

ORDINANCE NO. (2023) 524

AN ORDINANCE TO REVISE THE PARKING VIOLATION CIVIL PENALTIES SECTION OF THE CITY OF RALEIGH CODE OF ORDINANCES

WHEREAS, the Raleigh City Council desires to amend the parking violation civil penalty regulations of the City of Raleigh.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that:

Section 1. Part 11, Chapter 2, Article B, Section 11-2025 is hereby deleted in its entirety and replaced with the following:

Sec. 11-2025. – CIVIL PENALTIES.

(a) Violations of Articles J and K of this chapter *shall* subject the offender to the corresponding civil penalty set forth in the *City of Raleigh Fee Schedule* for the category within which the violation is included in subsection (e) below. 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 if the penalty is not paid within the period of time prescribed in subsection (c) below after the issuance of a citation for violation of the ordinance.

(b) Notice to be affixed.

Whenever a member of the Police Department of the *City* or other *person* charged by the *City* 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 Director of Transportation *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 no later than twenty-one (21) days from and after the violation; (ii) notify the offender that a failure to pay the penalty no later than 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 no later than one hundred eighty (180) days from the date of 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 no later than twenty-one (21) days of the date of the violation; (iv) further provide that the offender

may answer the *City* parking citation by mailing the citation and the stated penalty to the *City* of Raleigh at the address provided on the citation, or by visiting the *City's* Internet website and using the parking citation portal, or by paying the amount in *person* at the *City's* Parking Office, and that upon payment, the case or claim and right of action by the *City* will be deemed compromised and settled; (v) 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; and (vi) 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 Director of Transportation 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) Violation categories.

The *owner* or person in whose name any vehicle(s) is registered that is found upon any *street*, alley or *City* parking facility in violation of any of the provisions of this City Code regulating the stopping, standing, or parking of vehicles *shall* be held prima facie responsible for such violation. Violations of Articles J and K of this chapter are separated into the following categories:

(1) Regulatory I Violations:

- a. Sec. 11-2174 – Parking Time Limited in Designated Places.
- b. Sec. 11-2204 – Operation of Parking Meters.
- c. Sec. 11-2205. – Parking Time Limits and Fees.
- d. Sec. 11-2212(a)(1), (a)(2), and (b) – Violations.

(2) Regulatory II Violations:

- a. Sec. 11-2171(b)(12) – Designated Places – Car Share.
- b. Sec. 11-2175 – Parking Limitation on *City* Parking Facilities.
- c. Sec. 11-2177 – Standing for Loading Only.
- d. Sec. 11-2180 – Unlawful Purposes for Parking.
- e. Sec. 11-2183 – Parking, Obstructions Prohibited at Moore Square Transit Transfer Facility.

- f. Sec. 11-2184 – Taxi Zones.
- g. Sec. 11-2186 – Valet Parking.
- h. Sec. 11-2189 – Motorcycle Parking.
- i. Sec. 11-2212(a)(3) – Parked Vehicle Across Any Line or Marking of a Parking Meter Space.
- j. Sec. 9-2014 – Parking Permits Required in Certain Areas.

(3) Safety I Violations:

- a. Sec. 11-2171(b)(3) – Designated Places – Intersections.
- b. Sec. 11-2171(b)(4) – Designated Places – Stop Sign, Flashing Beacon, or Traffic Control Signal.
- c. Sec. 11-2171(b)(5) – Designated Places. – Underpass Approaches.
- d. Sec. 11-2171(b)(6) – Designated Places – Grade Crossing Approaches.
- e. Sec. 11-2171(b)(8) – Designated Places – Bridges and Underpasses.
- f. Sec. 11-2171(b)(11) – Designated Places – Driveway and Private Roads.
- g. Sec. 11-2172 – No Parking Zones.
- h. Sec. 11-2179 – Stopping, Standing or Parking Close to Curb.
- i. Sec. 11-2185 – Police Vehicle Parking Zone.
- j. Sec. 11-2187 – No Parking Tow Away.

(4) Safety II Violations:

- a. Sec. 11-2171(a) – Obstructing Traffic.
- b. Sec. 11-2171(b)(1) – Designated Places – Sidewalk.
- c. Sec. 11-2171(b)(2) – Designated Places – Crosswalk.
- d. Sec. 11-2171(b)(7) – Designated Places – *Street* Excavation or Obstruction.
- e. Sec. 11-2171(b)(9) – Designated Places – Roadway Side of Any Parked Vehicle.
- f. Sec. 11-2171(b)(10) – Designated Places – Fire Hydrant.
- g. Sec. 11-2173 – No Stopping or Standing Zones.
- h. Sec. 11-2176 – Truck, Trailer, Bus Parking.
- i. Sec. 11-2178 – Bus Zones.
- j. Sec. 11-2181 – Temporary Parking Restriction by Chief of Police.

(5) Section 11-2182 – Controlled Parking Residential Area Violations.

(6) Section 11-2190 – Electric Vehicle Parking Violations.

(7) Section 11-2191 – ADA Parking Violations.

(8) Glenwood South Overlay Parking District Violations.

All safety violations within the Glenwood South Overlay Parking District during the hours of 9:00 p.m. and 7:00 a.m. shall be subject to those penalties set out in the *City of Raleigh Fee Schedule*. For purposes of this section the “Glenwood South Overlay Parking District” shall mean that area bounded by Peace Street on the North, Hillsborough Street on the South, West Street on the East, and St Mary’s Street on the West, and shall further include Controlled Parking Residential Areas F, H, and K as designated in official Traffic Schedule No. 21, "Controlled Parking Residential Areas."

For purposes of this subsection, "safety violation" shall mean any violation defined in subsections (e)(3), (e)(4), and (e)(5) above.

(f) Violation penalties.

(1) Penalties for the violation categories as defined in subsection (e) above are as set forth within the *City of Raleigh Fee Schedule*.

(2) Delinquency penalties:

- a. A delinquent penalty of twenty dollars (\$20.00), *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.
- b. 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.

(g) Penalties, to parking fund.

All penalties paid to the *City* or as *may* be recovered in a civil action in the nature of debt as herein provided *shall* be paid into the parking fund of the *City* at such time and under such regulations as *may* be prescribed by the Chief Financial Officer or designee.

Section 2. This ordinance shall be effective on July 1, 2023.

Adopted: June 12, 2023

Effective: July 1, 2023

Distribution: City Manager – Adams-David, Moore
City Attorney – Kibler, Poole, Hargrove-Bailey
Transportation – Kallam, Currier