

Information Item

Date: December 9, 2019

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Lori Sykes, Assistant City Attorney

Subject:
Consideration of increase in parking penalties

Strategic Focus Area: Safe and Secure Community

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



Council Member Larson has asked that the City consider increasing the parking penalty for the violation of parking a vehicle on a City sidewalk.

1. Current City ordinance on parking

The City is specifically granted the authority by the State to regulate parking on City streets, sidewalks and roadways:

§ 160A-300. Traffic control. A city may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the city.

In Winston-Salem's City Code, parking on a sidewalk is prohibited under Code Section 42-153(a)(1):

It shall be prohibited for any person to stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places: (1) On a sidewalk.

As is the case with most other jurisdictions reviewed, this subsection is one of multiple violations which result in the same penalty (see below). For Winston-Salem, there are sixteen (16) specific parking restrictions which all result in the same penalty: either \$15.00 or \$30.00 (the higher penalty applies if a sign prohibiting parking was present) under City Code Section 42-175(a)-(c).

Further, under City Code Section 42-175(h), "each hour a vehicle is parked in the same space following the issuance of a parking ticket shall constitute a separate violation subject to the issuance of a new parking ticket and additional civil penalty to be applied to such vehicle."

Copies of all ordinance sections referenced above are attached for reference.

2. Comparison of current City parking penalties to penalties imposed by other jurisdictions

a. Generally

Winston-Salem

\$ 15.00	Too far from curb Wrong angle Angle unloading permit Overtime parking Meter violation Over lines Prohibited spaces (sidewalk; public or private driveway or alley; within an intersection; within 15 feet of a fire hydrant; within 25 feet of intersecting curblines; within 12 feet of a crosswalk; within 25 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; within 50 feet of the nearest rail of a railroad crossing; within 15 feet of the driveway entrance to any fire station, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance, when properly signposted; alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic; on the roadway side of any vehicle stopped or parked at the edge or curb of a street; upon any bridge or other elevated structure upon a street or within a tunnel or underpass; at any place where official signs prohibit stopping; within a lane designated for moving traffic in such a way as to obstruct the movement of traffic in that particular lane; within a public or private alley or driveway in such a manner as to obstruct the free passage of city fire and sanitation vehicles, where properly signposted; within a passenger zone permitting standing of attended vehicles when such vehicle is unattended)
\$ 25.00	Front lawn
\$ 30.00	Curb loading zones Blocking driveway or alley Sign prohibiting parking present
\$ 50.00	Fire hydrant Obstructing fire/sanitation vehicles
\$ 250.00	Handicapped space

Asheville

\$ 20.00	Overtime parking Loading zone Crosswalk
\$ 40.00	Subsequent overtime parking
\$ 50.00	Fire hydrant, fire lane
\$ 250.00	Handicapped space

Chapel Hill

\$ 15.00	Parking restricted to driveways on certain privately owned lots Meter violations Unauthorized in city lots Outside of parking lines Over time in time-restricted spaces
\$ 50.00	Parking on sidewalk Vehicle left stationary on city street for more than 48 hours Parking on parkway area Parking on certain city streets during snow storms In alleys On particular streets and areas or during particular hours Signed areas In violation of residential permit requirements Creating hazard or obstruction to movement of traffic Blocking a private driveway Within 15 feet in either direction of a fire hydrant To hinder egress from fire station or to impede provision of an essential town service Obstructing a fire or bicycle lane In space marked as Reserved Bus stop Unauthorized parking in city lots
\$ 100.00	Obstruction of fire lane
\$ 250.00	Handicapped space

Charlotte

\$ 25.00	In violation of an official traffic control device Obstructing a curb ramp or curb cut for handicapped persons Outside of parking lines Failure to feed meter
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On a sidewalk
 On a street in front of a public or private driveway
 Within an intersection
 On a crosswalk or on a street within 20 feet of a crosswalk at an intersection
 On a street within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway
 On a street between a safety zone and the adjacent curb or within 30 feet of the points on the curb immediately opposite the ends of a safety zone
 On a street within 50 feet of the nearest rail of a railroad crossing
 On a street alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic
 On the roadway side of any vehicle stopped or parked at the edge or curb of a street
 On any bridge or other elevated structure upon a street or within a street tunnel
 On a street median, unless the vehicle is disabled, and then only temporarily for a period not to exceed 24 hours
 On a street other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway, unless authorized to do otherwise by appropriate signs
 On a street so as to leave available less than ten feet of the width of the roadway, if such roadway has designated thereon traffic lanes
 On a street within the marked traffic lane area so as to leave available less than ten feet of the width of the right one-half of the roadway for the free movement of vehicular traffic
 Within a public alley in such a manner under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic
 Between the curb or edge of the pavement of a street and the front building line of a single family detached, duplex, triplex, or quadraplex dwelling unit projected to the side lot other than completely upon an improved driveway or improved parking pad

