

Sponsor: Councilman Riddagh
First Reading: 11/1/10
Second Reading: 11/15/10
Third Reading: 12/6/10
Ord. No.: 015-10

AN ORDINANCE TO AMEND CHAPTER 66 ("TRAFFIC AND VEHICLES"), ARTICLE III ("STOPPING, STANDING AND PARKING"), SECTION 66-112 ("PENALTY FOR VIOLATIONS OF ARTICLE") OF THE TOWN CODE OF THE TOWN OF SMYRNA BY DELETING THE WORD "CRIMINAL" AND INSERTING IN LIEU THEREOF THE WORD "CIVIL".

WHEREAS, Title 21, section 4178 of the Delaware Code requires municipal ordinances prohibiting stopping, standing, or parking to only impose civil penalties;

WHEREAS, the Town Council of the Town of Smyrna "[m]ay adopt and enforce such ordinances regulating traffic, on all streets, alleys, avenues, and public ways within the Town as are not inconsistent with the motor vehicle laws of the State of Delaware" pursuant to Section 4.2.22 of the Town of Smyrna Charter; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary to classify "stopping, standing, and parking" violations as being civil in nature in order for the Town Code to comply with Title 21, section 4178 of the Delaware Code.

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 66, Article III, Section 66-112(a) by deleting the word "criminal" as it appears in subsection (a) and inserting in its place thereof the word "civil".

Section 2. Amend Chapter 66, Article III, Section 66-112(a) by deleting the words "and, in default of the payment thereof, shall be imprisoned for a period not exceeding five days" as they appear in subsection (a).

