

CITY OF DOVER ORDINANCE #2016-05

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking, Section 106-164 - Violations; Penalties of the Dover Code be amended to read as follows:

Sec. 106-164. - Violations; penalties.

- (a) Generally. Any person convicted of violating the provisions of this article or of aiding, abetting or assisting in the violation of said provisions shall be sentenced to pay a fine as provided for in Appendix F-Fees and Fines.
- (b) Enhanced civil enforcement authority. If three or more violations of this article have been issued to a vehicle and those violations are more than 30 days past due, or if accumulated unpaid violations of this article exceed more than \$100.00, the vehicle shall be subject to enhanced civil enforcement, as follows:
 - (1) Such vehicle found parked on any street in the city shall be immobilized by any police officer or parking enforcement employee of this city in such manner as to prevent its operation. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid violations and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between the police department and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an authorized agent if the tractor-trailer is immobilized pursuant to this section.
 - (2) In any case involving immobilization of a vehicle pursuant to this section, the police officer or parking enforcement employee shall place on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.
 - (3) Any vehicle remaining immobilized and not released for 24 hours may be towed and impounded at the direction of a police officer or parking enforcement employee.
 - (4) Any person who unlawfully removes a device for immobilization of a vehicle shall be fined as provided for in Appendix F-Fees and Fines.
 - (5) Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee shall be fined as provided for in Appendix F-Fees and Fines.

(c) Cost. No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official.

(Code 1968, § 31-77; Ord. of 8-25-1971, § 1; Code 1981, § 13-49; Ord. No. 2009-09, 6-22-2009; Ord. No. 2011-22, 9-26-2011; Ord. No. 2015-09, 6-8-2015)

ADOPTED: FEBRUARY 22, 2016

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SYNOPSIS

The amendment reduces the maximum number of past due or accumulated violations from five to three in order for a vehicle to be subject to enhanced civil enforcement.

(SPONSORS: HOSFELT AND HUTCHISON)

Actions History

02/22/2016 - Final Reading - City Council

02/08/2016 - First Reading - City Council

01/26/2016 - Introduced - Council Committee of the Whole/Safety Advisory and Transportation Committee