

Agenda #4296

Sponsor: Council Member Cabrera

**AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE
REGARDING UNPAID PARKING PENALTIES THAT ARE OLDER
THAN SEVEN YEARS**

WHEREAS, Chapter 37 of the City Code sets forth various provisions regarding payment and enforcement of civil penalties; and

WHEREAS, Chapter 37 of the City Code authorizes, but does not require, the Director of Finance to waive civil penalties that are owed in connection with unpaid parking violations that are older than seven years from the date of issuance; and

WHEREAS, the City Council deems it necessary and appropriate to amend Chapter 37 to require the Director of Finance to permanently suspend civil penalties that are older than seven years from the date of issuance and to deem such penalties to be uncollectible.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 37 of the City Code is hereby amended by amending Section 37-66 by adding the underlined language and deleting the stricken language to read as follows:

Sec. 37-66. Violations of chapter and penalties generally; discount for payment within 48 hours in person or on-line.

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(d) The director of finance or his authorized agent shall be authorized to waive, in whole or in part, penalties which are owed in connection with unpaid parking violations or the

parking penalty, under the following circumstances only:

- (1) When litigation of the amount of the civil penalties is pending or threatened and waiver of penalty is proposed as part of the overall settlement of the litigation.
- (2) Where the assessment of the penalty is based on parking violations assessed in error.
- (3) When the waiver of the penalty is proposed as part of an agreement by which the entire principal amount of the civil penalties shall be paid to the city whether litigation is pending or not.
- ~~(4) When the civil penalty is older than seven years of date of issue, in whole or in part, is proposed to be released where the full amount of such civil penalty is determined to be uncollectible and the release of all or part of the liability is deemed to be in the best interest of the city.~~

(e) The director of finance shall permanently suspend all civil penalties older than seven years from the date of issuance and deem such penalties to be uncollectible.

(ef) The civil assessments and penalties assessed under this chapter shall, unless otherwise provided, be levied in accordance with the following schedule:

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SECTION 2. This Ordinance shall become effective immediately upon its date of passage by City Council and approval by the Mayor.

First Reading.....November 17, 2016
Second Reading.....November 17, 2016
Third Reading

Passed by City Council,

President of City Council

Attest: _____

City Clerk

Approved as to form this ___ day
of November, 2016.

Assistant City Solicitor

Approved this __ day of _____, 2016

Mayor

SYNOPSIS AND FISCAL IMPACT: This Ordinance amends Chapter 37 of the City Code by requiring the Director of Finance to waive civil penalties that are owed in connection with unpaid parking violations that are older than seven years from the date of issuance and to deem such penalties to be uncollectible.

It is difficult to ascertain the fiscal impact of this Ordinance due to the nature of collecting unpaid debts. However, the City collects on an annual basis a significant amount of unpaid parking violations that are older than seven years from the date of issuance. In fiscal years 2013 through 2016, the City collected the approximate following amounts: a) \$116,000; b) \$59,000; c) \$107,000 and d) \$87,000.