



Town of Surf City

ORDINANCE NO. 2021-03

AN ORDINANCE AMENDING SECTION 17-103 NO PARKING, LIMITED PUBLIC PARKING, PAID PARKING, POLICE PARKING, HANDICAPPED PARKING, PUBLIC PARKING LOTS.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SURF CITY, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Section 17-103 is hereby amended to read as follows:

Sec. 17-103. No parking, limited public parking, paid parking, police parking, handicapped parking, public parking lots.

The official parking map as adopted by the town council shall establish the areas throughout the corporate limits of the town, where such activities shall or shall not take place. No full-time or extended duration parking shall be allowed in public parking areas. Paid parking shall run from the 1st of April of each calendar year through the 15th of October of each calendar year.

- (1) *2-hour only parking areas.* Certain areas designated on the Surf City Parking Map shall be reserved for 2-hour parking only.
- (2) *Designated no parking areas.* Except as may qualify for residential exceptions, based on written criteria established by the Town Manager, no public parking shall be allowed in any areas not established on the adopted parking map.
- (3) *Designated right of way parking areas for temporary relief.* Certain rights of way may be designated as available parking without having to validate parking on Sundays from 6 AM to 12 PM. The areas included in this designation are as follows:
 1. N. Topsail Drive to Wilmington Ave; Wilmington Ave to N. Shore Drive; and N. Shore Drive to End of Block
 2. N. New River Drive to Wilmington Ave; Wilmington Ave to N. Topsail Drive; and N. Topsail Drive to End of Block
- (4) *Designated handicap parking* privileges shall be allowed in the town to all handicap persons pursuant to the provisions of Gen. Stat. §§ 51-56a(b) and 14-253, and shall be free of charge in designated handicap parking areas only.
- (5) *Landowner parking passes.* Those individuals owning real property located within the corporate boundaries shall receive two (2) seasonal parking passes free of charge. The passes are non-transferable.
 - a. *Condominium.* Owners of real property within condominium units shall receive similar treatment as Landowner parking passes as noted above. However, condominium units must be habitable structures and provide for occupancy.

- (4) *Issuance of parking citation.* When one of the violations identified in this section 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 license plate 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.

- (5) *Civil penalty.*
- a. For each violation as set forth below, there shall be a fixed civil penalty charge as established by the Town Council and displayed in the town's budget for unlawful parking, said violations being set forth as follows:
 1. Expired time parking.
 2. Parking over the specified time limit.
 3. Protrusion beyond designated parking areas.
 4. Reverse parking in a designated public parking space.
 5. Double parking.
 6. Parking in a controlled residential parking area.
 7. Vehicles parked so as to obstruct sidewalk, private driveway, crosswalk, or bike lanes.
 8. Vehicles parked unattended in commercial and passenger loading zones.
 9. Vehicles parked in front of or within five feet in either direction of a private driveway or road.
 10. Oversize vehicles parked on town streets.
 11. Vehicles parked on medians.
 12. Vehicles parked in "no parking anytime" zone.

If a violation is not paid within 30-days of issuance, the debt shall be deemed to be delinquent and subject to debt set off and shall be collected by the Finance Department.
 - b. The Finance Director may accept payments in full and final settlement of the claim or claims, rights or rights of action which the town 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 set forth by the Surf City Annual Budget and subject to periodic change by the town council.
 - c. A violation listed in this section 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 town 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 town and shall be paid into the general fund of the town under such conditions as prescribed by the annual budget.
- (6) *Accountability for parking tickets.* The chief of police or parking vendor shall cause all parking tickets to be serially numbered and shall cause the records of the issuance and disposition of parking tickets to be so maintained that they can be accounted for. The Finance Director or parking contractor shall periodically investigate the records for the purpose of determining the disposition of the parking tickets and shall report the result of the investigation to the Town Manager.
- (7) *Prima facie evidence.* It shall be prima facie evidence in any court in the state that any motor vehicle which was parked in violation of any of the provisions listed in this section was parked and left upon such street, alley or public way or place by the person in whose name such vehicle is then registered with the State Division of Motor Vehicles.
- (8) *Enforcement of paid parking in all town public parking spaces.*

