

AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE TO REDUCE CIVIL PENALTIES FOR CERTAIN PARKING VIOLATIONS AND TO ELIMINATE THE DISCOUNT FOR EARLY PAYMENT OF CERTAIN PENALTIES

#0301

Sponsor:

Council
Member
Cabrera

WHEREAS, the City of Wilmington understands the financial burden that the current fines for parking violations may have on the City's residents and guests; and

WHEREAS, it is important to ensure that previously adopted City parking laws are responsibly and thoughtfully enforced; and

WHEREAS, the City believes that reducing the fines for certain parking violations and eliminating the discount for early payment of civil penalties for certain parking and motor vehicle violations provides a commonsense middle-ground that balances relieving some financial burden for City residents and guests and enforcing previously codified laws; and

WHEREAS, City Council deems it necessary and appropriate to amend Chapter 37 of the City Code to effectuate the aforementioned changes.

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

SECTION 1. Chapter 37 of the City Code is hereby amended by removing the stricken language and adding the underlined 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.~~

- (a) Any person violating any of the provisions of this chapter shall be subject to a civil penalty in the amount specified in the provisions of this chapter. For any violation of the provisions of articles III, IV, VI, or VIII of this chapter, the minimum civil penalty shall increase by an additional \$20.00 on the 21st day, an additional \$20.00 on the 45th day and an additional \$20.00 on the 90th day following the day of issuance of a citation issued pursuant to section 37-67, if the person to whom such citation has been issued has failed to pay the civil penalty prescribed by this chapter for such violation within the time specified on the citation or to protest such citation within ~~20~~ 21 days.

- (b) ~~For any violation of the provisions of articles III, IV, VI, or VIII of this chapter, the amount of the civil penalties prescribed may be reduced by \$2.00 if such civil penalties are received by the city within 24 hours of the issuance of the citation.~~

- (e) ~~Notwithstanding any other provision of this chapter and code to the contrary, the department of finance shall be authorized to accept the payment of any parking citation, regardless of the Level of the violation, within 48 hours of its issuance, not to include weekends and city holidays discounted by the amount of \$10.00 from the amount otherwise payable, provided that the discount of \$10.00 shall apply only if the payment is made in person at the Redding City/County Building, 800 N. French Street in Wilmington on regular business days between 8:30 a.m. and 4:00 p.m. or, alternatively, provided that the payment is made to the city on line at: www.WilmingtonParkingTickets.com~~

~~The discount herein authorized shall not apply to any payments made by mail.~~

- (~~e~~) (b) The director of finance or his authorized agent shall be authorized to waive, in whole or in part, penalties which are owned 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.

- (~~e~~) (c) 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.

- (~~f~~) (d) 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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Sec. 37-221. Manner of parking generally.

...

- (c) A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount ~~established at Level 3~~ of \$30.00.

Sec. 37-222. Unattended vehicles.

No persons having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first effectively setting the brakes, stopping the motor, locking the ignition and removing the keys from such motor vehicle, and when standing upon a perceptible grade, without turning the front wheels of such vehicle to the curb or side of the street. A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount ~~established at Level 3~~ of \$30.00.

Sec. 37-223. Prohibited in specified places.

- (a) It shall be unlawful for the driver of a motor vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic, in order to comply with the directions of a police officer or traffic control sign or signal, or while operating in accordance with rules and regulations specifically authorized by the department of public works applicable to coaches and buses:

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- (2) Within 20 feet of a crosswalk at an intersection. A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount ~~established at Level 3~~ of \$30.00.
- (3) On a crosswalk. A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount ~~established at Level 3~~ of \$30.00.
- (4) Within 30 feet upon the approach to any flashing beacon, or traffic control sign or signal located at the side of the roadway. A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount ~~established at Level 3~~ of \$30.00.

...

- (8) On a sidewalk, except in order to drive across a sidewalk on a permanent or temporary driveway. A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount ~~established at Level 3 of~~ \$30.00. This prohibition does not apply to the three feet of the width of each sidewalk along and immediately adjacent to the roadway of Williamson Street extending between Scott Street and Lincoln Street, or 20 feet from the westerly building line of S. Lincoln Street extending 20 feet and 100 feet of the easterly building line of S. Union Street and extending 122 feet along the southern side of the street in the 1900 block of Tulip Street.

...

- (11) Within 50 feet of the nearest rail of a steam or interurban railway crossing. A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount ~~established at Level 3 of~~ \$30.00.

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Sec. 37-225. Limited parking and prohibited parking generally.

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- (b) It shall be unlawful for the driver of a vehicle to park such vehicle on any street, or in front of any space on any street, where the time for the parking of vehicles has been limited by the department of public works, for a period of time longer than that prescribed by the official sign for parking on such street or at such location. A conviction of a violation of this subsection shall be punishable by a fine in the amount of ~~\$40.00~~ \$30.00.
- (c) Parking within any block, whether at the same location or not, for an aggregate period of time in excess of the time permitted by the department of public works shall be deemed a violation of this chapter; and any person removing a vehicle from any given place on any street, to which this section applies, before the expiration of the period authorized for such location and returning it to any location on either side of the same street within the same block before the end of the first hour beyond the posted limited parking time shall be considered as violating the provisions of this chapter. A conviction

of a violation of this subsection shall be punishable by a fine in the amount of ~~\$40.00~~ \$30.00.

