

Article VIII. Enforcement of Parking Regulations and Procedures for Contesting Parking Violations.

Sec. 29-35. Authorization.

Any City employee over the age of eighteen years of age, when designated to do so by the City Manager, may enforce any parking regulation established by City ordinance or resolution of the City including those contained in this Municipal Code and Ordinance No. 6544, the Traffic Ordinance of the County of Los Angeles, as amended from time to time, by following the procedure for issuance of citations and giving citation notices as authorized by California Vehicle Code Sections 41101 and 41103.

The City Manager is authorized to designate any person in the employ of the City to enforce the parking regulations as herein provided. (Ord. Nos. 507, 896)

Sec. 29-35.1. Contesting parking violations.

Any person receiving a notice of parking violation may request administrative review in accordance with the procedures set forth herein. (Ord. No. 896)

Sec. 29-35.2. Administrative review.

For a period of 21 calendar days from the issuance of a notice of parking violation or 14 calendar days from the mailing of a notice of delinquent parking violation, exclusive of any days from the day the processing agency receives a request for a copy or facsimile of the original notice of parking violation pursuant to Section 40206.5 of the California Vehicle Code and the day the processing agency complies with the request, a person may request an initial review of the notice. The request may be made by telephone, in writing via mail, or in person. There shall be no charge for this review. If, following the initial review, the processing agency is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating circumstances make dismissal of the citation appropriate in the interest of justice, the processing agency shall cancel the notice of parking violation or notice of delinquent parking violation. The processing agency shall advise the City of the cancellation. The processing agency shall mail the results of the initial review to the person contesting the notice, and, if following that review, cancellation of the notice does not occur, include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedure for waiving prepayment of the parking penalty based upon an inability to pay. For purposes of this Section, "processing agency" means the City's contracting party responsible for the processing of City's parking citations. (Ord. Nos. 896, 1060)

Sec. 29-35.3. Administrative hearing.

If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the violation no later than 21 calendar days following the mailing of the results of the processing agency's initial review. The request may be made by telephone, in writing via mail, or in person. The person requesting an administrative hearing shall deposit the amount of the parking penalty with the processing agency. The City shall adopt a written procedure to allow a person to request an administrative hearing without payment of the parking penalty upon satisfactory proof of an inability to pay the amount due. An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

- (a) The administrative hearing process shall include the following:
- (1) The person requesting a hearing shall have the choice of a hearing via phone, a written hearing by mail or a hearing in person. An in-person hearing shall be conducted within the City.
  - (2) If the person requesting a hearing is a minor, that person shall be permitted to appear at a hearing or admit responsibility for the parking violation without the necessity of the appointment of a guardian. The processing agency may proceed against the minor in the same manner as against an adult.
  - (3) The administrative hearing shall be conducted in accordance with written procedures established under Section 1-42 of the Paramount Municipal Code. The hearing shall provide an independent, objective, fair, and impartial review of contested parking violations.
  - (4) The processing agency shall appoint independent hearing officers and employ qualified examiners to conduct the administrative hearings. Independent hearing officers shall demonstrate those qualifications, training, and objectivity necessary to conduct a fair and impartial review. An independent hearing officer shall not be employed, managed, or controlled by the City. The hearing officer shall be separate and independent from the citation collection or processing function. A hearing officer's continued employment, performance evaluation, compensation, and benefits shall not, directly or indirectly, be linked to the amount of fines collected by the hearing officer. Hearing officers shall have the required training in accordance with California Vehicle Code Section 40215 (B).
  - (5) The officer or person who issues a notice of parking violation shall not be required to participate in an administrative hearing. The City shall not be required to produce any evidence other than the notice of parking violation or copy thereof and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation.
  - (6) The hearing officer's decision following the administrative hearing may be personally delivered to the person by the hearing officer or sent by first-class mail and, if the notice is not cancelled, include a written reason for that denial.
  - (7) The hearing officer or the processing agency may, at any stage of the initial review or the administrative hearing process, and consistent with the written guidelines established by the City, allow payment of the parking penalty in installments, or the processing agency may allow for deferred payment, if the person provides evidence satisfactory to the hearing officer of an inability to pay the parking penalty in full.

(Ord. Nos. 896, 1060)

Sec. 29-35.4. Judicial review.

If the person is dissatisfied with the results of the administrative hearing, the person may request an appeal of the violation to the Compton Municipal Court no later than 21 calendar days following the decision by the hearing officer. The appeal shall be made following the instructions specified in the administrative hearing letter. If no notice of appeal is filed with the court within 21 calendar days, or the Court's decision affirms the hearing officer's decision, the decision rendered shall become final and City shall retain any deposit for the parking penalty. (Ord. Nos. 896, 1060)

(Ord. Nos. 507, 896, 1060)

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