

**ATTACHMENT #2 – PROPOSED NEW ORDINANCE**

ORDINANCE TO INCREASE THE DOLLAR AMOUNT OF CIVIL PENALTIES FOR PARKING VIOLATIONS FROM TEN DOLLARS TO TWENTY DOLLARS, TO INCREASE THE LATE PAYMENT PENALTY FOR SUCH VIOLATIONS, AND TO MAKE TECHNICAL CORRECTIONS TO CITY CODE SECTION 66-370

THE CITY COUNCIL OF THE CITY OF DURHAM ORDAINS:

Sec. 1. Section 66-370 of the City Code is revised to read:

**Sec. 66-370. - Civil penalties for parking violations; appeals process.**

(a) *Twenty dollar civil penalty.* Violation of the following sections of this Code, and violation of any parking ordinance for which no civil penalty is provided in this section, shall subject the offender to a civil penalty of \$20.00 if such penalty is paid within 30 days of the violation, and a civil penalty of \$40.00 plus costs of court, if any, if the \$20.00 civil penalty is not paid within 30 days after the violation. The offender shall be subject to an additional civil penalty of \$25.00 plus costs of court if any previous incurred civil penalty has not been paid within 45 days after the violation.

(1)	Section 66-171.	Prohibited in certain categories of places.
(2)	Section 66-172.	Moving vehicle into area where parking is prohibited or away from curb.
(3)	Section 66-173.	Parking in front of religious facilities.
(4)	Section 66-174.	Parking in front of theaters.
(5)	Section 66-175.	Width of roadway to be left available.
(6)	Section 66-176.	Manner of parking generally.
(7)	Section 66-177.	Angle parking generally.
(8)	Section 66-178.	Manner of parking trucks.
(9)	Section 66-179.	Backing vehicle into an angle parking space.
(10)	Section 66-180.	Parking for purpose of sale of vehicle.
(11)	Section 66-181.	Parking for purpose of repair, etc., of vehicle.
(12)	Section 66-183.	Parking on streets in fire district after snowfall.
(13)	Section 66-185.	Limitation on parking time in particular city block.
(14)	Section 66-187.	Parking of motor vehicles more than 6½ feet in width on streets between 6:00 p.m. and 7:00 a.m.
(15)	Section 66-189.	Parking in specific public vehicular areas.
(16)	Section 66-222.	Designation of time for parking.
(17)	Section 66-221.	Parking with timed parking spaces.
(18)	Section 66-224.	Overtime parking.
(19)	Section 66-228.	Parking of vehicles over 20 feet in length.
(20)	Section 66-229.	Backing into parking spaces.
(21)	Section 66-230.	Washing, etc., of vehicles prohibited.
(22)	Section 66-284.	Where buses and taxicabs may stop in any business district.
(23)	Section 66-285.	Parking in bus stops and taxicab stands.
(24)	Section 66-345.	Traffic control and regulation schedule to the extent of any such ordinance regulates or prohibits parking of vehicles.
(25)	Section 14-15.	Parking.
(26)	Section 26-78.	Parking areas.
(27)	Section 32-2.	Manner of parking vehicles from which merchandise is sold.
(28)		Loading and unloading zones, and traffic control and regulation ordinances creating loading zones.

(b) *Reserved.*

(c) *Fifty dollar civil penalties.* Violation of the following sections of this Code shall subject the offender to a civil penalty of \$50.00 if such penalty is paid within 30 days of the violation, and a civil penalty of \$75.00 plus costs of court, if any, if the \$50.00 civil penalty is not paid within 30 days after the violation. The offender shall be subject to an additional civil penalty of \$25.00 plus costs of court if any previous incurred civil penalty has not been paid within 45 days after the violation.

(1) Any provision in chapter 46 regulating or prohibiting parking of vehicles.

(2) Article IV, division 3.

**[subsection (d) may need to be changed- I am awaiting comment from another attorney – RW]**

(d) *One hundred dollar civil penalty.* Violation of the following sections of the Code shall subject the offender to a civil penalty of \$100.00 plus costs, if any. The offender shall be subject to an additional civil penalty of \$25.00 plus costs of court if any previous incurred civil penalty has not been paid within 45 days after the violation. Section 66-191.

(e) *Appeals.* A person owning or operating a vehicle on which a law enforcement officer, or other person authorized by the city manager to enforce parking ordinances, has placed a notification of a parking violation as described in section 66-372, may appeal the issuance of that notification. Appeals must be made in writing and filed with the city manager within 30 days of issuance of notification. Appeals that are received on or before the 30th day after issuance of the notification shall be considered to have been timely filed. The person designated by the city manager shall review evidence submitted by the appellant and issue a determination. A civil penalty for failure to pay within 30 days of issuance as provided elsewhere in this section shall not be assessed until 30 days after the person designated by the city manager has issued his or her determination of the appeal.

Sec. 2. This ordinance is effective upon adoption.