

infraction and shall be subject to a fine of twenty-five dollars (\$25.00). If a violator fails to pay the fine within thirty (30) days of the issuance of the citation, then the town may invoke any remedy permitted by law for debt collection, including but not limited to, vehicle impoundment or immobilization. Each day of a continuing violation of this article shall be considered a separate and distinct offense and may result in cumulative fines. When the owner of a vehicle, or his agent, makes proper payment of a parking violation within thirty (30) days of issuance of the citation, there will be no increases in the twenty-five-dollar (\$25.00) fine assessed. On the thirtieth day after issuance, the fine will increase to seventy-five dollars (\$75.00).

a) Parking Violations shall be issued on a on a uniform ordinance summons used by the Police Department or the town's parking contractor for parking violations.

(b) Parking violations shall only be cited by police officers, authorized code enforcement officials, or authorized enforcement officials, or the town's parking contractor representative.

(c) Parking offense violations shall be subject to the jurisdiction of the town's municipal court or the adjudication process approved by the town council for parking violations..

(d) Adjudication

(1) *Technical level adjudication.* When parking citations involve technical issues (e.g., broken meter, etc.), violators shall have the right to administrative appeal. The town is entitled to delegate the appeal process for technical matters to an authorized designee, including an authorized parking contractor's representative.

(2) *Administrative level adjudication.* All violators not prevailing at this level shall also have a right to request a hearing before an independent hearing officer (approved by the town) provided that the request to schedule a hearing is received within fifteen (15) days of notification of the denial of the technical appeal. At no time shall the hearing be scheduled more than sixty (60) days after the request for an appeal. If the violator is not able to attend the hearing in person, the hearing can be held by telephone. Such requests must be included on the original hearing request form. Violators shall be notified of the hearing officer's decision within seven (7) business days after the hearing concludes.

(3) *Request and right to criminal adjudication.* Persons who receive a parking citation and have exhausted the technical and administrative appeal process may elect to invoke the right of bench trial or jury trial upon their written request for and acceptance of a warrant in substitution of each parking ticket issued. Upon receiving a request for such trial, a warrant may be issued and a courtesy copy of that warrant will be mailed to the owner's address listed in the vehicle's registration information along with the date and time of the trial. The original warrant will be served at the time of the trial. Service of a warrant vests the municipal court with jurisdiction to hear and dispose of the charge for which the warrant was issued and served. If convicted, the person shall be punished for

each violation in accordance with the local ordinance that governs a misdemeanor charge.

- (e) Violators may be subject to a set-off debt process.
- (f) *Towing and booting.* Whenever there is found any motor vehicle upon the public streets or highways, or upon the town rights-of-way, property or parking lots, with an assessed fine of seventy-five dollars (\$75.00) or more violations, the vehicle may be towed and/or booted/immobilized, under the direction of the police department.
- (g) *Release of vehicles.* The owner of such towed and/or booted or immobilized vehicle shall pay the fines owed on the vehicle at the municipal court or such other place as indicated on the issued citation; and the current tow rate and any storage rate assessed by the tow agency prior to getting the vehicle released.
- (h) *Written notice.* A written notice shall be sent to the registered owner of the vehicle after thirty (30) days of issuance of the parking ticket if it has not been paid.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECTIVE DATE. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly this ____ day of _____ 2021.

Bob Hellyer, Mayor

Debbie Scoles, Pro Tempore

Bruce H. Dietrich, Town Council

Michael Drake, Town Council

Paul Holder, Town Council

Cindy Keating, Town Council

David Pellegrino, Town Council

Attest:

Sheri Medina, Town Clerk