

**AN ORDINANCE TO AMEND CHAPTER 183, VEHICLES AND TRAFFIC, ARTICLE II, PARKING, SECTION 12 VIOLATIONS AND PENALTIES; ARTICLE XI PARKING METERS, SECTION 37 VIOLATIONS AND PENALTIES OF THE MUNICIPAL CODE OF THE CITY OF LEWES, DELAWARE**

**WHEREAS**, the Mayor and City Council, in the interest of the safety, health, and welfare of the City, deem it appropriate to update the Chapter 183 related to parking and fines in Lewes.

**BE IT ORDAINED** by the Mayor and City Council, in session met, a quorum pertaining at all times thereto, in the manner following to-wit:

**Section 1.** Chapter 183, Vehicles and Traffic, Article II, Parking, Section 183-12, Violations and Penalties, of the Municipal Code of the City of Lewes, Delaware, be and the same is hereby amended by making deletions as shown by strikethrough and making insertions as shown by underline as follows:

§ 183-12 Violations and penalties.

Except as provided in Subsection A of this section, any person violating any of the provisions of this Article **II** shall, upon conviction, be subject to a fine of not less than \$15 nor more than \$100.

- A. Any person violating § ~~183-11.1~~ of this article shall be subject to a fine of \$100 for such violation if paid within seven days after the day that the violation occurs; and to accept and receive, without a hearing \$150 for such violation if the penalty is paid within 30 days after the day that the violation occurs; and to accept and receive, without a hearing, the sum of \$175 as a penalty for such violation if the penalty is paid after 30 days after the day that the violation occurs.
- B. With the consent of a person charged with a violation under this article, the Chief of Police or the Chief of Police's authorized representative is authorized to accept and receive, without a hearing, ~~\$30~~ \$40 for such violation if paid within seven days after the day that the violation occurs; and to accept and receive, without a hearing, \$50 for such violation if the penalty is paid within 30 days after the day that the violation occurs; and to accept and receive, without a hearing, the sum of \$75 as a penalty for such violation if the penalty is paid after 30 days after the day that the violation occurs.
- C. Any person utilizing an electronic payment system (such as Parkmobile) or a parking pay station in any City lot and failing to properly identify the vehicle being parked with the complete state-issued license plate number shall be subject to the penalty associated with an expired meter violation. The driver/owner of said vehicle may appeal said violation. If, upon appeal, the Chief of Police (or his/her designee) can determine proper payment was made but for an incorrect license plate, the violation shall be replaced with a warning and be subjected to an administrative fee of \$10. After receiving one warning for entering an incorrect license plate number, a driver/owner shall be issued an expired meter violation and

be subject to the applicable fines for any subsequent entries of an incorrect license plate number.

**Section 2.** Chapter 183, Vehicles and Traffic, Article XI, Parking Meters, Section 183-37, Violations and Penalties, of the Municipal Code of the City of Lewes, Delaware, be and the same is hereby amended by making deletions as shown by strikethrough and making insertions as shown by underline as follows:

§ 183-37 Violations and penalties.

Except as provided in Subsection A of this section, any person, upon conviction of a violation of this article before a court of competent jurisdiction, shall be subject to a fine not exceeding \$50 for each violation.

- A. Any person violating any of the provisions of ~~§§ and B,~~ 183-31, 183-32, 183-33 and 183-34 shall, upon conviction, be fined not less than ~~\$30~~ \$40.
- B. With the consent of a person charged with a violation under Article **XI**, § **183-34**, the Chief of Police or his/her authorized representative is authorized to accept and receive, without a hearing, the sum of ~~\$30~~ \$40 as a penalty for such violation if the penalty is paid within seven days after the day that the violation occurs; and to accept and receive, without a hearing, the sum of \$50 as a penalty for such violation if the penalty is paid within 30 days after the day that the violation occurs; and to accept and receive, without a hearing, the sum of \$75 as a penalty for such violation if the penalty is paid after 30 days after the day that the violation occurs.
- C. With the consent of a person charged with a violation under Article **XI**, § **183-32**, the Chief of Police or his/her authorized representative is authorized to accept and receive, without a hearing, the sum of ~~\$30~~ \$40 as a penalty for such violation if the penalty is paid within seven days after the day that the violation occurs; and to accept and receive, without a hearing, the sum of \$50 as a penalty for such violation if the penalty is paid within 30 days after the day that the violation occurs; and to accept and receive, without a hearing, the sum of \$75 as a penalty for such violation if the penalty is paid after 30 days after the day that the violation occurs.
- D. The Police Department shall create a list with the licenses and registration numbers of motor vehicles which have outstanding and overdue parking violations, which citations total in the amount of \$150 or more in unpaid fines or total in number of three or more parking tickets, whichever is the lesser. If any such motor vehicle is found parked on the street of the City of Lewes, it shall be towed and impounded in some convenient garage or other storage facility within or near the City, and before the same shall be released therefrom, the owner thereof shall pay all unpaid parking violations or citations issued to such vehicle, the cost of towing, a reasonable charge for storage and any court costs. In addition, said owner shall sign a receipt for such motor vehicle prior to it being released to him/her by the storage facility.

**Section 3.** This Ordinance shall take effect immediately upon its adoption by the Mayor and City Council of the City of Lewes.

**Section 4.** If any provision of this ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this ordinance are hereby declared to be severable.

I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the ordinance passed by Mayor and City Council at its regular meeting on 4-10-21 at which a quorum was present and voting throughout and the same is still in full force and effect.

  
Secretary

**SYNOPSIS:** This ordinance would increase the fine for parking meter violations from \$30 to \$40.