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REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Matthew R. Walsh, Interim Deputy City Manager - Development

DATE: October 3, 2022

SUBJECT: Parking Ban Citations

Recommendation:

Accept this report and set the attached ordinance amending the Code of Ordinances; Title I, General Code; Chapter 1, Government Organization, Article 1-5, Fees, Fines, and Penalties, including Schedule II, for public hearing on November 14, 2022.

Background:

In 2008, the City initiated a pilot program which permitted overnight parking in certain areas of Downtown and surrounding neighborhoods.

In 2009, the pilot program became permanent and expanded to include the entire City. As such, and subject to applicable ordinances, on-street overnight parking has been generally permitted city-wide wherever street parking is permitted.

However, overnight parking is subject to a variety of temporary parking bans, including winter parking bans. Currently, vehicles parked on City streets in violation of said bans are subject to a \$100 citation, as well as impoundment. In accordance with City Ordinances, unpaid citations double to \$200 after 10 business days and quadruple to \$400 after 20 business days. This practice is standard in the industry, and applies to all 34 of the City's parking citations with the exception of handicap parking violations (which are \$250). A list of all city parking citations is attached.

In addition to the citation, impounded vehicles are also subject to a \$185 fee. Said fee is paid by the vehicle owner directly to the City's towing contractor.

Whenever winter parking bans are declared, the City initiates a multifaceted strategy to inform the community. This strategy includes updates to local media outlets (radio / television / newspapers), posts on the City's various social media accounts, as well as notification to those registered on the City's "notify me" list serve.

When the overnight parking ban was repealed, the City Council was very concerned about illegal parking during winter parking bans. Therefore, the City Council enacted the aforementioned penalties.

A summary of winter parking ban citations and tows for FY2022 (i.e. July 2021 – June 2022) is as follows:

Total Citations Issued:	302 (face value of \$30,200, combined)
Total Paid / Funds Collected:	231; \$29,960 (with penalties / escalations)
Total Waived / Adjusted:	29
Total Unpaid / Funds Due:	42; \$16,800
Collection Rate:	86%
Total Vehicles Impounded:	161 (5 City-wide Bans; 4 Downtown Bans, combined)
Total Owed:	\$18,100

Discussion:

1) Comparative Analysis: As part of its annual work plan, the Parking Committee initiated a review of the City's current parking ban citations, as well as associated notification processes and tow policies. This effort included a review of parking citations and associated policies in other similar communities, as noted below.

a. Burlington, Vermont: The City of Burlington utilizes flashing beacons throughout the community to alert the public of a snow emergency parking ban. Active bans are advertised by 3PM, upon which flashing beacons are activated and a winter parking ban phone line recording is initiated. Burlington's citation for an emergency snow ban violation is currently \$125. In addition, towed vehicles are subject to an additional \$45 fee.

In addition, vehicles towed during a snow emergency with outstanding parking citations totaling more than \$75 are impounded and towed to a city facility. To get the vehicle released, the vehicle owner must pay the \$125 winter ban citation, a \$62.50 impound fee, as well as all other outstanding citations. After 30 days, a \$13 late fee is assessed. After 90 days, an additional \$37 late fee is charged.

b. Hanover, New Hampshire: The City of Hanover prohibits on-street overnight parking from November 15 – April 1 annually. Vehicles violating this ordinance are subject to a \$30 citation, as well as towing. Tow charges are \$150.

c. Portsmouth, New Hampshire: Similar to Concord, the City of Portsmouth utilizes an email and text message based notification system to inform the public about winter parking bans. Vehicles violating the ban are subject to a \$35 citation, which, if not paid within 30 days, increases to \$55. Vehicles towed during winter parking bans are charged a \$196 fee, which is paid directly to the towing company.

d. Manchester, New Hampshire: The City of Manchester utilizes an email and text based notification system like Concord and Portsmouth, as well as flashing beacons on traffic signals. Vehicles violating the ban are subject to a \$75 fine, which doubles to \$150 after 30 days, and increases to \$180 after 60 days. Vehicles towed during a winter parking ban are also subject to a \$110 fee, which must be paid in cash at time of vehicle pickup.

