Common Mistakes in Fighting a NYC Fire Hydrant Parking Violation & How to Fix Them

By:
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A case study about what went wrong at a parking ticket hearing

The best mistakes to make are new mistakes. Here is a case study about the efforts of a wonderful member of our driving community to fight a fire hydrant parking ticket. Joe ("fictitious") parked his car more than 15 feet from a fire hydrant, but still received an evil orange epistle for violating the “no fly zone” between a NYC fire hydrant and a motor vehicle. Joe diligently prepared his defense letter, and created some terrific exhibits. Joe fought his parking ticket by mail.

A few months later, Joe received a letter from the Evil Empire notifying him that he lost his case.

What went wrong? (This is the first of a two-part series. The second part will consist of Larry's defense letter and exhibits used to beat this fire hydrant violation).

Joe submitted this defense letter in support of his fight against a fire hydrant parking violation

"On Jan 20th 2013 at 1:58pm, I was charged with a $115 fine for parking within 15 yard of a fire hydrant in front of 333 East 91th street.

I plead that I am not guilty as I did not parked within 15 feet within the hydrant and I have photograph evidences that prove it.

Prior to leave the scene, I have taken several pictures of my car in relation to the fire hydrant. Later I came back to the scene and measured the distance between the two. I have provided picture s I took as evidence. Explanations for the provided evidence are below.

The evidence below can be confirmed by witness, Mr. JC Park whose cellphone number is 347-266-1283.

Please view the next page to see the submitted picture evidence with explanation.

As the above evidences indicate, my vehicle was not within 15 feet of the fire hydrant. I can provide more pictures should you find above evidences are not satisfying. Please right this wrong.

Joe
2013.2.19"
Picture 1 (above): Indicates that my vehicle, black Mustang 2002 was parked near 333 East 91st Street. I circled the building number, fire hydrant, my vehicle, and a pole, which a bicycle is chained to as a landmark.
Picture 2: Shows return to scene and tape measure extending from the fire hydrant to my car
**Picture 3:** Indicates the street, and avenue of the incident on the day of the incident. I circled the street and avenue sign
Picture 4: A close up of the tape measure showing the distance from the fire hydrant to my car is 17 feet
Larry's analysis of Joe's fire hydrant parking ticket defense

Kudos to Joe. He parked his car more than 15 feet from the fire hydrant, and fought the parking ticket because he was right. I am truly sorry to report that Joe failed to present the proper proof properly. Here's why:

Joe's defense letter is simply a note and does not tell a story. It contains cold, hard, unsworn, facts.

- The fact that Joe was attending a meeting at his church would have provided a great back story
- An explanation that Joe's witness was a church member, and parked his car in front of Joe's car
- Joe's defense letter should have been an affidavit or a certification (preferably an affidavit), addressed the judge respectfully, and signed by Joe. Remember, the parking ticket is considered a sworn statement by the parking ticket warrior. If you're contesting the sworn statement of a warrior, do it with a sworn statement of your own.
- Joe offered to submit more photographs (If Joe had additional, relevant, photographs he should have submitted them).
- He offers the name and cell phone number of his witness (Joe's kidding, right?)
- Joe should have submitted a witness certification, and a photograph of his witness observing the measurement of the distance from the pump to Joe's car

Joe's pictures left gaps in the proof necessary to beat his parking ticket

- **Picture 1** shows the relationship of his car, the street address of the building, and the fire hydrant. Great. But, Joe should not have included a picture of a red parking sign located directly in front of his car. If it must be included, Joe should have submitted proof that his car didn't park in violation of the red sign. A parking ticket judge isn't going to give Joe the benefit of the doubt with the fire hydrant violation if he thinks Joe parked illegally, anyway.
- **Picture 2** shows a tape measure is stretched out between the fire hydrant and a strange car. Why not park your car where it was parked when the parking ticket was issued; or explain why there is an SUV in the picture (along with the red parking sign).
- **Picture 3** attempts to show the name of the street where Joe parked his Mustang. The only thing this picture proves is that Joe doesn't know how to present the proper proof, properly of a street address. Joe needs to submit overlapping photographs and the traffic sign at the corner.
- **Picture 4** shows a close up of the tape measure. Joe needs more pictures to demonstrate to a parking ticket judge's satisfaction that this is the actual measurement
This is part 2-2 of the blog series, “How to lose a Fire Hydrant Parking Ticket Hearing”

In part 1 of our story, a wonderful member of the NYC driving community submitted his own defense letter and exhibits to fight a parking ticket for standing within 15 feet of a fire hydrant. The Evil Empire found Joe guilty. Much to Joe's chagrin, he was issued a second parking violation for the same offense a couple of weeks later.

