You will be mailed the application for this process if your *Initial Review* is upheld. To request an *Administrative Hearing*, you must deposit the citation penalty and submit your request form to the City within 15 days of the date of your *Initial Review*. You may choose to have the hearing conducted in person or by mail. In either event, you will be notified of the findings. If you are found not liable, the penalty amount will be refunded to you. If the citation is upheld, you either forfeit the penalty as citation payment or move on to the final Step 3 below.

### **STEP 3- Superior Court Hearing**

The final step in the process is an appeal to the civil division of the San Diego Superior Court, North County Division. You, as the appellant, are responsible for paying the \$25.00 filing fee for the appeal hearing. If you prevail, the \$25.00 filing fee will be refunded to you along with your citation penalty payment. If the violation is upheld, you forfeit the filing fee and all previously posted funds.

If you have any questions, please contact the City of Encinitas,  
Code Enforcement Division at (760) 943-2299.