

## CITY OF DOVER ORDINANCE #2020-12

### **BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:**

That Chapter 106 - Traffic and Vehicles, Article III. - Stopping, Standing and Parking – Division 2. – Metered Parking of the Dover Code be amended to read as follows:

#### **DIVISION 2. - METERED PARKING**

##### **Sec. 106-161. - Payment for leasing parking meters.**

The payment for the leasing or purchase of parking meters within the designated area is to be provided by the Downtown Dover Partnership solely from the receipts, funds and revenues obtained by the Partnership from the operation of parking systems.

(Code 1968, § 31-72; Code 1981, § 13-46)

##### **Sec. 106-162. - Marking parking spaces and erecting meters.**

- (a) Upon those streets or portions of streets which the city council has designated as parking meter zones, the city manager shall cause parking spaces to be marked on the curb or pavement, or by other appropriate means, and the Downtown Dover Partnership shall be authorized to install a parking meter at each space or series of spaces so marked, as they deem appropriate.
- (b) The city council may authorize the city manager to enter into an agreement with the Downtown Dover Partnership to manage parking on city-owned lots within the designated area and extend the installation and management of a parking system thereon.

(Code 1968, § 31-70; Code 1981, § 13-47)

##### **Sec. 106-163. - Use of meters required.**

- (a) *Payment.* Upon entering a parking meter zone when the parking meter regulations are in effect, the operator of a vehicle shall immediately make the required payment in U.S. currency by coin, cash, debit card, credit card, or other acceptable method of payment, in the parking meter situated at or near the parking space and operate the meter according to the instructions thereon. Failure to make the required payment shall result in a fine in accordance with the provisions of Sec. 106-212 - Downtown Dover Partnership authority and Parking limitations., fines and fees, set by the Downtown Dover Partnership.
- (b) *Payments accepted.* All parking meters shall be adjusted so that when properly operated, payments may be made at any time throughout the time range of the meters, with each payment permitting the vehicle to be parked in a metered parking space for a period as in accordance with the provisions of Sec. 106-212 - Downtown Dover Partnership authority and Parking limitations., fees and fines, set by the Downtown Dover Partnership.
- (c) *Overtime parking.* It shall be unlawful for any person to allow a vehicle to remain parked in a parking meter zone for a period of time in excess of that prescribed in subsection (b) of this section

for the particular payment. It shall be prima facie evidence of an overtime parking violation when the parking meter shall indicate by proper signal that the lawful parking period has expired.

- (d) *Exceptions.* The use of parking meters shall not be required on Sundays and legal holidays.

(Code 1968, §§ 31-73, 31-74; Code 1981, § 13-48; Ord. No. 2009-09, 6-22-2009; Ord. No. 2015-09, 6-8-2015 )

**Sec. 106-164. - Violations; penalties.**

- (a) *Generally.* Any person convicted of violating the provisions of this article or of aiding, abetting or assisting in the violation of said provisions shall be sentenced to pay a fine as provided for in Appendix F—Fees and Fines.
- (b) *Enhanced civil enforcement authority.* If three or more violations of this article have been issued to a vehicle and those violations are more than 30 days past due, or if accumulated unpaid violations of this article exceed more than \$100.00, the vehicle shall be subject to enhanced civil enforcement, as follows:
- (1) Such vehicle found parked on any street in the city shall be immobilized by any police officer or parking enforcement employee of this city in such manner as to prevent its operation. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid violations and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between the police department and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an authorized agent if the tractor-trailer is immobilized pursuant to this section.
  - (2) In any case involving immobilization of a vehicle pursuant to this section, the police officer or parking enforcement employee shall place on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.
  - (3) Any vehicle remaining immobilized and not released for 24 hours may be towed and impounded at the direction of a police officer or parking enforcement employee.
  - (4) Any person who unlawfully removes a device for immobilization of a vehicle shall be fined as provided for in Appendix F—Fees and Fines.
  - (5) Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee shall be fined as provided for in Appendix F—Fees and Fines.
- (c) *Cost.* No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official.

