

CITY OF DOVER ORDINANCE #2011-22

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, be amended to read as follows:

- (a) *Generally.* Any person convicted of violating the provisions of this division 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. After the expiration of 24 hours, the violator may pay the sum as provided for in Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.
- (b) *Fourth violation.* Any person committing a fourth violation within any 30-day period of the provisions of this division within one (1) hour from the time that the summons giving notice of the violation is issued, may pay as provided for in Appendix F—Fees and Fines. After the expiration of one (1) hour from the issuance of the summons, the violator may pay each such violation as provided for in Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.
- (c) *Fifth violation, etc.* Any person committing more than four (4) violations within any 30-day period of the provisions of this division may pay the sum as provided for in Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.
- (d) *Enhanced civil enforcement authority.* If five (5) or more violations of this Article have been issued to a vehicle and those violations are more than thirty (30) days past due, or if accumulated unpaid violations of this Article exceed more than \$200.00, the vehicle shall be subject to enhanced civil enforcement, as follows:
 - (1) Such vehicle found parked on any street in the City of Dover 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 release for 120 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.
- (e) *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.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing and Parking, Division 2 – Metered Parking, Section 106-164, be amended to read as follows:

<i>Chapter 106—Traffic and Vehicles, Article III—Stopping, Standing and Parking, Division 2—Metered Parking</i>			
<u>Sec. 106-163</u>	Use of meters required		
	Subsec. (b)	Coins accepted	
		Each \$0.01 coin	Permits the vehicle to be parked for a period of 12 minutes
		Each \$0.05 coin	Permits the vehicle to be parked for a period of 60 minutes
<u>Sec. 106-164</u>	Violations; penalties		
	Subsec. (a)	Generally; Each violation <i>if paid within 24 hours</i> from time summons giving notice of violation is issued	A fine of not less than \$1.00 for each violation
	Subsec. (a)	Generally; Each violation <i>if paid after expiration of 24 hours</i> from time summons giving notice of violation is issued	\$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons
	Subsec. (b)	Fourth Violation; Each violation <i>if paid within one hour</i> from time summons giving notice of violation is issued	\$1.00 for each such violation
	Subsec. (b)	Fourth Violation; Each violation <i>if paid after expiration of one hour</i> from time summons giving notice of violation is issued	\$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons

	Subsec. (c)	Fifth violation, etc.; Any person committing more than four violations within any 30-day period of the provisions of this division	\$5.00 for each such violation, if payment is made voluntarily prior to the time and date set forth in the summons.
	Subsec. (d)(4)	Any person who unlawfully removes a device for immobilization of a vehicle	\$500.00 fine for each violation
	Subsec. (d)(5)	Any person who tows or otherwise moves an immobilized vehicle without authorization by the Chief of Police or his designee	\$500.00 fine for each violation
	Subsec. (e)	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	

ADOPTED: SEPTEMBER 26, 2011

SYNOPSIS

The ordinance allows the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding \$200 that are 30 days past due.

Actions History

- September 26, 2011 - Final Reading by Council
- September 12, 2011 - First Reading by Council
- August 24, 2011 - Considered by the Safety Advisory and Transportation Committee