



INSTRUCTIONS FOR REQUESTING AN ADMINISTRATIVE REVIEW ON PARKING CITATIONS

The registered owner, driver or lessee of the cited vehicle must request an administrative review of the parking citation within 21 days of the date printed on the front of the citation. If a review is not requested within the specified time limits, there is no further right of review. The request may be made by mailing a written explanation of why you believe the vehicle was cited in error to the Santa Cruz Parking Office, P.O. Box 1870, Santa Cruz, CA 95061-1870 or in may be made person at 124 Locust Street, Santa Cruz, CA during office hours (Monday – Friday 10:00 AM to 5:00 PM, excluding holidays).

ITEMS TO BE INCLUDED WITH YOUR REVIEW:

Include all items that may apply to your case (pictures, diagrams of area in question and how vehicle was parked, witness statements, tow slips, receipts, etc.). Simple statements challenging the citation are not acceptable (i.e. "Time was still showing on the meter"; "I couldn't see the sign"; "Vehicle was not parked over time limit").

- **METER MALFUNCTION**
Time of day that coins were deposited in meter, denomination of coins inserted in meter (i.e. 2 quarters, 1 dime, 3 nickels, etc.), reason for malfunction (i.e. meter ran fast, wouldn't take coins, etc.).
- **PARKED IN A SPACE FOR DISABLED**
A photocopy of your current disabled placard and DMV placard identification card or vehicle registration showing the identifying disabled parking license plate number. PLEASE NOTE: Vehicles that were cited and did not have the placard visibly hanging from the rear view mirror may be dismissed upon payment of a \$25.00 administrative fee.
- **STORAGE OF VEHICLE**
Proof that vehicle had been moved within the 72 hour period of enforcement. If you are a resident of the street on which the vehicle was cited and were out of town during the period of enforcement, include proof of your out of town visit (i.e. copy of plane reservations, tickets or itinerary, etc.)
- **NO CURRENT REGISTRATION TAGS**
Registration tags for the upcoming year are issued by DMV when the registration is completed. These tags are required to be displayed on the rear license plate, both the month and year stickers. It is illegal to operate a vehicle with incomplete registration (just the fees paid, smog not in, etc.) unless a temporary operating permit is displayed. If a temporary operating permit or temporary dealer ID was issued for the vehicle, send a copy of that permit with your request.
- **TIME LIMITED PARKING**
Proof that vehicle was not parked in the same space during period of enforcement.
- **PERMIT VIOLATIONS**
A valid permit is required for any vehicle parked in an area where signs indicate a permit regulation. There are signs at each entrance to parking lots or structures indicating that a valid permit is required, including hours of control. All permits are not valid in all areas. Permit holders should read and understand their permit privilege. Please, park legally! The Issuing Agency will maintain information on all permits. A permit violation shall not be dismissed because a permit holder did not know that his/her permit was not valid in the area where he/she was cited. Non-display or improper display of a permit is a violation of parking regulations and multiple citations for this violation may not be dismissed. Visitors who use guest permits are required to follow instructions and read signs in the area where they park. An assertion that the Respondent did not know they were parked in a preferential parking area, or that they

were required to display a permit while parked, is not grounds for dismissal of the violation. Submit photocopy of the valid permit that was displayed or other proof of current permit with review.

- **MISSING SIGNS**

The California Vehicle Code does not specify the number of signs that must be posted to announce parking restrictions or the minimal distance allowable between signs. The Issuing Authority may wish to post a sign at the beginning and end of each block and every 100 to 200 feet within a block if it is deemed necessary because of surrounding conditions. An Issuing Authority may decide to post signs at the entrance of a parking lot. If it is proved that there was no sign anywhere in the block in question, a citation may be dismissed. To assert this defense successfully, a Respondent must, by proof, eliminate the possibility of a sign anywhere in the parking area or block. Proof that a bare pole existed or that there was no sign in part of the block, is not adequate proof of this defense. It is the motorist duty to search the whole block for signs and the assumption based on the absence of signs in part of the block does not fulfill this duty.

