

Sponsor: Councilman Riddagh
First Reading: 11/1/10
Second Reading: _____
Third Reading: _____
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).

SYNOPSIS

This ordinance amends Chapter 66, Section 66-112(a), of the Town Code ("Traffic and Vehicles") to provide that any person convicted of a violation of Article III ("Stopping, Standing, and Parking") shall be guilty of a "civil" violation rather than a "criminal" violation in order to comply with 21 Del. C. § 4178. This ordinance also removes imprisonment as a penalty for defaulting on the payment of a fine.

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 _____, 2010.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in "The Smyrna Times" on _____, 2010 and posted at the Town Hall on _____, 2010.

So Certifies:

Town Clerk

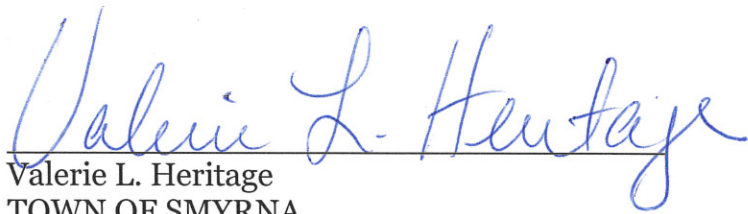
This shall certify that the title, effective date and synopsis of this Ordinance was published in "The Smyrna Times" on _____, 2010 and posted at the Town Hall on _____, 2010.

So Certifies:

Town Manager

CERTIFICATE OF POSTING

This is to certify that I, Valerie L. Heritage, Administrative Clerk II/Secretary of the Town of Smyrna, do hereby certify that on November 10, 2010 a copy of 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"* was posted in the Smyrna Town Hall, and was also advertised in the November 10, 2010 edition of the Smyrna-Clayton Sun Times.



Valerie L. Heritage
TOWN OF SMYRNA
Administrative Clerk II/Secretary