



POLICY ON DISMISSAL AND VOIDING OF PARKING CITATIONS

From time to time, it may be necessary to dismiss or void parking citations issued by City of Lincoln Parking Services Division. This policy provides a clear and rationale policy for dismissal and voiding the citations, as well as providing supporting documentations for the action.

Parking citations shall be dismissed or voided only for the following reasons:

1. **By "Mistake"** – The citation must clearly be issued in error, must not be a judgment on the part of staff about the validity of the citation; otherwise, the issue should be decided by a hearing officer. Examples of "mistakes", which may be voided:
 - Ticketing malfunction -- the handheld jammed or the printer didn't print correctly.
 - Officer void request due to error -- for example, a warning should have been given instead of a regular citation, citation is given to wrong vehicle, wrong enforcement code used, neighborhood decal or handicapped placard is not seen until after the citation issued.
 - Registration citations are to be dismissed under state law if registration occurs within 10 business days.
 - Handicap citations are to be dismissed if person brings in evidence they possessed placard within 7 business days of the citation.
 - Request for dismissal upheld – Staff has verified that a meter malfunctioned, the citation was given to wrong vehicle, or signage absent (if the sign is just faded, that may be a judgment issue for the hearing officer to decide).
2. **By Request For Dismissal** – The City's Parking Manager may direct the citation be dismissed after reviewing all facts of the Request for Dismissal in accordance with the City Ordinances and recommendation from Parking Services Division. Parking Services Division staff will mail the determination to the person contesting the citation.
3. **Administrative Hearing** – Violators who wish to dispute the initial determination by the Parking Services Division may request an Administrative Hearing. The hearing shall be heard before the Review Board. This board will consist of the Director of Urban Development, or designee, and others to be determined. An individual shall pay a deposit equal to the amount of the full citation and request a hearing in front of the Board. Upon hearing the facts of the case, the Board will determine to dismiss or uphold the citation.
 - The Administrative Hearing Board shall have the authority to uphold the citation, dismiss the citations, or reduce the citation to a warning. If the citation is upheld, the payment by the violator prior to the hearing shall constitute full payment of the citation. If the citation is dismissed or reduced to a warning, the Parking Services Division shall refund the citation payment in full. The hearing board shall not have the authority to reduce the amount of the citation, but may waive late fees if applicable.
4. **District Court** – Violators who wish to appeal the decision of the Administrative Hearing Board may appeal that decision to the District Court.

DOCUMENTATION OF DISMISSAL OR VOID

All citations that are dismissed or voided shall be properly documented with the reason recorded in as part of the citation record in the City of Lincoln Citation Management System. In addition, any citation dismissed by the hearing officer shall be done so in writing on a form approved by the Director of Urban Development, with such form filed with the case documentation for the appeal. Any citation dismissed or voided by the Director of Urban Development shall be done in writing and provided to the violations staff for administrative handling.

Effective: February 8, 2011

Updated: July 2011