

ORDINANCE NO. 24-27

**AN ORDINANCE OF THE CITY OF HICKORY
AMENDING THE PARKING ENFORCEMENT PROVISIONS OF THE CITY OF
HICKORY CODE OF ORDINANCES**

WHEREAS, City Council has determined that it is necessary and will serve the public interest to amend the following parking enforcement provisions of the City of Hickory Code of Ordinances.

NOW, THEREFORE, BE IT HEREBY ORDAINED, BY CITY COUNCIL OF HICKORY, NORTH CAROLINA, THAT:

1. Section 11-47(d) of the Hickory Code of Ordinances shall be amended and Section 11-47(e) shall be added to the Hickory Code of Ordinances to read as follows:

Sec. 11-47. - Fire lanes.

(d) Any person who shall park in a fire lane shall be subject to a civil penalty issued either by the office of the fire marshal or by the police department in accordance to the fee schedule as is set from time to time by the city council. Each violation and any delinquent penalty are not subject to the penalty provisions of N.C.G.S., sec. 14-4, but instead constitute civil penalties to be recovered by the city in a civil action in the nature of a debt when the violator does not pay the penalty within the prescribed period of time, pursuant to N.C.G.S., sec. 160A-175(c). With respect to any parking violation under any provision of this article, the registered owner of a vehicle that is found to be in violation shall be prima facie responsible for such violation and subject to the penalty therefor.

(e) Notwithstanding subsection (d) of this section, the registered owner of a leased or rented vehicle shall not be prima facie responsible for a violation if, within 30 days of actual notification of the issuance of a civil penalty, the owner provides sworn evidence that the vehicle was, at the time of the violation, leased or rented to another person, along with the name and address of the person who leased or rented the vehicle, in which case the person who leased or rented the vehicle shall be prima facie responsible for the violation. Furthermore, if notification was first given to the owner of a vehicle that was, at the time of the violation, leased or rented to another person, after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

2. Section 18-121 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-121. - Violations.

(a) Any person violating any provision of this article shall be subject to a civil penalty in accordance to the fee schedule as is set from time to time by the city council. Each violation and any delinquent penalty are not subject to the penalty provisions of N.C.G.S., sec. 14-4, but instead constitute civil penalties to be recovered by the city in a civil action in the nature of a debt when the violator does not pay the penalty within the prescribed period of time, pursuant to N.C.G.S., sec. 160A-175(c). With respect to any parking violation under any provision of this article, the registered owner of a vehicle that is found to be in violation shall be prima facie responsible for such violation and subject to the penalty therefor.

(b) Notwithstanding subsection (a) of this section, the registered owner of a leased or rented vehicle shall not be prima facie responsible for a violation if, within 30 days of actual notification of the issuance of a civil penalty, the owner provides sworn evidence that the vehicle was, at the time of the violation, leased or rented to another person, along with the name and address of the person who leased or rented the vehicle, in which case the person who leased or rented the vehicle shall be prima facie responsible for the violation. Furthermore, if notification was first given to the owner of a vehicle that was, at the time of the violation, leased or rented to another person, after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

3. Section 18-122 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-122. - Enforcement, generally; payment to satisfy violation.

Each police employee charged with the duty of enforcing this article shall note any vehicle which is over-parked, the vehicle tag number, the specific violations charged and the time during which such vehicle is parking in violation of this article. He shall attach to the vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this article and instructions to such owner when and where to report with reference to such violation. Each owner or operator may, within 48 hours of the time when such notice was attached to such vehicle, pay to the properly designated official as a civil penalty for and in full satisfaction of such violation. If the penalty is not paid within 48 hours after the time such notice was attached to such vehicle, the penalty for the violation shall be enforced as provided in section 18-121. Nothing in this section shall apply to provisions of Article VII of this chapter, Parking for Handicapped Persons.

4. Section 18-212(e) of the Hickory Code of Ordinances shall be deleted.
5. Section 18-213 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-213. - Special parking places restricted to handicapped.

Whenever on any street or in any public parking lot within the city the area has been set aside and marked by appropriate signs and markings that it is restricted for the use of handicapped, such space shall be occupied only by a vehicle displaying the distinguishing license plate, placard, or other evidence of handicap or visual impairment, as referred to in this article.

6. Section 18-214 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-214. - Privileges extended to non-handicapped operator.

The privileges of parking beyond restricted periods of time and of parking in a handicapped person's space shall be extended to a non-handicapped person who is operating a vehicle for the purpose of providing transportation for a handicapped person, as well as handicapped persons operating such motor vehicle.

7. Section 18-215 of the Hickory Code of Ordinances shall be amended to read as follows:

Sec. 18-215. - Penalty for violation.

(a) This article is enforceable in all public vehicular areas as provided for in G.S. 20-37.6(f)(1)-(4). Any person violating any provision of this article shall be subject to a civil penalty in accordance to the fee schedule as is set from time to time by the city council. Each violation and any delinquent penalty are not subject to the penalty provisions of N.C.G.S., sec. 14-4, but instead constitute civil penalties to be recovered by the city in a civil action in the nature of a debt when the violator does not pay the penalty within the prescribed period of time, pursuant to N.C.G.S., sec. 160A-175(c). With respect to any parking violation under any provision of this article, the registered owner of a vehicle that is found to be in violation shall be prima facie responsible for such violation and subject to the penalty therefor.

(b) Notwithstanding subsection (a) of this section, the registered owner of a leased or rented vehicle shall not be prima facie responsible for a violation if, within 30 days of actual notification of the issuance of a civil penalty, the owner provides sworn evidence that the vehicle was, at the time of the violation, leased or rented to another person, along with the name and address of the person who leased or rented the vehicle, in which case the person who leased or rented the vehicle shall be prima facie responsible for the violation. Furthermore, if notification was first given to the owner of a vehicle that was, at the time of the violation, leased or

rented to another person, after 90 days have elapsed from the date of the violation, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

8. This Ordinance shall become effective upon adoption.

ORDAINED BY City Council for Hickory, North Carolina, this 20th day of August, 2024.

(SEAL)

ATTES

Debbie Miller
Debbie Miller, City Clerk



CITY OF HICKORY,
a North Carolina Municipal Corporation

By: [Signature]

Hank Guess, Mayor