

	<b>Parking on the Lawn Standard Operating Procedure</b>		<b>1 of 4</b>
<b>Effective Date</b>	5/1/2004		



## **Charlotte-Mecklenburg Police Department**

### **I. PURPOSE**

To provide officers with information and guidance on the city ordinance that prohibits parking vehicles on front lawns.

### **II. POLICY**

CMPD officers must follow the guidelines established in this operating procedure in enforcing parking ordinance Section 14-216(25) of the Charlotte City Code. Section 14-216(25) states:

"It shall be unlawful to stop, stand, or park a vehicle:

Between the curb or edge of the pavement of a street and the front building line of a single family detached, duplex, triplex, or quadraplex dwelling unit projected to the side lot other than completely upon an improved driveway or improved parking pad. For purposes of this subsection, "improved" means surfaced with concrete, asphalt, gravel, or any other material commonly used for the parking of vehicles, but not including grass or dirt. The prohibition of this section shall not apply:

- a. On lots where parking is not permitted on adjacent streets surrounding the property and the front building line of the dwelling unit is less than 20 feet from the back of curb line or edge of pavement, or the lot width at the front building line is less than 25 feet; or
- b. In conjunction with special events involving family or social gatherings provided such events do not occur more frequently than once a week."

### **III. DEFINITIONS**

- A. **Emerald Request:** the form used by City Customer Service to document a service request.
- B. **Single Family Detached:** a single dwelling unit that is developed with open yards on at least three sides.
- C. **Front Building Line:** the line that is tangent to the exterior surface of a building or structure.
- D. **Administrative Inspection Warrant:** a sworn affidavit issued by a magistrate authorizing the inspection and/or seizure of property.

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#### IV. PROCEDURE

##### A. Citizen Complaint Procedure

1. A citizen who wants to report a vehicle in violation of the ordinance will call City Customer Service at 704-336-7600. City Customer Service will generate an Emerald Request from the call.
2. A citizen reporting a violation of the ordinance to 911 will be advised by the 911 operator to call City Customer Service at 704-336-7600.

##### B. Emerald Request Resolution

1. An Emerald Request in which the violation(s) occur during regular city business hours will be forwarded to Neighborhood Development's Code Enforcement inspectors for follow-up.
2. An Emerald Request in which the violation(s) occur only after regular city business hours will be forwarded to the Field Operations Support OA-IV, who will assign the request to the appropriate Service Area for follow-up.
3. An Emerald Request will be investigated within three (3) days of arrival at the appropriate Division.
4. An officer investigating a violation of the ordinance will create a CAD TF-Parking Ordinance event.
5. Each month, the Field Operations Support Sergeant will forward a printout of all CAD Parking Ordinance events to the Neighborhood Development Special Projects Coordinator for record keeping purposes.

##### C. Violation Determination

1. An officer investigating a complaint regarding the ordinance must first determine if a vehicle is in violation. In doing so, the officer will seek to make that determination based upon what the officer may view while he/she is standing on public property or on the common entranceway of the private property on which the vehicle is located.
2. Before approaching the vehicle directly, the officer will first seek to contact the property and/or vehicle owner by conducting a "knock and talk". When possible, the officer will seek to obtain consent to approach the vehicle.
3. If a vehicle is in violation of the ordinance, the officer shall notify the owner of the vehicle or the person in control of the property that the vehicle is in violation and request that the vehicle be moved to a location that complies with the ordinance.

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4. If the owner of the vehicle or person in control of the property cannot be located or they refuse to move the vehicle, the officer may issue a parking ticket for a violation of the ordinance. The parking ticket will be issued to the person who actually parked the vehicle or, if that person cannot be identified, the ticket will be issued in the name of the registered owner of the vehicle. The officer will leave the parking ticket at the front door of the residence if all of the necessary vehicle information can be obtained by the officer while he/she is standing on public property or the common entranceway of the private property on which the vehicle is located. If the officer must approach the vehicle to obtain the information necessary to issue the citation, the officer may leave the citation on the vehicle.

NOTE: The ordinance may NOT be enforced by criminal ("uniform") citation or arrest; it may only be enforced by city civil citation ("parking ticket").

5. Copies of citations will be forwarded to the Field Operations Support Sergeant for record keeping and statistical data purposes.

#### D. Protocol for Repeat Violations

1. Neighborhood Development will be responsible for tracking violations of the ordinance. On the first, second and third violations involving the same vehicle, a Neighborhood Development Code inspector or a CMPD officer may issue a parking ticket. On the fourth violation involving the same vehicle within one calendar year, the Neighborhood Development Code inspector will request that a CMPD officer respond to the location of the violation with him/her.
2. The Neighborhood Development Code inspector will provide the officer with the dates, times and name(s) of the person(s) who issued the previous citations. The officer will notify his/her supervisor in a situation involving a fourth violation for the same vehicle and request permission to assist the Neighborhood Development Code inspector in towing the vehicle.

**NO VEHICLE MAY BE TOWED FROM PRIVATE PROPERTY WITHOUT AN ADMINISTRATIVE INSPECTION WARRANT.** On the fourth violation involving the same vehicle, a parking ticket must be issued in conjunction with the administrative inspection warrant.

The Neighborhood Development Code inspector will be primarily responsible for obtaining the administrative inspection warrant. In the event of an after-hours violation, a CMPD officer will be primarily responsible for obtaining the warrant, but the officer may seek the assistance of a Neighborhood Development Code inspector, if needed.

3. Upon subsequent violations involving the same vehicle within the same calendar year, an officer may obtain an administrative inspection warrant to tow the vehicle for each violation, following procedures set forth in this policy.

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**E. Administrative Inspection Warrant**

1. An administrative inspection warrant must be based upon probable cause to believe that there is a violation of the ordinance.
2. An officer and his/her immediate supervisor will review the administrative inspection warrant that authorizes the seizure of an offending vehicle from private property before the officer initiates or assists with the towing of such a vehicle. The review will ensure that probable cause exists for the issuance of the warrant and that the warrant specifies the correct location and vehicle.
3. An administrative inspection warrant must be signed by a judicial official and **MUST** be served within twenty-four (24) hours after it has been issued. An administrative inspection warrant may be served only during the period of 0800 hours to 2000 hours.

A violation of the ordinance occurring outside of the above-referenced hours presents a special enforcement problem because an administrative inspection warrant cannot be used to tow the vehicle. If an officer encounters such a situation, enforcement should be done only via civil citation. If enforcement via civil citation is determined to be inadequate by the officer AND his/her immediate supervisor, then the officer should contact the Field Operations Support Sergeant for further guidance.

**V. REFERENCES**

N.C.G.S. 15-27.2  
C.O. 14-64  
C.O. 14-216(25)