But, this time Joe asked Larry to fight the parking ticket. Joe's case is still pending.

Here's the defense certification and exhibits Larry prepared to vanquish this evil orange epistle.

You may wish to compare the two versions.

Joe's defense certification prepared by Larry

March 15, 2013

New York CityDepartment of Finance

Hearing by Mail Unit

Post Office Box 29021

Brooklyn, NY 11202-9021

Violation Code: 40

Fire Hydrant

Dear Honorable Judge:

I certify as follows:

I plead not guilty to this parking violation. I did not park within 15 feet of the fire hydrant.

I was issued a parking summons on Saturday February 16, 2013. I was walking back to my car from a church meeting with Bill Smith, a member of my church, when I saw the summons stuck under my wiper. I am a group leader in my church. We meet on Saturday mornings.
Our church is located down the block from the Azure (333 East 91 Street, NYC) at 316 East 91 Street, NYC). My church rents the “Promise Theater” building on Wednesdays, Fridays, Saturdays and Sundays.

I returned to my church to get a tape measure to measure the distance I parked from the fire hydrant. Mr. Smith witnessed these measurements. We both observed that my car was parked more than 15 feet from the fire hydrant (Please see the witness certification from Mr. Smith).

I took a series of photographs of my car parked in front of Azure, 333 East 91 Street, and also prepared images of Google Maps- Street View to submit in support of my defense.

Please see the Exhibits attached hereto.

Under these circumstances, please dismiss this parking ticket.

Thank you.

Respectfully yours,

Joe Doe

Certification

I hereby certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of my testimony is willfully false, I am subject to punishment.

I further certify to the truth and accuracy of all the exhibits attached hereto in support of my defense to this parking violation

I further certify that I did not move my car from the parking space where it received a parking violation prior to taking the photographs attached hereto as exhibits in support of my defense."

_________________________________
Joe Doe
The following exhibits were submitted in support of Joe's defense
Exhibit #1: Google Map view of the front of Azure (333 East 91 Street, NYC- the place of occurrence entered on the parking ticket)

Exhibit #2: Google Map view of the front of the Azure showing street number and name of building (Azure)
Exhibit #3: The real estate listing for the Azure identifies the location of the building as 333 91 Street, NYC.
Exhibit #4: Another view of the front of Azure showing the parking signs and fire hydrant
Exhibit #5: This view is a close-up of the red parking sign. I included this exhibit to prove that Joe didn't violate the red no standing sign, or the street cleaning signs because he didn't park his car during the prohibited days/times. You don't want to leave the impression with a parking ticket judge that you violated a parking rule and got away with it.
These exhibits provide the judge with a birds eye view of the scene of the parking crime, while proving the place of occurrence on the parking ticket matches Joe's photographs of the scene of the parking crime.

Next we want to prove that Joe parked more than 15 feet from the fire hydrant.
**Exhibit #6:** This is Joe's Mustang. I've removed the view of the front license plate (it must be included). This exhibit establishes Joe's car matches the description of the vehicle entered on the parking ticket, and is parked in front of the Azure.

**Exhibit #7:** This exhibit provides a view of Joe's car, the witness, and the tape measure extended from the fire hydrant towards the Mustang.
Exhibit 8: Tape measure stretched out between the fire hydrant and my car. That distance represents slightly over 15 feet. The tape measure does not reach the rear bumper of my car.
Exhibit #9: A view of the tape measure extended on the sidewalk near the rear bumper of the Joe's car
Exhibit #10: A close up view of the tape measure showing that Joe's car was parked more than 15 feet away from the fire hydrant
It is difficult to defeat a parking ticket for standing within 15 feet of a fire hydrant when your defense is that you parked further away than 15 feet. A parking ticket judge may claim that you moved your chariot before taking the photographs. However, if you do a super job establishing the place of occurrence, and present photographic evidence of your measurement, along with a picture of your witness and a witness certification, you can beat this parking ticket.

I've attempted to give you the recipe for success. Don't take any short cuts. You have a real good chance to right a wrong and win.
Do you need help fighting your NYC parking tickets?

Contact Larry NOW at:
New York Parking Ticket LLC
larry@newyorkparkingticket.com
800-249-5048

You’ll be glad you did…and so will we