

AN ORDINANCE TO AMEND CHAPTER 37 TO INCREASE THE MINIMUM FINE FOR A FIRST OFFENSE FOR BLOCKING PARKING SPACES

#0263

Sponsor:

Council
Member
Oliver

WHEREAS, the City Council of Wilmington is committed to maintaining fair, accessible, and orderly on-street parking for all residents, visitors, and local businesses across the city; and

WHEREAS, the unauthorized reserving or physical blocking of public parking spaces on city streets using cones, chairs, or other personal items deprives the public of lawful access to shared municipal parking infrastructure and generates localized neighborhood friction; and

WHEREAS, private construction contractors who fail to promptly remove expired or abandoned “No Parking” traffic control devices after work is completed unnecessarily restricts public parking capacity and causes confusion for city residents; and

WHEREAS, adjusting the civil penalty for a first offense from a Level 7 violation (\$60.00) to a Level 8 violation (\$75.00) aligns the penalty with the City’s standardized statutory fee schedule while establishing a more effective financial deterrent against unlawful parking space reservation; and

WHEREAS, the City Council finds that amending Chapter 37, Section 37-249 of the City Code is a necessary and proper exercise of the City’s police powers to promote public convenience, ensure equitable parking availability, and preserve order on city streets.

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

SECTION 1. Chapter 37 (“Motor Vehicles and Traffic”), Article VI (“Stopping, Standing and Parking”) of the City Code is hereby amended by removing the stricken language and adding the underlined language as follows:

Sec. 37-249. - Prohibited blocking of parking spaces.

- (a) It shall be unlawful for any person to set out cones, chairs or any other object on any city street for the express purpose of blocking on-street parking spaces and preventing others from lawfully parking in such spaces. These items shall be considered to be trash and debris.
- (b) It shall be unlawful for a properly authorized private construction contractor to not remove the contractor's lawfully erected “No Parking” official traffic control devices (“No Parking” devices) within three days after all authorized construction work is completed. Work shall be deemed completed based on the timeframe indicated by signage on the “No Parking” devices as well as the Department of Public Work’s Traffic and Travel Advisory database.

On the fourth day after all construction work is completed, the “No Parking” devices shall be deemed abandoned and city residents may contact the city’s department of public works to collect the “No Parking” devices.

Subsection (b) shall not apply to “No Parking” devices placed by the department of public works in accordance with section 36-192 or for emergency situations. This subsection also does not prevent the city from granting a private construction contractor an extension of time to complete a construction project.

- (c) Any person who is found responsible for a violation of this section, unless some other penalty is specifically mandated, shall be subject to and liable for a civil penalty of not less than that established at Level 7 8 for the first offense and of not less than that established at Level 11 for each subsequent violation.
- (d) At the discretion of the chief of police, or his designee, enforcement of this ordinance may be waived in writing and in advance for yearly neighborhood special events and snow.

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

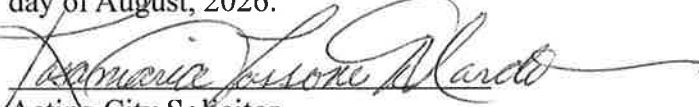
First Reading.....August 27, 2026
Second Reading.....August 27, 2026
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved as to form this 21st
day of August, 2026.


Acting City Solicitor

Approved this ____ day of _____, 2026.

Mayor

SYNOPSIS: This Ordinance amends Chapter 37, § 37-249 entitled “Prohibited blocking of parking spaces” to increase the minimum fine for a violation of this section from a Level 7 (\$60) to a Level 8 (\$75).

FISCAL IMPACT STATEMENT: FISCAL IMPACT STATEMENT: The Office of Management and Budget has reviewed and analyzed this proposed Ordinance, which would increase the minimum fine for a first violation of Section 37-249 from \$60 to \$75, resulting in a potential increase of \$15 in revenue for each first-offense citation issued.

The Wilmington Police Department was unable to identify historical citation data specific to these violations, as officers normally provide warnings when these violations occur rather than issuing citations. Accordingly, any additional fine revenue resulting from the increased penalty is expected to be minimal. In addition, the Ordinance is not anticipated to result in any material increase in City expenditures.

In summary, the fiscal impact of the Ordinance is expected to be de minimis.

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