

PROCEDURE FOR CONTESTING A PARKING VIOLATION

In 1993 legislation went into effect which provides new procedures for contesting a notice of parking violation or a notice of delinquent parking violation. Minor parking violations have been reduced to civil offenses and are no longer criminal infractions. Accordingly, the criminal courts no longer hear parking matters. If you wish to contest a notice of parking violation or a notice of delinquent parking violation, you may do so by following the civil administrative process outlined below.

STEP 1- Administrative Review

The first step is an *Administrative 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 “**Request for Parking Citation Review**” form on the reverse side of this page. Please attach a copy of your notice of parking violation or notice of delinquent parking violation; your request for an investigation cannot be processed without it. You will be notified of the results of the investigation by mail. If the notice of parking violation or notice of delinquent parking violation is dismissed, you may consider the matter resolved. If the notice is upheld, you may either pay the parking penalties or move on to the next step.

STEP 2- Administrative Hearing

The second step is an *Administrative Hearing*, which is conducted by a neutral examiner on contract with the City. If you are not satisfied with the results of the investigation in Step 1, you may request an Administrative Hearing by depositing the penalty amount of the citation with the City within 15 days of the results of the initial administrative review. You may choose to have the hearing conducted in person or by mail. In either event, you will be notified of the finding. If you are found not liable, the penalty amount will be refunded to you. If the notice is upheld, you may forfeit those funds or move to the final step.

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 payment posted in Step 2. If the notice 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) 633-2685.