- 2) Committee’s Recommendation: Based upon its review, the Parking Committee voted unanimously to recommend the following changes to the parking ban citation:
- a. Reduce the citation from \$100 to \$50. No escalations shall occur after 10 and 20 business days, respectively. Rather the ticket will remain at the \$50 value in perpetuity.
 - b. Vehicles that are impounded during a parking ban shall continue to pay the \$185 tow fee. However, recognizing this cost is significant deterrent, the \$50 citation fine will be waived.

If these modifications had been in place in FY2022, winter parking ban revenues would have decreased from \$29,960 to \$3,500 (an 88% reduction), as detailed in the table below. These proposed changes were not accounted for in the FY2023 Budget.

	<u>Current (FY 2022 Actual)</u> <u>(\$100 Fine; Escalates to \$200 (14 Days) & \$400 (28 Days); Citation Fee due if Vehicle is Towed</u>		<u>Proposed</u> <u>(\$50 Fine; No Escalation; Citation Fee Waived if Vehicle is Towed)</u>	
	Count	\$	Count	\$
Total Citations Issued	302	\$30,200.00	302	\$15,100.00
Total Waived	29		29	
Total Collected	231	\$29,960.00	231	\$11,550.00
Total Outstanding	42	\$16,800.00	42	\$2,100.00
Vehicles Towed / Citation Fines Cancelled Due to Tow	161	\$0.00	161	(\$8,050.00)
<u>Net Revenue</u>		<u>\$29,960.00</u>		<u>\$3,500.00</u>

City's Current Parking Citation Fee Schedule

Description	Ordinance	Fine	After 10 days	After 20 days
Against Traffic	18-1-10	\$25	\$50	\$100
Parking Ban	18-1-22	\$100	\$200	\$400
Blocking Driveway	18-1-4	\$25	\$50	\$100
No Parking Bus Zone	18-1-9	\$20	\$40	\$80
Too Far from Curb	18-1-10	\$25	\$50	\$100
Double Parking	18-1-10	\$25	\$50	\$100
Encumbered Meter (Reserved Space)	18-1-13	\$15	\$30	\$60
Expired Meter	18-3-8	\$15	\$30	\$60
Emergency No Parking	18-1-14	\$25	\$50	\$100
Fire Hydrant	18-1-20	\$50	\$100	\$200
Fire Lane	18-1-15	\$50	\$100	\$200
Disabled Access Area	18-1-16.1	\$100	\$200	\$200
Handicapped Parking	18-1-16	\$250	\$250	\$250
Hazardous District	18-1-21	\$20	\$40	\$80
Head In Only	18-3-7	\$10	\$20	\$40
Hazardous Zone	18-1-21	\$20	\$40	\$80
Meter Feeding - 1st offense	18-3-12	\$20	\$40	\$80
Meter Feeding 2nd offense	18-3-12	\$50	\$100	\$200
Within 20 ft. of Intersection	18-1-20	\$25	\$50	\$100
No Parking Zone	18-1-6	\$20	\$40	\$80
Parked on Crosswalk	18-1-20	\$25	\$50	\$100
On-Street 48 Consecutive Hours	18-1-11	\$25	\$50	\$100
Resident Permit	18-2-6	\$15	\$30	\$60
Reserved Space	18-1-13	\$25	\$50	\$100
Parked on Sidewalk	18-1-20	\$25	\$50	\$100
Too Close to Intersection	18-1-20	\$25	\$50	\$100
Within Intersection	18-1-20	\$25	\$50	\$100
Not Within Lines	18-3-7	\$10	\$20	\$40
Overtime 20 Min Zone	18-1-8	\$15	\$30	\$60
Overtime 1 Hr Zone	18-1-8	\$15	\$30	\$60
Overtime 2 Hr Zone	18-1-8	\$15	\$30	\$60
Overtime 3 Hr Zone	18-1-8	\$15	\$30	\$60
Overtime 30 Min Zone	18-1-8	\$15	\$30	\$60
Other Unlawful Parking	18-1-11	\$25	\$50	\$100