\$ 50.00 Photographic red light violation
 Rush hour parking violation
 Leaving unattended vehicle

\$ 100.00 Handicapped space
 Blocking curb cut
 Fire hydrant, fire station, fire lane
 Pedicabs
 In violation of direction of traffic-control officer

Durham

\$ 20.00 On a sidewalk

In front of a public or private driveway
 Within an intersection
 On a crosswalk
 Within 25 feet from the intersection of curblines or if none, then within 15 feet of the intersection of property lines at an intersection of highways
 Within 50 feet of the nearest rail of a railroad crossing
 Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic
 Upon any bridge or other elevated structure upon a highway or within a highway tunnel
 At any place where official signs prohibit stopping
 Upon the travel portion of the roadway or street such that said vehicle obstructs or impedes the flow of vehicular traffic. For purposes of this section obstruction of the flow of vehicular traffic shall mean at least stopping a vehicle, whether occupied or not, in such a manner that other vehicles must either come to a stop, or change traffic lanes
 In front of theaters
 Restricting width of roadway
 Not parallel to curb, in wrong direction, protruding into street, outside parking lines
 On a roadway while displaying for sale
 On a roadway for cleaning or repairing vehicle
 In fire district after snowfall
 Outside parking time limits in certain city blocks
 Oversized vehicles during certain hours
 In certain PVAs
 After designated time period in parking space
 Placing objects other than vehicles in parking spaces
 Bus stops and taxicab stands
 Loading zones

\$ 50.00 Fire hydrant or fire zone

\$ 100.00 Handicapped space

Greensboro

\$ 15.00 Over time limit
 Failure to feed meter
 Protruding over parking lines
 Between edge of roadway and property line
 Left side of vehicle to curb on two-way street
 Double parking
 Protruding into street more than 8 feet
 Failure to display city license
 Taxicab stand

	Expired meter
\$ 35.00	Within 25 feet of an intersection Obstruct sidewalk or crosswalk Obstruct or within 5 feet of entrance to alley, driveway or private road Within 50 feet of bridge, railroad underpass, railroad crossing, overhead bridge Oversized vehicles Unauthorized in city-operated parking lots Unauthorized in controlled residential area On a median strip Commercial or passenger loading zones Bus stop Prohibited zone
\$ 50.00	Fire hydrant/lane Obstructing fire/sanitation vehicles Front yard
\$ 250.00	Handicapped space (but \$35.00 if had placard but forgot to display)

High Point

\$ 50.00	Over the specified time limit During restricted hours where official parking control devices are posted Within 25 feet of an intersection Within 15 feet of a fire hydrant Protrusion beyond designated parking space Within 15 feet of entrance to alley, driveway or private road Obstructing sidewalk or crosswalk Within 50 feet of bridge, railroad underpass or overhead bridge Within 50 feet of railroad grade crossing Parking between edge of roadway and property line Unauthorized in city-operated parking lots On left side of vehicle to curb on two-way street Double parking Protrusion into street more than eight (8) feet Oversized vehicle in residential district Unauthorized in controlled residential parking area On a median strip Commercial or passenger loading zone Bus stop or taxicab stand In any prohibited zone
\$ 100.00	Handicapped space

Raleigh

- \$ 30.00 Obstructing traffic
- Sidewalk
- In intersection
- Double parking
- Fire hydrant or zone
- Blocking or within 5 feet of private driveway or road
- Blocking/obstructing city-owned off street public parking
- Signed areas
- Unauthorized parking in municipal building parking area
- Unauthorized truck parking
- Bus zone
- Valet zone

\$ 20.00 All other violations

b. Sidewalk prohibitions specifically

When only sidewalk parking restrictions are considered (either no parking on the sidewalk or obstructing a sidewalk), the penalties of the same jurisdictions are as follows:

Winston-Salem:	\$ 15.00
Asheville:	Not listed
Chapel Hill:	\$ 50.00
Charlotte:	\$ 25.00
Durham:	\$ 20.00
Greensboro:	\$ 35.00
High Point:	\$ 50.00
Raleigh:	\$ 30.00

3. Number of citations issued in Winston-Salem for parking on a sidewalk

From January 1, 2019 to November 20, 2019, the City's Department of Transportation has issued 43 tickets for parking on the sidewalk for a total amount of fines of \$645.00.