

Sec. 11-2025. - CIVIL PENALTIES.

- (a) Violations of Articles J and K of this chapter *shall* subject the offender to the civil penalties hereinafter enumerated. Pursuant to G.S. 160A-175, all criminal penalties for these violations as set out in G.S. 14-4 are hereby removed. Civil penalties *may* be recovered by the *City* in a civil action in the nature of debt or *may* be collected in such other amounts as prescribed herein within the prescribed time *following* the issuance of notice or citation for the violation.

(b) **Notice to be affixed.**

Whenever a member of the Police Department of the *City* or other *person* charged by ordinance or Charter with the enforcement of the provisions of this chapter regulating the *parking of vehicles shall* find that any of those provisions are being, or have been, violated by the *owner* or operator of any *vehicle*, such *officer* or *person shall* notify the *owner* or operator of the *vehicle* of the violation by conspicuously attaching to the *vehicle* a *parking* violation notice or *citation* in such form as the Finance Director *may* direct.

(c) **Same; contents.**

Such *parking* violation notice or *citation shall*, among other things, (i) state upon its face the amount of the penalty for the specific violation if the penalty is paid within twenty-one (21) days from and after the violation; (ii) notify the offender that a failure to pay the penalty within twenty-one (21) days from the violation *shall* subject the offender to an additional late penalty in the amount of twenty dollars (\$20.00); (iii) notify the offender that a failure to pay the penalty within one hundred eighty (180) days from the violation shall subject the offender to a late penalty in the amount of ten dollars (\$10.00), in addition to the one imposed for failure to pay within twenty-one (21) days of the violation (iv) notify the offender that a failure to pay the penalty within the prescribed time *shall* subject the offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of ninety-five dollars (\$95.00), together with the cost of the action to be taxed by the court; (v) further provide that the offender *may* answer the *City parking citation* by mailing the citation and the stated penalty to Citation Processing Center, P.O. Box 6649, Rockville, MD 20849-6649, or *may* pay the amount in *person* at 222 West Hargett Street, Revenue Service Lobby and that upon payment, the case or claim and right of action by the *City* will be deemed compromised and settled; (vi) that the penalty must be either paid or the failure to pay must be cleared within twenty-one (21) days of the issuance of the citation. The notice *shall* further state that if the *parking violation citation* is not cleared within twenty-one (21) days, court action by the filing of a civil complaint for collection of the penalty *may* be taken. As used upon the *parking violation citation*, the word "cleared" *shall* mean either (i) payment, (ii) arrangement for payment to be made, or (iii) a prima facie showing that the *parking citation* was received as a result of mistake, inadvertence or excusable neglect.

(d) **Settlement of claim.**

The supervisor of the violations division is authorized to accept payments in full and final settlement of the claim or claims, right or rights of action which the *City may* have to enforce such penalty by civil action in the nature of debt. Acceptance of a penalty *shall* be deemed a full and final release of any and all claims, or right of action arising out of contended violations.

(e) **Penalties.**

The *following* penalties *shall* be imposed for violations in those cases in which payment is made within the prescribed forty-eight-hour period:

- (1) *Parking*, stopping or standing in certain places, designated in §11-2171, to-wit:
 - a. Obstructing traffic (11-2171(a)).
 - b. On a *sidewalk* (11-2171(b)(1)).
 - c. Within an *intersection* (11-2171(b)(2)).

- d. Double stopping, standing or *parking* (11-2171(b)(9)).
- e. Stopping, standing or *parking* in front of a fire hydrant or within a fire hydrant zone (11-2171(b)(10)).
- f. Blocking, or *parking* within five (5) feet on either side of, a *private road or driveway* (11-2171(b)(11)).
- g. Blocking or otherwise obstructing ingress to, egress from, or passage through *City*-owned, off-street *parking* areas for the general public, as provided in §11-2171(b)(12) (paragraph 2): \$30.00.

(2) *Parking* in a "No parking zone," as provided in §11-2172: \$30.00.

(3) *Parking*, standing, or stopping in a "No stopping or standing zone," as provided in §11-2173: \$30.00.

(4) Unauthorized *parking* in municipal building *parking* areas as provided in §11-2175: \$30.00.

(5) Unauthorized truck *parking* as provided in §11-2176: \$30.00.

(6) Unauthorized *parking* in loading zones as provided in §11-2177: \$30.00.

(7) *Parking*, standing or stopping in a "Bus Zone" as provided in §11-2178: \$30.00.

(8) Improper parking in a valet zone as provided in §11-2186: \$30.00.

(9) All other *parking*, standing or stopping violations established under Articles J and K of this chapter: \$20.00.

(f) Additional penalties.

(1) A delinquent penalty of twenty dollars (\$20.00), in addition to the one imposed for payment within forty-eight (48) hours, *shall* apply in those cases in which the penalties prescribed in subsection (e) above have not been paid within twenty-one (21) days from the date of the violation.

(2) A delinquent penalty of ten dollars (\$10.00), in addition to the one imposed for failure to pay within twenty-one (21) days shall apply in those cases in which the penalties prescribed in subsection (e) above have not been paid within one hundred eighty (180) days from the date of the violation.

(3) A penalty of thirty-five dollars (\$35.00), in addition to the one imposed for payment within forty-eight (48) hours and the delinquent penalties, *shall* apply in those cases in which the penalties set forth above in subsection (e) have not been paid within the prescribed period of time, and in which a civil action *shall* have been instituted.

(g) Penalties, to general fund.

All penalties paid to the violations division or as *may* be recovered in a civil action in the nature of debt as herein provided *shall* be paid into the general fund of the *City* at such time and under such regulations as *may* be prescribed by the Finance Director.

(*Code 1959*, §21-12.1; Ord. No. 1986-774, §§2, 3, 4-15-86; Ord. No. 1989-456, §1, 11-7-89; Ord. No. 1990-477, §§1, 2, 1-2-90; Ord. No. 1991-873, §1, 11-19-91; Ord. No. 1992-887, §§1—4, 12-3-91; Ord. No. 1994-436A, §1, 6-28-94; Ord. No. 2003-396, §1, 3-4-03; Ord. No. 2004-666A, §§1—8, 6-29-04; Ord. No. 2007-268, §§1—8, 7-24-07, eff. 10-1-07; Ord. No. 2010-724, §1, 4-20-10, eff. 6-1-10; Ord. No. 2012-3, §§1, 2, 1-17-12; Ord. No. 2012-57, §§1, 2, 6-5-12, eff. 10-1-12)