

ARTICLE V. STOPPING, STANDING AND PARKING¹

Sec. 16-152. Stopping in streets prohibited; exceptions.

No vehicle shall stop in any street except for the purpose of parking as prescribed in this article, unless the stop is made necessary by the approach of a fire apparatus, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by the giving of traffic signals, by the passing of some other vehicle or pedestrian, or by some emergency. In any case covered by these exceptions the vehicle shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing, or street intersection if it can be avoided.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-153. Definitions *Designated Parking*: Parking spaces either on-street or in lots that have been delineated with striping, wheel stops, or other similar methods.

Undesignated Parking: unmarked parallel parking areas of the right of way adjacent to drive aisles, that are unmarked, a minimum of eight (8) feet wide and are not otherwise rendered unauthorized by this ordinance.

Unauthorized Parking: Public vehicle parking that is not in compliance with local, state, or federal code.

Sec. 16-154. Parking and standing; purposes prohibited.

Designated and undesignated public parking spaces are for vehicle parking only. No person shall stand or park a vehicle upon any street or public parking lot for the principal purposes of:

- (1) Displaying it for sale.
- (2) Washing, greasing, or repairing the vehicle, except for repair necessitated by an emergency.
- (3) Storage thereof by garages, dealers, or other persons when the storage is not incident to the bona fide use and operation of the automobile or other vehicles.

¹Editor's note(s)—Ord. No. 20-1146 , adopted November 10, 2020, amended article V in its entirety to read as herein set out. Former article V, §§ 16-152—16-175, pertained to similar subject matter, and derived from Code 1986, § 9-110—9-117, 90-119—90-133, 90-139; Ord. No. 97-403, 8-12-1997; Ord. No. 98-416, 1-13-1998.

State law reference(s)—Purposes for which municipal service districts may be established, G.S. 160A-536; signals on starting, stopping or turning, G.S. 20-154; stopping on highway prohibited, warning signals, removal of vehicles from public highways, G.S. 20-161; unattended motor vehicles, G.S. 20-163.

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- (4) Storage of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another.
 - (5) Utilized for commercial purposes.
 - (6) Utilized for residential overflow.
 - (7) Parking of any vehicle on the municipal beach strand, unless otherwise approved by the town council or Town Manager, shall be prohibited. Vehicles performing a public duty as authorized by the Town Manager shall be exempt. The parking of vehicles is allowed in permitted areas of Freeman Park, provided that all other provisions of this Code are being met.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-155. Parking parallel to curb; proper position.

- (a) No person shall stop, stand or park in a roadway upon which the boundaries of individual parking spaces are marked on the pavement other than parallel with the front of the curb or edge of the roadway , headed in the direction of traffic and completely within the boundaries of the delineated parking space. When no parking space boundaries are marked on the roadway the vehicle shall be parked as above except that it may not be farther than 12 inches from the curb or edge of the roadway if there is no curb.
- (b) For the purposes of this section "front of the curb" shall mean the roadside of the curb that is raised above and perpendicular to the gutter.
- (c) For the purposes of this section "edge of the roadway" shall mean the portion of the right-of-way where the improved area designed and ordinarily used for vehicular traffic meets the unimproved area not designed or ordinarily used for vehicular traffic.
- (d) Undesignated public parking spaces may be utilized for parallel parking when:
 - 1. the vehicle meets the regulations of this chapter
 - 2. the vehicle complies with on-site signage
- (e) Designated public parking spaces may be located outside the parameters of this ordinance after review and approval of the Town Manager or their designee.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-156. Lights on parked vehicles.

Whenever a vehicle is parked or stopped upon a highway, whether attended or unattended, during the period from a half-hour after sunset to a half-hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of 400 feet ahead, there shall be displayed upon such vehicle one or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, and projecting a red light visible under like conditions from a distance of 500 feet to the rear; except that no lights need be displayed upon any

such vehicle when parked in accordance with the town ordinances upon a highway where there is sufficient light to reveal any person within a distance of 200 feet upon such highway.

