

**SUBSTITUTE 1 TO ORDINANCE NO. 23-022**

**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**

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**#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](http://www.WilmingtonParkingTickets.com)~~

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

- (b) Notwithstanding any other provision of this chapter and code to the contrary, the civil penalty of the following sections shall be reduced from \$40 to \$25 only if the violation is paid within 14 days from the date the citation was issued. Payments may be made either 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 online.
  - (1) 37-221.
  - (2) 37-222.
  - (3) 37-223(a) 2, 3, 4, 8, & 11.
  - (4) 37-225 (b),(c), & (d).
  - (5) 37-229 (c).
  - (6) 37-230 (a).
  - (7) 37-236.
  - (8) 37-237.
  - (9) 37-245(c).
  - (10) 37-263.
  - (11) 37-264.
  - (12) 37-265.

- ~~(c)~~ (c) 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.
- (d) 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.
- (e) The civil assessments and penalties assessed under this chapter shall, unless otherwise provided, be levied in accordance with the following schedule:

...

**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 \$40.00.

**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 \$40.00.

**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:

...

- (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 \$40.00.
- (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 \$40.00.
- (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 \$40.00.

...

- (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 \$40.00. 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 \$40.00.

...

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

...

- (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 \$40.00.

**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 \$40.00.

**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 \$40.00.

**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 \$40.00.

...

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

...

(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 \$40.00.

...

**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 \$40.00.

**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 \$25.00 if the violation is paid within 14 days of issuance. 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 this legislation will result in a reduction of \$150,000 per year.

DRAFT