- (d) It shall be unlawful for the driver of a vehicle to park such vehicle on any street, or in front of any space on any street, when the parking of vehicles has been prohibited by the department of public works and marked "No Parking" by authority of such department. A conviction of a violation of this subsection shall be punishable by a fine in the amount of ~~\$40.00~~ \$30.00.

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Sec. 37-229. Restricted parking areas reserved for buses of senior citizen centers.

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- (c) Any person subject to and liable for violating subsection (a) of this section shall be punished by a civil penalty in the amount established at ~~Level 3~~ of \$30.00.

Sec. 37-230. Restricted parking in street cleaning parking areas.

- (a) The department of public works is hereby authorized to establish limited parking provisions for street cleaning purposes consistent with the provisions of section 37-41 for specific locations, such areas to be marked and identified by signs indicating the specific hours of the specific days during which such street cleaning shall occur. Such authorization may also include temporary signs for purposes of special or seasonal street cleaning operations or programs. A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount established at ~~Level 3~~ of \$30.00.

Sec. 37-236. Parking of vehicle displayed for sale.

It shall be unlawful for any person to park upon a street any vehicle displayed for sale. Any person found responsible for a violation of this section shall be subject to and liable for a civil penalty in the amount established at ~~Level 3~~ of \$30.00.

Sec. 37-237. Parking for primary purpose of displaying advertising.

It shall be unlawful for any person to park upon a street any vehicle for the

primary purpose of displaying advertising. A violation of the provisions of this section shall be punishable by a civil penalty in the amount established at ~~Level 3~~ of \$30.00.

Sec. 37-245. Restricted parking adjacent from urban schools.

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(c) Any person found responsible for a violation of subsection (a) of this section shall be subject to and liable for a civil penalty in the amount ~~established at Level 3~~ of \$30.00.

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Sec. 37-263. - Procedure for parking in meter spaces; deposit of coin generally; overtime parking.

When any vehicle shall be parked in any space along side or next to which there is located a parking meter, the owner, operator, manager or driver of such vehicle shall upon entering such parking space immediately deposit the minimum required amount of coins of the United States in such parking meter, except on any Saturday or Sunday. If such vehicle shall remain in any such parking space beyond the parking limit of time as determined by regulation of the department of public works for such parking space, or the period of time obtained by deposit of coins, whichever is less, the parking meter shall indicate illegal parking, and in that event, such vehicle shall be considered as parked overtime and beyond the time so determined by the department, and the parking of a vehicle overtime or beyond the period of time so determined now or hereafter by the department in any such part of a street where any such meter is located shall be a violation of this division and punished as provided by this chapter. It shall be unlawful for any person to cause, allow, permit or suffer any such vehicle registered in his name to be parked overtime or beyond the lawful period of time as above described. The limited parking expiration shall not exceed one hour beyond the posted limited parking time. These provisions shall be applicable in all locations of city parking meters. A conviction of a violation of the provisions of this section, whether by exceeding the period of time obtained by deposit of coins in the parking meter or by exceeding the maximum time limit as posted shall be punishable by a fine in the amount of ~~\$40.00~~ \$30.00.

Sec. 37-264. Manner of parking in meter space.

Any vehicle parked parallel to the curb in any parking meter zone shall be parked with the front wheels of such vehicle opposite or within the official lines or markings on the pavement designating the limits of the parking

zone. A driver found liable for a violation of this subsection shall be subject to and liable for a civil penalty in the amount ~~established at Level 3~~ of \$30.00.

Sec. 37-265. Deposit of coin to extend parking time; meter feeding.

It shall be unlawful and an offense for any person to deposit or cause to be deposited in a parking meter any amount of coins for the purpose of extending the parking time beyond the maximum period of time determined by the department of public works for parking in the parking space along side of or next to which such parking meter is placed. Such deposit of coins for such purpose is known as “meter feeding”. Meter feeding is the act of periodically returning to a meter to deposit additional coins to extend the time beyond the legal time limit. If motorists feed the meter, they are denying others the opportunity to park there. Vehicles will be tagged for exceeding the time limit even if there is money in the meter. A conviction of a violation of the provisions of this section shall be punishable by a fine in the amount of ~~\$40.00~~ \$30.00.

SECTION 2. This Ordinance shall become effective on July 1, 2023.

First Reading May 4, 2023
Second Reading May 4, 2023
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2023.

Mayor

SYNOPSIS: This Ordinance reduces the civil penalties for certain parking violations from \$40.00 to \$30.00. This Ordinance also eliminates the discount for early payment of civil penalties for certain parking and motor vehicle violations. Finally, this Ordinance extends the deadline to protest citations from twenty (20) to twenty-one (21) days.

FISCAL IMPACT STATEMENT: The fiscal impact of the reduction of the parking fines currently set at \$40 to \$30 is projected to be between \$750,000 to \$900,000. This includes the loss of revenue from the reduction and the future loss of uncollectible accounts over the next four years.