

Sec. 16-71. - Civil penalty.

(a) Except as hereinafter provided, for each violation as set forth in section 16-73, there shall be a fixed civil penalty charge in the amount of fifteen dollars (\$15.00). For subsection 16-73(a)(21), expired meter parking, there shall be a fixed civil penalty charge in the amount of fifteen dollars (\$15.00). For unlawful parking in a restricted handicapped space, there shall be a fixed civil penalty charge in the amount of two hundred fifty dollars (\$250.00); provided that if the person charged furnishes proof that at the time the parking ticket was issued, he was assigned a valid distinguishing handicap license plate or placard but had failed to display it on the vehicle, the fixed civil penalty shall be in the amount of thirty-five dollars (\$35.00). For unlawful parking by protruding beyond a designated parking space (subsection 16-73(a)(5)) or parking in a manner that blocks or in any manner interferes with the placing of a motor vehicle in a regular designated public space or the removal of a motor vehicle for any such designated parking space (subsection 16-73(a)(12) but only to the extent it relates to a violation of subsection 16-154(a)) there shall be a fixed civil penalty of fifteen dollars (\$15.00). For unlawful parking within five (5) feet of a fire hydrant, there shall be a fixed civil penalty charge in the amount of fifty dollars (\$50.00). For any person who shall park a vehicle or permit it to stand, whether attended or unattended, upon any public vehicular area, street, highway or roadway in any area designated as a fire lane there shall be a fixed civil penalty charge in the amount of fifty dollars (\$50.00). This prohibition includes designated fire lanes in shopping center or mall parking lots and all other public vehicular areas. Provided, however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended. For unlawful front yard parking (subsection 16-73(a)(22)), there shall be a fixed civil penalty charge in the amount of fifty dollars (\$50.00). For each violation as set forth below, there shall be a fixed civil penalty charge in the amount of thirty-five dollars (\$35.00) for unlawful parking, said violations being set forth as follows:

- (1) Vehicles parked so as to obstruct sidewalk, private driveway, crosswalk, safety zone or railroad crossing.
- (2) Vehicles parked in commercial and passenger loading zones.
- (3) Vehicles parked in front of, in the entrance to, or within five (5) feet in either direction of a public or private alley.
- (4) Vehicles parked in front of or within five (5) feet in either direction of a private driveway or road.
- (5) Vehicles other than buses parked in a bus stop.
- (6) Vehicles parked within twenty-five (25) feet of an intersection.
- (7) Oversize vehicles parked on city streets.
- (8) Vehicles parked on medians.
- (9) Vehicles parked overtime in controlled residential parking areas without permits.
- (10) Vehicles parked in city-owned parking lot or garage without permit.
- (11) Vehicles parked in "No Parking Anytime" zones.

When the owner of a vehicle, or his agent, makes proper payment of a parking ticket within forty-five (45) days following the date of issuance of the ticket, the obligation thereunto shall be discharged. If such charge has not been paid within the forty-five-day period set out above, the parking violation ticket shall be deemed to be delinquent and subject to the additional penalties provided for in subsection (b). The parking violation shall have stated thereon that payment is due within forty-five (45) days from date of issue to avoid an additional penalty of twenty-five dollars (\$25.00) and court costs. If such charge has not been paid within ninety (90) days, the delinquent parking violation ticket shall be subject to an additional penalty provided for in subsection (b). The parking violation shall have stated thereon that payments delinquent more than ninety (90) days after the date of issue are subject to a penalty of thirty-five dollars (\$35.00) and court costs.

- (b) The city tax collector may accept payments in full and final settlement of the claim or claims, rights or rights of action which the city may have to enforce such penalties, by civil action in the nature of debt. 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 additional penalties for each separate parking violation ticket, as follows:
- (1) A penalty of twenty-five dollars (\$25.00) per ticket together with the costs of the action to be taxed by the court if the parking ticket is not paid within forty-five (45) days following the date of issuance of the ticket.
 - (2) An additional penalty of ten dollars (\$10.00) for a total penalty of thirty-five dollars (\$35.00) per ticket together with the costs of the action to be taxed by the court if the parking ticket is not paid within ninety (90) days following the date of issuance of the ticket.
- (c) A violation listed in section 16-73 shall not constitute a misdemeanor or infraction punishable under G.S. § 14-4, but instead shall be subject to the civil penalties fixed by subsection (a) of this section and the civil remedies provided by G.S. § 160A-175. Any properly designated city official is authorized to take legal action in the nature of a civil suit for the collection of a debt when the civil penalty, including the delinquent civil penalty, has not been paid.
- (d) The civil penalties imposed by this section and the proceeds therefrom, as collected by payment, civil action, or otherwise, shall belong to the city and shall be paid into the general fund of the city under such conditions as prescribed by the annual budget.
- (e) Each hour a vehicle is parked in the same space following the issuance of a parking ticket shall constitute a separate violation subject to issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.