(Ord. No. 20-1146 , 11-10-2020)

State law reference(s)—Similar provisions, G.S. 20-134.

Sec. 16-157. Obstructing street end water access prohibited.

- (a) It shall be unlawful to park, leave, place, or cause to be parked, left, or placed, either permanently or temporarily on any street ends or street rights-of-way between the paved or traveled portion of the street and the waters of the sounds, creeks, channels, and ocean contiguous to the shores of the town any motor vehicles, trailers of any kind, boats, or personal property of any kind unless otherwise designated by signs or markings allowing such.
- (b) Unless otherwise designated on-site, it shall be unlawful to launch any boats or vessels from street ends or street rights-of-way between the paved or traveled portion of the street and the waters of the sounds, creeks, channels, and ocean contiguous to the shores of the town, by trailer or vehicle of any kind, and no vehicle or trailers shall be driven, pulled, or trailed in any way across street ends or street rights-of-way as described hereinabove unless otherwise designated by signs or markings allowing such.
- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, boats may be launched from street ends and transported to the ocean or sound at street ends by sand dolly. Sand dollies may be left at street ends during daylight hours only, and then only if they do not block or impede access of others over street ends to the water.
- (d) All sand dollies left at street ends under the provisions of subsection (c) of this section shall have the owner's name and address clearly displayed and attached thereto.

(Ord. No. 20-1146 , 11-10-2020)

- a. Sec. 16-158. Loading and unloading zones. The town may establish and sign certain parking spaces within the town for loading/unloading. Loading/unloading spaces can be identified by the Town Manager. Spaces are to only be used for purposes of loading and unloading and only for durations less than 20 minutes. Loading/unloading spaces are enforced year round and 24 hours a day.
- b. Whenever vehicle loading and unloading zones are designated and described by this chapter and when signs or markings are installed giving notice thereof, it shall be unlawful for any person to stop, stand, or park any vehicle for any purpose or period of time except in accordance with the requirements of this chapter.

(Ord. No. 20-1146 , 11-10-2020)

- c. Upon the streets, street rights-of-way, or parts thereof, designated on-site as unloading zones, no person shall stop, stand, or park a vehicle therein for any purpose other than the expeditious loading or unloading of passengers or commercial products, and then only for a temporary period of time.
- d. The designated parking spaces located on the west side of Canal Drive and south side of Carl Winner Avenue adjacent to the marina are for use by the License holders of the Town marina and their patrons. Parking shall be limited to loading and unloading. No overnight parking is permitted.

(Ord. No. 20-1146 , 11-10-2020)

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- e. No vehicle while loading or unloading passengers or commercial goods in designated loading or unloading areas shall cause blockage of adjacent traffic or cause such situations as to render traffic movement hazardous or unsafe.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-159. Operator to comply with chapter; effect of proof of ownership of vehicle.

The person actually operating or in control of the operation of the vehicle at the time the vehicle is parked, shall be charged with the duty of complying with the provisions of this article. However, proof of ownership of any vehicle found parked in violation of this chapter shall be prima facie evidence that the owner parked the vehicle.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-160. Fire lanes.

Pursuant to the provisions of G.S. 20-162(b), and for the protection and safety of the lives and property of the citizens of the town, there are hereby established certain fire lanes as set forth in this section. Fire lanes may be designated on private property which constitutes a public vehicular area as that term is defined in G.S. 20-4.01(32) (or by a subsequent statute amending this statutory section) and on any highway or street as that term is defined in G.S. 20-4.01(13) (or by a subsequent statute amending this statutory section).

