

**AN ORDINANCE TO AMEND CHAPTER 37 TO CLARIFY THE CONDITIONS
WHEREBY THE CITY MAY IMMOBILIZE AND/OR TOW A VEHICLE**

#0047

Sponsor:

Council
Member
Oliver

WHEREAS, pursuant to Wilmington City Charter § 6-109(e), the Department of Finance 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 parking and implement parking regulations throughout the City; and

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

WHEREAS, the City of Wilmington has recently amended the procedures of immobilization and towing to address issues which represents a severe impediment to city residents and the threshold amount where violations are subject to booting and towing; and

WHEREAS, the revised procedures have resulted in several incidents where immobilization and towing are not clear; and

WHEREAS, City Council believes clarification will promote understanding and compliance with the procedures.

WHEREAS, City Council deems it necessary and proper to amend Chapter 37 of the Wilmington City Code to effectuate these and certain other housekeeping changes provided herein.

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

SECTION 1. Chapter 37, section 37-125 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 \$150.00 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. Except that unpaid fines, penalties and fees that have been waived, permanently suspended or voided pursuant to section 37-66 will not be included in the calculation for immobilization or towing eligibility. Further, unpaid fines that are the subject of an appeal 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:

- (1) Warning. Issued a warning notice, affixed to the vehicle, alerting the owner that further unpaid fines may result in the vehicle being immobilized and towed once the vehicle reaches the threshold outlined in subsection (a)(2) if the owner does not make payment or enter into a payment agreement.

- a. Warning notices issued pursuant to this section shall provide the following information to vehicle owners: how to dispute the amount owed; how to submit a payment; and that payment plans may be available; and

- ~~(2) Immobilized in such manner as to prevent its operation if the total amount of unpaid fines exceeds \$300.00 and the vehicle shall be towed and impounded as provided in subsection 37-125(c) or immobilized in such manner as to prevent its operation; 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. At the time of immobilization, a notice in the form required by subsection 37-128(a) shall be affixed to the vehicle.~~

- (2) Immobilization.

- a. Immobilized in such manner as to prevent its operation if the total amount of unpaid fines exceeds \$300.00. At the time of immobilization, a notice in the form required by section 37-128(a) shall be affixed to the vehicle.
- b. No 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.

- c. If the owner of the vehicle fails to pay outstanding fines, or enter into an agreement for such payment following immobilization, the vehicle shall be towed and impounded as provided in section 37-125(c).

SECTION 2. This Ordinance shall be effective upon its passage by City Council and approval by the Mayor.

First Reading.....May 1, 2025

Second Reading.....May 1, 2025

Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2025

Mayor

SYNOPSIS: This Ordinance makes stylistic, but not substantive, changes to Section 37-125 of the City Code.

FISCAL IMPACT: This Ordinance has no anticipated fiscal impact.