

ORD 23-016

AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE TO REQUIRE THE DEPARTMENT OF FINANCE TO PROMINENTLY DISPLAY STATUTE ON PARKING VIOLATION NOTICES AND NOTIFY PARKING VIOLATION RECIPIENTS OF THEIR RIGHT TO APPEAL

#0294

Sponsor:

Council
Member
Spadola

WHEREAS, 21 *Del. C.* § 4181A grants the City authority to establish a voluntary assessment center for the payment of civil fines related to violations of its parking ordinances; and

WHEREAS, § 4181A also permits a violator to request a hearing in the Delaware Justice of the Peace Court; and

WHEREAS, pursuant to *Wilm. C. (Charter)* § 6-109(e), the City of Wilmington Department of Finance (“Department”) is tasked with collecting “all fines due to the city from parking violations”; and

WHEREAS, pursuant to *Wilm. C.* § 37-66, the Department is granted additional authority regarding parking violations and fines; and

WHEREAS, some City residents have expressed confusion regarding their right to appeal parking violations; and

WHEREAS, on October 12, 2022, the Administration announced a series of planned reforms to the City’s parking, permitting, ticketing, and towing systems, which include revamping the ticket appeals process; and

WHEREAS, City Council believes requiring the Department to notify violators of their right to appeal parking violations will help alleviate confusion; and

WHEREAS, City Council further believes requiring the Department to prominently display the statute or ordinance allegedly violated will help violators prepare for an appeal, if any; and

WHEREAS, City Council deems it necessary and proper to amend Chapter 37 of the City Code to require the Department to notify violators of their right to appeal parking violations and prominently list on the ticket the purportedly violated statute.

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

SECTION 1. Chapter 37 (“Motor Vehicles and Traffic”), Article II (“Administration and Enforcement”), Division 2 (“Violations and Penalties”), Section 37-67 of the City Code is hereby amended by adding the following section:

Sec. 37-67. – Issuance of citation for parking and pedestrian violations.

(d) Parking violations shall display, at the top of the notice of the parking violation or an equivalent prominent position, the City Code section(s) purportedly violated, in order that violators can make an informed decision whether to file an appeal pursuant to City Code Section 37-69.

SECTION 2. Chapter 37 (“Motor Vehicles and Traffic”), Article II (“Administration and Enforcement”), Division 2 (“Violations and Penalties”) of the City Code is hereby amended by adding the following section, to read as follows:

Sec. 37-69. – Notice of Right to Appeal Parking Violations.

(a) The Department of Finance shall notify in writing a violator of their right to appeal a parking violation, including their right to appeal to the Justice of the Peace Court pursuant to Title 21 of the Delaware Code, at the time the violator is initially issued the parking violation.

SECTION 3. This Ordinance shall become effective immediately upon its passage by City Council and approval by the Mayor.

First Reading.....April 6, 2023
Second Reading.....April 6, 2023
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2023.

Mayor

SYNOPSIS: This Ordinance amends Chapter 37 of the City Code by adding a new subsection requiring parking violations to prominently display the alleged parking violation. Further, this Ordinance adds a new section which requires the Department of Finance to notify, in writing, a City resident of their right to appeal a parking violation at the time the resident is initially issued the parking violation.

FISCAL IMPACT STATEMENT: Any anticipated fiscal impact will be *de minimis*.