- (1) Fire lanes may be designated on any portion of a highway or street or public vehicular area as those terms are defined herein when the parking or placing of vehicles or obstructions in the area designated as a fire lane would interfere with the property ingress or egress of fire fighting trucks or other emergency vehicles, equipment or personnel.
- (2) Fire lanes shall be clearly marked by appropriate above ground signs, or signs and pavement markings. The person or legal entity in possession of the property on which a designation of a fire lane is made shall be responsible of [for] installation and maintenance of the required signs or pavement markings. All signs and pavement markings utilized under the provisions of this section shall be approved by the town.
- (3) No person shall park a vehicle or permit it to stand, whether attended or unattended, or put or place any object, structure, or obstruction, in a fire lane which has been established under the provisions of this section; however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in [a] shopping center or mall parking lot as long as the vehicle is not left unattended. It shall be lawful for governmental vehicles or nongovernmental emergency vehicles, including rescue squad vehicles, to stop, stand, or travel within such fire lanes when required to do so in the performance of their official duties.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-161. Handicapped parking.

1. The town manager or their designee may designate certain areas for handicapped parking and signs and/or markings shall be installed accordingly. Thereafter no person shall park or leave standing a vehicle in any parking space located on a public street or in an off-street parking facility owned or leased by the town and designated for use by the public as parking facilities and which has been appropriately designated for the handicapped when the vehicle so parked does not display the distinguishing license plate, placard or identification card as provided in G.S. 20-37.6.

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2. All parking areas marked handicapped parking located on public streets and within public parking lots shall be utilized in accordance with the Town's regulations, however no fee shall apply as long as "1" of this section is met.

(Ord. No. 20-1146 , 11-10-2020)

Sec. 16-162. Parking violations and Issuance of parking tickets.

When one of the violations identified in this chapter 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 registration 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.

- (a) 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.
- (b) 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.
- (c) No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following undesignated, designated or unauthorized parking places:
 - (1) Vehicles parked so as to obstruct sidewalk, private driveway, crosswalk, or bike lanes.
 - (2) Vehicles parked in an undesignated parking space within an intersection or within 25 feet of an intersection.
 - (3) Vehicles parked in an undesignated parking space Within 25 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
 - (5) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
 - (6) Upon any bridge or other elevated structure or within any underbase structure.
 - (7) Vehicles parked in an undesignated parking space Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanatorium, or any public building.
 - (8) On the roadway side of any vehicle stopped, standing, or parked at the edge of a curb or street.
 - (9) At hazardous or congested areas where signs or markings have been installed prohibiting such.
 - (10) Vehicles parked in an undesignated parking space Where a street includes two or more separate lanes and traffic is restricted to one direction, no person shall park or stand upon the left-hand side of such roadway unless signs are erected to allow such.
 - (11) Within a designated drive aisle.
 - (12) Vehicles parked in an undesignated parking space Within the median of a divided roadway.

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- (13) Vehicles parked in an undesignated parking space Within 15 feet in either direction of a fire hydrant, unless a greater or lesser distance is designated and appropriate signs or markings are displayed.
 - (14) Town-owned or operated parking areas. It shall be unlawful in any off-street lot or area owned by the town and provided for general public parking to park a motor vehicle, or for the registered owner of a motor vehicle to allow such vehicle to be parked, in any manner other than within properly designated parking spaces.
 - (15) Parking in a space where allotted time has expired.
 - (16) Parking in a town designated space where payment is required and not paid.
 - (17) Protrusion beyond designated parking space.
 - (18) Double parking where the vehicle encroaches into another designated parking space and prohibits the use of an adjacent parking space.
 - (19) Vehicles parked unattended in commercial and passenger loading zones.
 - (20) Vehicles parked in an undesignated parking space in front of or within five feet in either direction of a private driveway or road.
 - (21) Vehicles other than buses parked in a bus stop.
 - (22) Oversize vehicles parked on town streets.
 - (23) Vehicles parked in "no parking anytime" zone.
 - (24) Vehicles parked in an undesignated or unauthorized parking space On or within ten feet of a crosswalk.
 - (25) Obstructing other vehicles: No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyances or other vehicles.
 - (26) Unattended vehicle: It shall be unlawful for any person to leave a vehicle's engine running while it is standing parked upon the streets
 - (27) Parking Restrictions; all times: When signs are placed, erected, or installed giving notice thereof, or the curbing has been painted yellow in lieu of signs, no person shall park a vehicle at any time upon any street within the corporate limits.
 - (28) Where signs have been erected which display parking time limitations, no person shall park a vehicle for any length of time exceeding the time limitation so displayed.
 - (29) Angled Parking: Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or street edge indicated by such signs or markings.
 - (30) The use of vehicles, for camping or permanent or temporary living facility within public rights-of-way, public parking areas, or other public areas.
 - (31) The storage of vehicles, boats, trailers, and/or other equipment within public rights-of-way, public parking areas, or other public areas is prohibited.
 - (32) In no case shall a vehicle remain backed to a curb against the flow of traffic when adjacent to a one way drive aisle.
 - (33) On any street or parking lot which is marked off with lines indicating the parking spaces for cars and golf carts, the cars and golf carts shall be parked between the lines.