- **OBSCURED SIGNS**

An obscured sign is not a defense unless the Respondent can prove: (1) that the sign was so obscured that no one could read it from any angle: and (2) that there was no other sign on the block indicating the restriction. The fact that a sign is partially covered by a barrier or hidden from certain angles by a tree or canopy is irrelevant. All motorists have a duty to see and obey all signs posted.

- **DEFACED SIGNS**

To successfully maintain a defense of defaced signs, the Respondent must prove two things: (1) that the sign was so defaced that no one could read it; (2) that there was no other sign in the area indicating the same restriction.

- **VEHICLE BREAKDOWN**

If a vehicle suffers a mechanical breakdown, and if reasonable efforts are made to have the vehicle removed from the street or parking lot, a citation for illegal parking issued while the vehicle was incapacitated may be dismissed. To maintain "mechanical breakdown," four elements must be proven:

1. The Respondent must prove that the breakdown actually occurred.
2. The Respondent must prove that the vehicle was not illegally parked before the breakdown occurred.
3. The citation must have resulted from the breakdown.
4. Reasonable steps must have been taken to remove the vehicle from the situation that caused the violation.
5. "Running out of gas" is not an acceptable defense. It is the responsibility of all vehicle operators to insure that their vehicles can be operated in a safe manner.

UNACCEPTABLE DEFENSES:

- **"Making Change"**

The law requires activation of the parking meter within the time required to park, deposit the necessary coin(s) and activate the meter. The driver must consider this before he/she decides to park.

- **"Going to the bathroom"**

This is a risk all drivers take and is never an adequate excuse for illegal parking.

- **"Short errands," "I was only a few minutes"**

No errand, no matter how short, no matter how important to the respondent, short of bona-fide medical emergency (not headache, cramps, thirst, etc.) is an acceptable excuse for illegal parking.

- **"Doctor/Dentist appointment," "Business or Personal appointment," "Late for class"**

Like other citizens, the owner of a motor vehicle must plan a way to arrive on time for a dentist or doctor appointment or to a class without parking illegally, and if this is not done they must accept the responsibility.

- “No place else to park,” “The lot was full”
It is the driver’s responsibility to locate legal parking.
- “I had permission,” “The officer saw me and didn’t say anything, or said it was O.K. for a few minutes, etc.”
Nobody, including a police officer or parking enforcement officer has the right to grant permission to park illegally.
- “I left someone in my car,” “I left my parking lights on or blinking,” “I left a note on my car,” “The motor was running”
The purpose of parking regulations is to restrict from certain areas, motor vehicles that are not in motion. The presence of a passenger, a note or blinking lights does not satisfy this purpose and, therefore, does not constitute a reason for dismissal of the citation.
- “Nobody else got a ticket”
Occasionally it is true that the officer didn’t cite the entire area. Other vehicles may or may not have been parked illegally. The officer may have had to leave the area before checking the other vehicles.
- “This violation has not been enforced in the past,” “I’ve done it for years,” “Everybody does it”
The issuing officer in some areas may not fully enforce all parking laws for a variety of reasons. Oversight, inadequate staffing, other higher priorities, etc., may give rise to long-term widespread violations in some parts of the issuing authority. But, nowhere may apparent failure to enforce any parking law constitute a valid defense when a citation has been issued. Nobody is to be rewarded for “getting away” with prior violations.
- “Out of town driver,” “Do not read English”
A driver from out-of-town is required to be familiar with and obey all laws and regulations as a condition of being granted the privilege of operating a vehicle on city streets. The ability to understand and abide by signs regulating the operation of motor vehicles is a condition for being granted a license to drive.
- “The fine is too high”
The fines set by the issuing authority apply to all motorists equally. The fines are not variable and may not be reduced in the absence of a legally proper reason to do so (i.e. fix-it tickets, registration tag tickets).