(Code 1961, § 12-21(a)—(c), (e), (f); Ord. No. 87-50, § 2, 5-4-87; Ord. No. 87-92, § 1, 7-16-87; Ord. No. 90-130, § 2; 10-11-90; Ord. No. 91-127, § 1, 10-17-91; Ord. No. 93-127, § 1, 10-28-93; Ord. No. 97-123, § 1, 7-15-97; Ord. No. 97-138, § 1, 8-5-97; Ord. No. 00-31, § 1, 2-1-00; Ord. No. 10-79, § 1, 6-15-10; Ord. No. 11-125, § 1, 6-21-11; Ord. No. 12-63, § 1, 6-19-12; Ord. No. 13-89, § 1, 6-18-13; Ord. No. 16-11, § 1, 1-19-16)

Sec. 16-73. - Issuance of parking ticket.

- (a) When one (1) of the following violations has occurred, the law enforcement officer or other person, authorized by and whose enforcement duties are as defined by the chief of police detecting the apparent violation is authorized to take the state and registration number of the vehicle involved, and to place a parking ticket in or on the vehicle involved, or to serve the ticket if the owner or operator is present:
- (1) Parking over the specified time limit (sections 16-132, 16-139—16-142, 16-152).
 - (2) Parking during restricted hours where official parking-control devices are posted (section 16-145).
 - (3) Parking within twenty-five (25) feet of an intersection (G.S. § 20-162).
 - (4) Parking within five (5) feet of a fire hydrant or parking a vehicle or permitting it to stand, whether attended or unattended, upon any public vehicular area, street, highway or roadway in any area designated as a fire lane. This prohibition includes designated fire lanes in a shopping center or mall, parking lots, and all other public vehicular areas. Provided, however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended. (section 16-135).
 - (5) Protrusion beyond designated parking space (section 16-133).
 - (6) Parking within five (5) feet of entrance to alley, driveway or private road (section 16-134).
 - (7) Parking so as to obstruct sidewalk or crosswalk (section 16-134).
 - (8) Parking within fifty (50) feet of bridge, railroad underpass, or overhead bridge (section 16-136).
 - (9) Parking within fifty (50) feet of railroad grade crossing (section 16-137).
 - (10) Parking between edge of roadway and property line (section 16-138).
 - (11) Parking of oversized vehicles on streets in violation of section 16-161.
 - (12) Prohibited parking in city-operated parking lots (sections 16-154—16-156).
 - (13) Parking left side of vehicle to curb on two-way street (section 16-133).
 - (14) Double parking (section 16-159).
 - (15) Protrusion into street more than eight (8) feet (section 16-160).
 - (16) Failure to display city license (section 13-99).
 - (17) Parking in a controlled residential parking area over the amount of time without a valid residential parking permit (section 16-198).
 - (18) Parking upon a median strip (section 16-115).
 - (19) Parking in the following restricted zones:
 - a. Commercial loading zones (section 16-146).
 - b. Passenger loading zone (section 16-147).
 - c. Bus stop (section 16-148).
 - d. Taxicab stand (section 16-149).
 - e. Handicapped vehicle parking (section 16-157).
 - (20) Parking in a prohibited zone (section 16-143).
 - (21) Expired meter parking (section 16-179).

(22) Vehicles parked on front yards in violation of section 30-11-11 of the land development ordinance (section 16-165).

(b) Only law enforcement officers and other city officials designated by the chief of police may issue and serve parking tickets. Parking tickets shall be served by placing them on motor vehicle.

(Code 1961, §§ 12-19, 12-20; Ord. No. 87-50, § 1, 5-4-87; Ord. No. 92-121, § 1, 9-21-92; Ord. No. 11-125, § 2, 6-21-11; Ord. No. 12-63, § 2, 6-19-12; Ord. No. 16-11, § 2, 1-19-16)