(d) Administration of penalties.

- (1) Payment of any cited violations shall be made in accordance with the procedures and costs as listed in the annually adopted budget.
- (2) The Finance Director or the parking contractor 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. The cost and administration of violations are as set forth by the Carolina Beach Annual Budget and subject to periodic change by the Town Council.
- (3) Each day a vehicle is parked in the same space following the issuance of a parking ticket shall constitute a separate violation subject to issuance of a new parking ticket and additional civil penalty to be applied to such vehicle.
- (4) Computing overtime violations. The moving of a parked vehicle from one restricted space to another restricted space in the same block is deemed to be one continuous parking period for the purpose of determining overtime parking violations.
- (5) Accountability for parking tickets. The Chief of Police or parking contractor 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.
- (6) 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.

(e) Enforcement of paid parking in all town public parking spaces.

- (1) The town enforces its paid parking program between March 1 and December 31 of each year. Daily parking during this time period is enforced from 9:00 a.m. to 8:00 p.m. from March 1 to October 31 and from 9:00 a.m. to 5 p.m. from November 1 to December 31..
- (2)
- (3)

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Sec. 16-163. Parking passes.

- a. Town parking passes shall be distributed in accordance with the annually adopted rates and fees schedule. The term parking pass includes any authorization as set up by the Town (i.e. sticker, license plate registration, etc) to park in Town facilities.
- b. No payment shall be required where a valid town pass has been issued and the vehicle is in a designated on-street parking or in Town owned lots that state "Town Passes Accepted."
- c. Vehicles with valid town passes are not exempt from any other regulation in this chapter. For example, parking passes will be valid for not more than 24 consecutive hours in public parking lots and parking passes shall abide by two hour parking space limitations where designated.

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Editor's note(s)—Ord. No. 21-1163 , adopted November 30, 2021, amended the title of section 16-175 to read as herein set out. The former section 16-175 title pertained to parking permits.

Sec. 16-164. Paid parking program and other forms of parking.

- (a) *Designated 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 marked, on-street spaces are designated as follows:
- (1) *Two-hour paid parking.* The town has two-hour paid parking spaces and two-hour unpaid parking spaces in various locations throughout the town. The two-hour maximum parking per space per block is implemented to encourage turnover of these spaces. These locations are identified on the Official Carolina Beach Parking Map which is adopted and amended by the Town Council from time to time.
 - (2) *Daily on-street parking spaces.* The town has installed parking signage in various on-street parking locations throughout the town. Designated parking may have reduced buffers from conflicts (i.e. intersections, crosswalks, etc) only after review and approval by the Town Manager and/or their designee. Daily on-street parking spaces require that payment be made at all times when the vehicle is occupying a space except for those times outside of enforcement periods. These signed locations are identified on the Carolina Beach Parking Map which is adopted and amended by the Town Council from time to time. Below are other regulations for paid parking spaces:
 - a. An approved payment inclusive of a registered license plate shall be made during the enforcement time periods to be valid.
 - b. .
 - c. Parking for time periods greater than 24 continuous hours in duration is prohibited unless otherwise specified by the Carolina Beach Annual Budget Rates and Fees Schedule.
- (b) Designated parking spaces in *Public parking lots.*
- (1) The town owns or leases numerous parking lots throughout the town. These parking lots are typically equipped with pay stations, and/or pay by cell phone signage with payment instructions. Motorists that park in these lots must pay for the privilege of parking during times and dates of enforcement. Fees for paid parking lots are set forth by the Carolina Beach Annual Budget Rates and Fees Schedule and subject to periodic change by the Town Council.
 - (2) Town issued passes are valid in identified public parking lot locations. Parking passes will be valid for not more than 24 consecutive hours in public parking lots. Pay by the day vehicles must be removed by 8:00 a.m. the next morning. Lots are subject to the following provisions:
 - a. Time must be on the space during enforcement time periods to be valid.
 - b.
 - c. Parking for time periods greater than 24 continuous hours in duration is prohibited (i.e. no residential overflow).
- (c) Undesignated Parking
- a. Parking passes shall be required in undesignated right of way parking located west of Lake Park Blvd, going north starting at Alabama and ending at Goldsboro. Undesignated Right of ways going north starting on Atlanta and ending on Goldsboro Avenue that are located on 3rd Street east to Lake Park Blvd shall be exempt from parking pass requirements.

