

Referred to: Public Safety Committee  
Sponsor: Councilman Johnson  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_  
Ord. No.: \_\_\_\_\_ 003-14

**AN ORDNANCE TO AMEND CHAPTER 58 (“STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES”), ARTICLE I (“IN GENERAL”), OF THE TOWN CODE BY ADDING A NEW SECTION 58-2 (“RECREATIONAL EQUIPMENT ON STREETS AND SIDEWALKS”) TO REGULATE THE PLACEMENT OF RECREATIONAL EQUIPMENT ON STREETS AND SIDEWALKS AND PROVIDING PENALTIES FOR VIOLATIONS**

WHEREAS, the Town Council is authorized under section 4.2.23 of the Town Charter to “regulate or prohibit the use of public streets, alleys, sidewalks, boardwalks, beaches, parks, right-of-ways, public places and Town-owned lands for . . . activities not otherwise protected from such regulation or prohibition” by the laws of the State of Delaware or the United States; and

WHEREAS, it is the opinion of the Town Council of the Town of Smyrna that it is a hazard to the safety and welfare of residents of the Town of Smyrna for recreational equipment to be placed on public streets or sidewalks within the town.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

**Section 1.** Amend Chapter 58 (“Streets, Sidewalks, and Other Public Places”), Article I (“In General”), by adding a new Section 58-2 as follows:

58-2. Recreational equipment on streets and sidewalks.

- (a) Definitions. For purposes of this chapter, the definition of “public street” shall be the paved surface upon which the public may engage in vehicular travel and includes any portion of that paved surface between opposing curb lines or edges of the paved surface. The definition of “public sidewalk” shall include any paved, brick, or concrete surface specifically designed for pedestrian travel.
- (b) Placement on public streets and public sidewalks prohibited. It shall be unlawful for any person to place, store, or keep upon any public street or public sidewalk any portable, stationary, or fixed object, including, but not limited to, basketball poles, hoops or nets, skateboard ramps, and/or any other type of object, device, or piece of recreational equipment.

(c) Penalties. Any person violating this section shall be guilty of a criminal violation and, upon conviction, shall be subject to criminal penalties as provided under section 1-11 of this Code.

SYNOPSIS

This ordinance amends Chapter 58 (“Streets, Sidewalks, and Other Public Places”), Article I (“In General”) by prohibiting the placement of recreational equipment, including, but not limited to, basketball poles, hoops or nets, and skateboard ramps on public streets and public sidewalks. This ordinance provides penalties for violations thereof.

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This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on \_\_\_\_\_, 2014.

ATTEST:

\_\_\_\_\_  
Council Secretary

\_\_\_\_\_  
Mayor

This shall certify that the title and synopsis of this Ordinance was published in “The Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2014 and posted at the Town Hall on \_\_\_\_\_, 2014.

So Certifies:

\_\_\_\_\_  
Town Clerk

This shall certify that the title, effective date and synopsis of this ordinance was published in the “Smyrna/Clayton Sun Times” on \_\_\_\_\_, 2014 and posted at the Town Hall on \_\_\_\_\_, 2014.

So Certifies:

\_\_\_\_\_  
Town Manager