- a. The town enforces its paid parking program between April 1st and October 31 of each year. Daily parking during this time period is enforced from 9:00 a.m. to 5:00 p.m. The dates and times for parking enforcement and collection of paid parking are subject to change from time-to-time by the Town Council. All parking spaces are available for temporary parking only. No parking spaces can be used for commercial purposes or the sale of any vehicle.
 - b. The cost for violations or parking tickets to customers that are in violation of this section are subject to change and shall be addressed in the town's annual budget fee schedule.
 - c. Parking spaces and parking lots are for temporary paid parking. The commercial use of spaces, the selling of automobiles, and parking in multiple spaces without payment for all spaces is prohibited.
- (9) *Parking permits.*
- a. The town sells parking permits to non-residents and business employees in the Central Business District in order to make parking more convenient. Parking permits allow vehicles to be parked in a parking lots or space without paying for the service provided.
 - b. Each property owner will be provided two annual passes at no charge. Additional parking passes can be purchased subject to non-resident parking rates.
 - c. Non-resident parking passes can be purchased by individuals who do not own property in the town. Non-resident parking permits are valid in all of the paid parking areas to include right of way spaces and parking lots. Vehicles that have a valid parking pass can use the two-hour parking spaces but the permit does not allow any special privileges with regard to the two-hour maximum per space per block. Non-resident parking pass rates are set forth by the Surf City Annual Budget and subject to periodic change by the Town Council.
 - d. Business employee parking passes can be purchased by businesses complying with the Business Registration Program and that are located in the Central Business District. Business employee parking passes may be purchased by businesses which are located in the Central Business District. Business employee parking passes are only valid in valid rights of way and town-owned or leased lots. Employee parking pass rates are set forth by the Town of Surf City Annual Budget and subject to periodic change by the Town Council.
- (10) *Paid parking program and other forms of parking.* Except for those that may qualify for residential exceptions based on written criteria established by the Town Manager, time limited public parking areas for rights of way and parking lots are designated as follows:
- 1. Time must be on the metered application during enforcement time periods to be valid.
 - 2. Resident and non-resident parking permits are allowed in all paid parking spaces without having to pay on the app each time.
 - 3. Parking for time periods greater than 24 continuous hours in duration is prohibited for lots not located in the Central Business District (CBD).
- c. *Public parking lots.*
- 1. The town owns or leases numerous parking lots throughout the town. Each of these lots/zones are monitored by the parking application. Motorists that park in these lots must pay for the privilege of parking during times and dates of enforcement. Paid parking lot locations are located on the adopted Surf City Parking Map. Fees for paid parking lots are set forth by the Surf City Annual Budget and subject to periodic change by the town council-

24 consecutive hours in public parking lots. Pay by the day vehicles must be removed by 9:00 a.m. the next morning. Lots are subject to the following provisions:

- (i) Time must be on the space during enforcement time periods to be valid.
- (ii) Parking passes are allowed in parking spaces without having to pay for the space.
- (iii) Parking for time periods greater than 24 continuous hours in duration is prohibited.

g. *Police parking areas.* The designation and such locations shall be approved by the Police Chief.

h. *Handicapped parking areas.* Handicap parking spaces shall be provided to reasonably accommodate those with disabilities and will not be charged a fee.

i. *Public park parking areas.* Areas in designated public parks shall have a certain number of parking spaces open and available for park usage and will not be charged a fee. Unlawful usage will result in a violation and citation issued.

(11) The Town Manager or his or her designee may temporarily restrict parking or allow parking at no charge at spaces within parking zones based on special circumstances, including but not limited to emergencies, special events, construction, change in building uses, and actual usage of parking spaces in the zones

SECTION II. SEVERABILITY CLAUSE. If any section, part of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION III. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council of Surf City, North Carolina, at which a quorum was present, and which was held on the 19th day of March 2021.

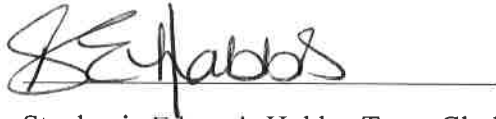
Adopted the 19th day of March 2021.

TOWN OF SURF CITY



Douglas C. Medlin, Mayor

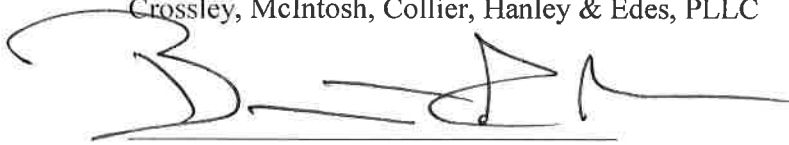
ATTEST:

A handwritten signature in black ink, appearing to read 'SE Hobbs', written over a horizontal line.

Stephanie Edwards Hobbs, Town Clerk

APPROVED AS TO FORM:

Crossley, McIntosh, Collier, Hanley & Edes, PLLC

A large, stylized handwritten signature in black ink, written over a horizontal line.

Brian Edes