

CITY OF DOVER ORDINANCE #2015-09

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 62 - Law Enforcement, Article II - Police Department, of the Dover Code be amended to read as follows:

Sec. 62-31. - Generally.

- (a) *Established.* There shall be a city police department, which shall preserve peace and order and, within the city limits, compel obedience to all city ordinances, state, and federal laws.
- (b) *Officers.* The city council shall, upon adoption of the annual budget, designate the number and salaries of the individual police officers who shall comprise the police department. The police chief shall choose and appoint the deputy police chief and police officers.

Sec. 62-32. - Chief of police generally.

- (a) *Designation.* A police chief selection committee comprised of the mayor, council president, chair of the safety advisory and transportation committee, city manager, and human resources director shall advise the mayor on the nomination of the police chief. The mayor shall nominate a duly qualified chief of police, whose appointment shall be effective upon confirmation by the city council. The chief of police shall be subject to removal at any time by the mayor, with the affirmative vote of two-thirds of the members elected to the city council, and in accordance with 11 Del. C. Ch. 93 - Police Chief Due Process.
- (b) *Functions.* The chief of police shall have the authority to supervise and direct the police department and, pursuant to such authority, he shall promulgate police department rules and regulations, three copies of which are on file at the police department.
- (c) *Reports.* The chief of police shall submit monthly reports to the city council giving the number of arrests and other pertinent information required by the city council.

Sec. 62-33. - Oath of police officers.

Every police officer, before entering upon his duties, shall be sworn by the mayor to perform his duties faithfully.

Sec. 62-34. - Enforcement of laws and ordinances.

It shall be the duty of each police officer to diligently inquire into the observance of the laws and ordinances within the city and, in case of a breach, to cause the offender to be legally proceeded against.

Sec. 62-35. - Authority to preserve order at fires.

The police department shall have the authority, upon an alarm of fire, to report to the scene of a fire to preserve order and render any assistance to the fire department that may be practical.

Sec. 62-36. - Disciplinary authority of chief of police.

(a) *Generally.* The chief of police shall have final disciplinary authority and responsibility within the police department, subject to appeals to the mayor, and shall promulgate and carry out such disciplinary procedures as may be needed within his command. The chief of police shall, where cause exists, have the authority to suspend from duty an employee for a period of time not to exceed 30 days, to reduce employees in rank or pay grade, to place employees on probation and to suspend such sanctions as the need arises, or to dismiss an employee from service.

(b) *Appeal.* Any employee so disciplined has the right to appeal, on the record, to the mayor.

(c) *Subpoenas.* The chief of police shall, for the limited purpose of compelling the appearance of witnesses before the professional standards board of the city police department, sitting for the purpose of affording due process to members of the city police department in disciplinary matters, have the power to issue subpoenas for that purpose.

Sec. 62-37. - Mayor to advise council of personnel changes.

The mayor shall advise the city council of any change in the personnel of the police department at the next regular city council meeting following the change.

(Code 1968, § 2-33; Code 1981, § 18-5.1)

Sec. 62-38. - Police cadet program.

(a) *Created; purpose.* Due to the continuing safety and security concerns expressed by merchants, patrons, and residents, city council has authorized the Police Cadet Program to maintain a more visible presence in the City of Dover. The city manager and police chief shall expand or contract the number of police cadets at their mutual discretion. The objectives of the Police Cadet Program are to:

1. Allow merchants to build a rapport with the police cadets, allowing the police cadets to understand their needs.
2. Provide additional patrols to curb loitering, alcohol violations and pan handlers.
3. Provide additional patrols to curb noise ordinance violations (loud music from vehicles).
4. Provide additional patrols to curb harassment complaints.
5. Provide additional patrols in the Dover Public Library.
6. Allow the police department to screen and vet the police cadets for future employment as Dover police officers.
7. Provide a feeling of safety to the downtown patrons, the downtown merchants, and the residents of the City of Dover.

(b) *Appointment.* The chief of police shall assign the authorized number of duly qualified individuals to the Police Cadet Program. The cadets shall be civilian employees of the police department and shall not be considered law-enforcement officers within the meaning of 11 Del. C. Ch. 92 - Law-Enforcement Officers' Bill of Rights.

- (c) *Authority.* The police cadets shall have the authority to issue summonses for violations of any ordinance of the City of Dover. The police cadets shall not have the authority to enforce the Delaware Code or make arrests for violations of the Delaware Code.
- (d) *Oath.* Every police cadet, before entering upon his or her duties, shall take an oath to faithfully perform his or her duties.

Sec. 62-39. - Sale of property.

- (a) *Authorized.* The chief of police shall have the authority to dispose of personal property held by the police department for a period in excess of one year, which said personal property shall be unclaimed evidence, lost and found articles, confiscated articles and any other items of personal property which have come into the hands of the members of the police department and have been held for a period of one year, if the owner or owners of the same shall be unknown or said property has been unclaimed.
- (b) *Disposal.* The chief of police shall dispose of the said property in accordance with the disposition policy and procedures as established by the City's Finance Department. The proceeds of said sale shall be retained by the City to be used solely for police pensions as established in Section 62-74(d).

Secs. 62-40-62-70. - Reserved.

BE IT FURTHER ORDAINED:

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking, be amended to read as follows:

Sec. 106-163. - Use of meters required.

