



# CITY OF ATASCADERO

## POLICE DEPARTMENT



JEREL HALEY

Chief of Police

# PARKING CITATION APPEALS PROCESS

## How to Contest a Notice of Parking Violation

The [California Vehicle Code, Section 40215](#), sets forth uniform procedures for contesting a Notice of Parking Violation, also known as a Parking Citation. These procedures include several time periods that **must** be carefully adhered to. In order to contest a citation, the [Request for Administrative Review of Notice of Parking Violation Form \(PDF\)](#) must be received by the Atascadero Police Department within twenty-one (21) days of the citation issuance, or within fourteen (14) days of the postmark of a delinquent citation notice you have received. All periods are expressed in calendar days.

### Failure to Comply

Failure to comply with all stated time requirements will result in a waiver of your right to contest the citation. All correspondence will be sent to the address you provide on submitted forms. Any delays in your receiving these communications will **not** result in extensions of time periods, except as otherwise provided by law. It is your responsibility to provide a proper mailing address and zip code for personal notification of our findings. We will make no further attempts to contact you beyond the mailing of our findings. Summarized below are the steps required to contest a parking citation.

## Step 1 - Administrative Review

The first step in contesting a parking citation is the Administrative Review. The purpose of this step is to screen out those citations where the motorist is clearly not liable for the citation. Complete the [Request for Administrative Review of Notice of Parking Violation Form \(PDF\)](#), and return to the Atascadero Police Department, 5505 El Camino Real, Atascadero, CA 93442.

A designated Reviewing Officer will review the circumstances of your request and the citation. Be sure to include a copy (**not the original**) of the citation and all necessary information to support your request. (documents will not be returned). It is important that you provide an accurate mailing address and telephone information so we may contact you if additional information is needed.

After submitting your request, you will be notified **by mail** within twenty-one (21) days of receiving your request. Please contact our office if you do not receive any mail correspondence within twenty-one (21) days.

If the citation is dismissed, no further action is necessary on your part and the citation is closed.

If the citation is upheld, you will be required to pay the penalty amount (fee listed on the citation), unless indigent as defined in CVC 40220 and able to provide satisfactory proof of inability to pay per CVC 40215. Payment is accepted by cash or check to "City of Atascadero". After payment, you can request an Administrative Hearing (Step 2).

## Step 2 - Administrative Hearing

If the citation is upheld and you do not agree with the Administrative Review decision, the next required step is an Administrative Hearing. You must, within twenty-one (21) days of the mailing of the results of the Administrative Review, request an Administrative Hearing. You will be required to post as bond the penalty amount (fee listed on the citation) before an Administrative Hearing can be scheduled. Complete a [Request for Administrative Hearing of Notice of Parking Violation Form \(PDF\)](#).

This process is conducted by an impartial Lieutenant who holds hearings at the Atascadero Police Department. If you request a Hearing by Mail, you will not be required to appear. If you request a Hearing in Person, you will be required to appear at the Atascadero Police Department on the date and time of hearing.

We will notify you when the next available hearing is scheduled. Once the Hearing Lieutenant makes a decision, you will be notified **by mail** within twenty-one (21) days of the hearing. If the violation is dismissed, you will receive a refund of the deposited penalty and the citation will be dismissed. The citation will not be dismissed until all fees are paid. If you disagree with the Hearing Lieutenant's decision, you can request an Appeal to the Civil Court (Step 3).

## Step 3 - Appeal to Civil Court

The third and final step is the Appeal to Civil Court, which is held before a magistrate at the San Luis Obispo County Superior Court in San Luis Obispo or Paso Robles, CA. The matter will be heard "de novo."

You must, within thirty (30) days of the mailing of the results of the Administrative Hearing, obtain a Notice of Appeal to the Civil Court. You cannot appeal to the Civil Court until you have completed both an Administrative Review and an Administrative Hearing. You will be responsible for submitting court required documents, which can be obtained at either court, and paying a \$25 court filing fee before a court date will be set. The Atascadero Police Department will send the court a copy of the parking citation and documentation from the Administrative Review as prima facie evidence of the facts.

The Superior Court will notify the Atascadero Police department if they dismiss the citation, in which case the City of Atascadero will refund the citation penalty amount (fee listed on citation) that was posted as bond prior to the Administrative Hearing.

It should be noted that civil appeal process is not a "re-trial" of the case, but merely a review by the court to determine if there is insufficient evidence of the violation or errors of law.

## Questions

If you have further questions, please contact the Atascadero Police Department at 805-461-5051.