(Code 1968, § 31-77; Ord. of 8-25-1971, § 1; Code 1981, § 13-49; Ord. No. 2009-09, 6-22-2009; Ord. No. 2011-22, 9-26-2011; Ord. No. 2015-09, 6-8-2015 ; Ord. No. 2015-16, 10-26-2015 ; Ord. No. 2016-05, 2-22-2016 )

Secs. 106-165—106-180. - Reserved.

**BE IT FURTHER ORDAINED:**

That Chapter 106 - Traffic and Vehicles, Article III. - Stopping, Standing and Parking – Division 3. – Removal and Disposition of Illegally Parked or Abandoned Vehicles, Sec. 106-181. - Definitions of the Dover Code be amended to read as follows:

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Enforcement officer* means any duly authorized person granted authority in writing to enforce parking regulations by the Downtown Dover Partnership or any member of the police department.

(Code 1981, § 13-56)

**BE IT FURTHER ORDAINED:**

That Chapter 106 - Traffic and Vehicles, Article III. - Stopping, Standing and Parking – Division 4. – Downtown Parking of the Dover Code be amended to read as follows:

**DIVISION 4. - DOWNTOWN PARKING**

**Sec. 106-211. - Definitions.**

As used in this division, all terms shall have the same meaning as provided in 21 Del. C. § 101 et seq., unless the context requires otherwise. In addition, the following terms shall have the meanings indicated:

*Designated area* means those streets or portions of streets within the downtown business district and any city-owned parking lot so designated by the city council as parking meter zones to be controlled by the Downtown Dover Partnership.

*Downtown business district* means that part of the city bounded by and including South State Street, North Street, Queen Street and Reed Street, and any other areas designated by the city manager.

(Code 1981, § 13-70; Ord. of 12-11-1995)

**Sec. 106-212. – Downtown Dover Partnership authority and Parking limitations.**

- (a) *Overtime parking.* No person shall stop, stand or park a vehicle within any designated area for a longer period of time than is permitted by the applicable traffic control device.

- (b) *Evading time limits.* No person shall move a vehicle from one parking space to any other parking space for the purpose of evading time limitations on parking. There shall be a rebuttable presumption that any vehicle that is moved from one space to another space in the immediate area has been moved for the purpose of evading time limitations on parking.
- (c) *Second ticket.* A second parking ticket may be issued for the same violation, provided that more than two hours have elapsed since the issuance of the first ticket. No more than two parking tickets may be issued per day for violating subsection (a) of this section.
- (d) *Towing of vehicles.* Vehicles parked in a time-limited zone in excess of 24 hours may be towed.
- (e) Within the designated area, the Downtown Dover Partnership shall have the authority to establish parking regulations and policies consistent with Chapter 106 – Traffic and Vehicles, as deemed appropriate, including, but not limited to, the installation of parking meters, setting and collection of parking fees, enforcement of parking regulations and collection of fines, and shall retain all receipts therefrom.

(Code 1981, § 13-71; Ord. of 12-11-1995; Ord. of 10-22-2007)

**Secs. 106-213 – Effective date and duration:**

This ordinance shall be effective upon the designation of the parking meter zones and shall be reviewed at the end of the first two years and at least every five years thereafter to ensure that the purposes of this ordinance are being achieved and may be void if not effective.

Secs. 106-214—106-234. - Reserved.

**ADOPTED: OCTOBER 26, 2020**

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**SYNOPSIS**

This ordinance grants the authority to the Downtown Dover Partnership to install and manage parking meters within parking meter zones designated by the City Council in the Downtown Development District, and to retain the proceeds from such operation.

(SPONSORS: NEIL AND HUGG)

Actions History:

10/26/2020 – Final Reading – City Council

10/12/2020 – First Reading – City Council

09/29/2020 – Introduction – Council Committee of the Whole/Safety Advisory and Transportation Committee