

ORDINANCE NO. 2023-49

**AN ORDINANCE AMENDING THE CITY OF BREVARD CODE OF
ORDINANCES, CHAPTER 66 – TRAFFIC: SPECIFICALLY
AMENDING REGULATIONS REGARDING PARKING ENFORCEMENT**

WHEREAS, the City of Brevard wishes to strengthen its parking enforcement practices; and

WHEREAS, certain provisions of the Code of Ordinances must be updated to legally enable enhanced parking enforcement; and

WHEREAS, a public hearing was conducted on October 2, 2023, by Brevard City Council, and after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the Brevard City Council that the City Code of Ordinances be amended as outlined below.

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

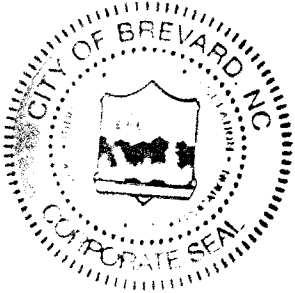
SECTION 01. The City of Brevard Code of Ordinances is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.


SECTION 02. The City Clerk of the City of Brevard is hereby authorized and directed to revise and amend the official records and the Code of Ordinances to reflect the changes as set forth in the aforementioned Exhibit A.

SECTION 03. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

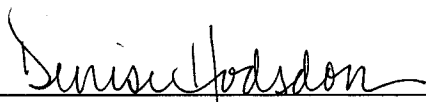
SECTION 04. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved on the 16th day of October 2023.




Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

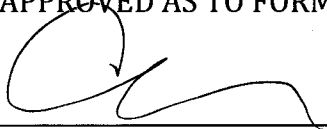

Mack McKeller
City Attorney

EXHIBIT A

CHAPTER 66. TRAFFIC

ARTICLE I. IN GENERAL

66-2. Civil penalty for parking violations—Amount; failure to pay.

For any parking violation under this chapter, a civil penalty as set by the City of Brevard fee schedule is hereby fixed. Failure to pay such penalty within fifteen days will be subject to late payment fees as set by the City of Brevard fee schedule. Any vehicle with three or more unpaid parking violations will be subject to impoundment by the Brevard Police Department either by towing the vehicle or use of a vehicle mobility restrictor device. Vehicles will not be released from impoundment until all parking violation fees, applicable late payment fees, towing fees, storage fees, and service fees have been paid. All parking violations shall be enforceable as provided in G.S. ch. 20, along with all other pertinent provisions of law.

66-3. Unauthorized removal of vehicles from impoundment.

- (a) Only the Brevard Police Department or their agents will be authorized to impound a vehicle within the City of Brevard unless it is on private property. Any unauthorized person removing or attempting to remove a vehicle from impoundment, including tampering with or removing a vehicle mobility restrictor device, is expressly prohibited.
- (b) A violation of the provisions of 66-3 is a Class 2 misdemeanor, with a penalty of up to 60 days in jail and/or a fine of \$1000.

66-4. Parking Violations – Appeals.

Persons issued a parking violation under section 66-2 may appeal the issuance of said violation in writing, or by another approved method, to the Chief of Police within five (5) days of the issue date of the violation. The Chief of Police, or their designee, has the authority to adjust the civil penalty amount by lowering the fine as set by the fee schedule or canceling the parking violation in its entirety. Any cancellation of a parking violation in its entirety will be documented by the Chief of Police with the justifying reason for the cancellation in writing.

Persons who have been issued a parking violation and had their appeal denied by the Chief of Police may seek civil remediation with the District Court of Transylvania County.

Parking violations that are appealed after five (5) days from the issue date may be heard at the discretion of the Chief of Police if extenuating circumstances existed that would have precluded the person from filing the appeal in a timely manner.

ARTICLE IV. STANDING, STOPPING AND PARKING

66-132. Handicapped parking.

It shall be unlawful to park or leave standing any vehicle in a space designated for physically handicapped persons when such vehicle does not display the distinguishing license plate or placard as provided in G.S. 20-37.6, where appropriate aboveground signs or symbols and words giving notice thereof are erected marking the designated parking space. The punishment for violation of this section shall not exceed a fine as set by the City of Brevard fee schedule and the prima facie rule of evidence set forth in G.S. 20-162.1 shall apply. The parking spaces designated for handicapped parking are described in SCHEDULE XXVII.

66-133. Overtime parking prohibited; exceptions for persons serving on jury.

It shall be unlawful and a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime, or beyond the period of legal parking time established for any space or parking lot designated for parking, either upon a public road or street or public parking lot.