OR

- a. Parking passes shall be required in undesignated right of way parking located west of Lake Park Blvd going north starting at Alabama and ending on Goldsboro and shall include Swordfish going east to Lake Park and 3rd Street going east to Lake Park.

OR

- a. Where identified by signage parking passes shall be required in undesignated right of way. Locations shall be determined by the Town Manager and/or their designee
- b. Signed undesignated right of way shall be enforced from Memorial Day to Labor Day

OR

- b. Signed undesignated right of way shall be enforced at all times.

(d) *Resident on-street parking.* The special residential exception is primarily intended to assist owner-occupied, single-family residents where existing development on nonconforming lots or uses create parking hardships. It is not intended to alleviate parking requirements for poorly planned rental property nor to serve as guest parking in residential areas.

(1) Reasonable consideration for special residential exceptions to allow parking in no parking or time limited parking areas will be given by the Town Manager when the following criteria can be met:

- a. Applicant is a year-round resident in a nonconforming single-family dwelling or multi-unit rental structure established before 1980 and continuously in use for those purposes since established, provided subsection [(d)1.a. through d.] of this section are also met.
- b. No off-street parking option is available on the applicant's property or by private arrangement within 500 feet of the property. (Documentation of private efforts to otherwise accommodate parking needs is required.)
- c. Chief of Police and Fire Chief verifies that on-street parking will not pose substantial safety problems for emergency vehicles.
- d. Parking requests for more than one vehicle per adult year-round resident otherwise meeting the above criteria will not qualify for exceptions. In no instance shall more than two public spaces be allocated for a single property.

(e) *Taxi only parking area.* The designation and location of such locations shall be approved by the Town Manager.

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

(g)

(h)

(i)

(j) ~~*Prohibited turns.* It shall be unlawful to make a left turn from the north bound lanes of U.S. Highway 421 (N. Lake Park Boulevard) in the area beginning at the northern road right of way line of Carl Winner Avenue at the intersection with U.S. Highway 421 (N. Lake Park Boulevard) and proceeding north along U.S. Highway 421 to a point 50 feet therefrom.~~

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Sec. 16-165. Immobilization of vehicles.