- (a) *Payment.* Upon entering a parking meter zone when the parking meter regulations are in effect, the operator of a vehicle shall immediately make the required payment in U.S. currency by coin, cash, debit card, credit card, or other acceptable method of payment, in the parking meter situated at or near the parking space and operate the meter according to the instructions thereon. Failure to make the required payment shall result in a fine as provided for in Appendix F - Fees and Fines.
- (b) *Payments accepted.* All parking meters shall be adjusted so that when properly operated, payments may be made at any time throughout the time range of the meters, with each payment permitting the vehicle to be parked in a metered parking space for a period as provided for in Appendix F-Fees and Fines.
- (c) *Overtime parking.* It shall be unlawful for any person to allow a vehicle to remain parked in a parking meter zone for a period of time in excess of that prescribed in subsection (b) of this section for the particular payment. It shall be prima facie evidence of an overtime parking violation when the parking meter shall indicate by proper signal that the lawful parking period has expired.
- (d) *Exceptions.* The use of parking meters shall not be required on Sundays and legal holidays.

Sec. 106-164. - Violations; penalties.

- (a) *Generally.* Any person convicted of violating the provisions of this article or of aiding, abetting or assisting in the violation of said provisions shall be sentenced to pay a fine as provided for in Appendix F—Fees and Fines.
- (b) *Enhanced civil enforcement authority.* If five or more violations of this article have been issued to a vehicle and those violations are more than 30 days past due, or if accumulated unpaid violations of this article exceed more than \$100.00, the vehicle shall be subject to enhanced civil enforcement, as follows:
- (1) Such vehicle found parked on any street in the city shall be immobilized by any police officer or parking enforcement employee of this city in such manner as to prevent its operation. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid violations and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between the police department and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an authorized agent if the tractor-trailer is immobilized pursuant to this section.
 - (2) In any case involving immobilization of a vehicle pursuant to this section, the police officer or parking enforcement employee shall place on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.
 - (3) Any vehicle remaining immobilized and not released for 120 hours may be towed and impounded at the direction of a police officer or parking enforcement employee.
 - (4) Any person who unlawfully removes a device for immobilization of a vehicle shall be fined as provided for in Appendix F—Fees and Fines.
 - (5) Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee shall be fined as provided for in Appendix F—Fees and Fines.
- (c) *Cost.* No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official.

BE IT FURTHER ORDAINED:

That Appendix F - Fees and Fines, of the Dover Code be amended to read as follows:

Chapter 106—Traffic and Vehicles, Article III—Stopping, Standing and Parking, Division 1—Generally			
Sec. 106-135	Residential parking		
	Subsec. (i)(1)	Expiration; Two-hour parking	\$20.00 fine or \$15.00 if paid within 72 hours of issuance of such fine
	Subsec. (i)(2)	Expiration; Change of residence, etc.	\$20.00 fine or \$15.00 if paid within 72 hours of issuance of such fine
	Subsec. (m)	Violations; penalties	Any violation of this section not having a stated, specified

			penalty will result in a \$20.00 fine or \$15.00 if paid within 72 hours of issuance of such fine
Sec. 106-137	Parking areas for persons with disabilities		
	Subsec. (c)(3)	Signage; Fines	Failure to achieve compliance within 30 calendar days of the issuance of the notice of violation shall be subject to the fines set forth in subsection (f) of this section
	Subsec. (f)	Penalties	Whoever violates this section shall be fined not less than the minimum fine as defined in 21 Del. C. § 4183 at the time the violation occurred

Chapter 106—Traffic and Vehicles, Article III—Stopping, Standing and Parking, Division 2—Metered Parking			
Sec. 106-163	Use of meters required		
	Subsec. (a)	Failure to make the required payment in the parking meter	\$20.00 fine or \$15.00 if paid within 72 hours of issuance of such fine
	Subsec. (b)	Payments accepted	
		Each \$0.25 coin	Permits the vehicle to be parked for a period of one hour
		Each \$1.00	Permits the vehicle to be parked for the duration of the enforcement period of 8:00 a.m. to 5:00 p.m.
Sec. 106-164	Violations; penalties		
	Subsec. (a)	Generally; Each violation if paid within 24 hours from time summons giving notice of violation is issued	A fine of not less than \$1.00 for each violation
	Subsec. (a)	Generally; Each violation if paid after expiration of 24 hours from time summons giving notice of violation is issued	\$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons
	Subsec. (a)	Fourth Violation; Each violation if paid within one hour from time summons giving notice of violation is issued	\$1.00 for each such violation
	Subsec.	Fourth Violation; Each violation if paid	\$2.00 for each violation, if

	(a)	after expiration of one hour from time summons giving notice of violation is issued	payment is made voluntarily prior to the time and date set forth in the summons
	Subsec. (a)	Fifth violation, etc.; Any person committing more than four violations within any 30-day period of the provisions of this division	\$5.00 for each such violation, if payment is made voluntarily prior to the time and date set forth in the summons.
	Subsec. (b)(4)	Any person who unlawfully removes a device for immobilization of a vehicle	\$500.00 fine for each violation
	Subsec. (b)(5)	Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee	\$500.00 fine for each violation
	Subsec. (c)	Cost. No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official	

ADOPTED: JUNE 8, 2015

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SYNOPSIS

The proposed amendments clarify which laws are to be enforced; stipulates that the police chief selects the deputy police chief; creates a police chief selection committee; removes the special police section; establishes the police cadet program; brings the disposal of personal property held by the police department into compliance with existing policies and procedures; updates traffic and vehicle fines and simplifies the language regarding violations and penalties and amends Appendix F - Fees and Fines to correspond with the language changes.

(SPONSORS: HARE AND HUTCHISON)

Actions History

06/08/2015 - Final Reading at City Council

05/26/2015 - First Reading at City Council

05/11/2015 - Introduced at Legislative, Finance, and Administration Committee