

AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE TO INCREASE THE MONETARY THRESHOLD NECESSARY TO ALLOW THE CITY TO IMMOBILIZE AND/OR TOW A VEHICLE

#0421

Sponsor:

Council
Member
Bracy

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, it is a necessary function of City government to regulate and enforce parking restrictions throughout the City; and

WHEREAS, policies and procedures are in place to govern when a vehicle – the owner of which has not satisfied overdue citations – may be immobilized or towed; and

WHEREAS, immobilization and towing represents a severe impediment to City residents trying to make a living; and

WHEREAS, the current threshold for cars to be immobilized and towed is too low, causing some violators to be booted after one or two instances; and

WHEREAS, City Council believes increasing the threshold for immobilization and towing will allow the community more time to pay off and/or contest fines without fear of immobilization and towing.

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

SECTION 1. Chapter 37 of the City Code is hereby amended by deleting the stricken language and adding the underlined language as follows:

Sec. 37-125. – Outstanding and overdue citations.

- (a) The department of public safety shall provide the license registration numbers of motor vehicles which have outstanding and overdue traffic citations issued to such motor vehicles for violations incurred under 21 Del. C., this chapter, any law of the state, or any ordinance of the city or other provision of this Code or regulation issued by the city government and which citations total in

amount ~~\$200.00~~ \$300.00 or more in unpaid fines and/or total in number five or more traffic citations. The amount owed in unpaid fines will be calculated in conjunction with any outstanding and overdue traffic citations issued to the owner on currently or previously owned motor vehicles. An unpaid fine will not be calculated towards immobilization and/or towing eligibility until the designated appeal window has passed. If any such vehicle is found parked on the streets of the city, it shall be towed and impounded as provided in section 37-121(a) if the total amount of unpaid fines exceeds \$500.00 or immobilized in such manner as to prevent its operation if the total amount of unpaid fines exceeds \$300.00; provided, however, that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

SECTION 3. This Ordinance shall become effective thirty (30) days after its passage by City Council and approval by the Mayor.

First Reading.....April 18, 2024
Second Reading.....April 18, 2024
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2024.

Mayor

SYNOPSIS: This Ordinance amends Chapter 37 of the City Code by increasing the immobilization threshold to \$300.00 and the towing threshold to \$500.00.

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