- (a) The Town Manager or his designee may immobilize by the use of wheel locks and tow any vehicle which is illegally parked in violation of this chapter or is parking in a town parking space and has three or more issued violations. Ability for immobilization will occur upon issuance of the third citation with the first two being unpaid and issued on separate days. For the purpose of determining whether an illegally parked vehicle has had issued against it three or more, unpaid parking tickets issued on at least three separate days, it shall be sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle having received the tickets are the same.
- (b) If a wheel lock is attached to a vehicle, a notice shall be affixed to the windshield or other part of the vehicle so as to be readily visible. The notice shall include the following:
 - 1. A warning that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle. The town shall not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle.
 - 2. An immobilization fee and any additional parking fees pursuant to the town's annually adopted rate and fee schedule shall be charged for the removal of the wheel lock.
 - 3. The address and telephone number to be contacted to pay such charges to have the wheel lock removed.
- (c) If civil penalties due and the immobilization fee as herein provided are not paid, or satisfactory arrangements in lieu of payment are not made, within 24 hours of the attachment of the wheel lock, such vehicle may be towed to any public or private impoundment lot which complies with the provisions of article VII of this chapter. If a private contractor tows and stores the vehicle he may impose against the vehicle his customary fees and charges for such services. Once a vehicle has been towed, the Town Manager or his designee shall mail or cause to have mailed, a notice of towing to the registered owner and lien holders, if any are known, at the address or addresses reported to the town by the state department of motor vehicles.
- (d) Upon payment of all civil penalties and overdue and unpaid parking tickets issued for the vehicle and of all other charges authorized by this section, including immobilization, towing, and storage fees, the vehicle shall be released to the owner or any other person legally entitled to claim possession of the vehicle.
- (e) All towing and storage charges incurred in connection with impounded vehicles shall constitute a lien upon such vehicles as provided in G.S. 44A-2.
- (f) The owner or other person entitled to possession of the vehicle which has been immobilized pursuant to this section may submit a request for hearing to the Police Chief or his designee by certified mail or personal delivery within seven days from the receipt of the notice provided for in subsection (c) of this section; if a request for a hearing is not made within the allotted time, the right to a hearing shall have been waived. If a hearing is requested, a statement shall be sent to the requesting party to inform him of the time and place of the hearing, of the basis of the vehicle's immobilization and towing, of the rules governing conduct of the hearing, of the right to present evidence as to why the vehicle should not have been immobilized and towed, and of the right to be represented by counsel. The Police Chief or his designee shall serve as the hearing officer, shall conduct a hearing and shall prepare a written report of his findings within three days of the hearing. The report shall state his conclusion as to whether the vehicle was properly immobilized and towed and the reasons underlying his conclusion. If it is concluded that the vehicle was improperly immobilized and towed then any improper charges shall be canceled, or if paid, rebated.
- (g) It shall be unlawful for any person, firm or corporation to remove from a vehicle a wheel lock thereon pursuant to this section or to remove from impoundment any vehicle placed therein pursuant to this section

without all civil penalties, immobilization fees and other applicable charges (i.e. parking citation and damage to wheels locks) having first been paid or an approved payment plan having been made.

- (h) The Town Manager is authorized to establish guidelines to adjust the amount of civil penalties imposed pursuant to this section to promote the resolution of any claim against persons with ten or more outstanding delinquent parking tickets.

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Sec. 16-166. Appeal of parking violations.

- (a) Any person charged with a violation of the town's parking ordinances shall have the right to appeal such violation by filing written notice of appeal within seven days after issuance of the citation giving notice of such violation. Notice of appeal must be completed on the appeal website, hand delivered or mailed, or emailed so as to arrive within the seven-day timeframe specified herein at the office of the Manager of the Carolina Beach parking program located at 1708 Canal Drive, Carolina Beach, N.C. 28428.
- (b) The manager of the Carolina Beach parking program designated under the provisions of the Carolina Beach parking program shall render a decision on such appeal within ten business days of the date of filing of the appeal. Notice of appeal decision will be emailed to the appealing party.
- (c) The decision of the independent hearing officer as described in subsection (b) above shall be final.
- (d) As a matter of policy, the town will not accept the following as legitimate grounds for dismissal of parking violations:
- (1) Lack of knowledge of the town's parking regulations;
 - (2) Conflicts or tardiness going to or returning from appointments and/or destinations;
 - (3) Inability to find a valid parking space; and
 - (4) Failure to have appropriate or sufficient money to make payment.

(Ord. No. 20-1146 , 11-10-2020; Ord. No. 21-1163 , 11-30-2021)

Sec. 16-167. Amendments by Town Council.

Any portion of this article amended by action of Town Council shall not nullify the remaining portion of the article.

(Ord. No. 20-1146 , 11-10-2020)

Secs. 16-168—16-203. Reserved.