

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 158-11 BOOTING AND TOWING, OF THE CODE OF THE TOWN OF DEWEY BEACH, DE TO ALLOW CODE ENFORCEMENT, IN ADDITION TO POLICE OFFICERS, TO BOOT AND TOW VEHICLES

WHEREAS, The Commissioners of the Town of Dewey Beach would like to improve the booting and towing procedures within the Town;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE TOWN COMMISSIONERS OF THE TOWN OF DEWEY BEACH, DELAWARE IN SESSION MET THIS 13th DAY OF May, 2017, THAT:

SECTION 1. Amend Section 158-11 Dewey Beach Code of Ordinances, to read as follows:

- "A. Any police officer of the Town, county or state; code enforcement officer, or code enforcement supervisor of the Town of Dewey Beach, while in the performance of his or her duty, may remove, store or cause to be removed or stored from any public highway, highway right-of-way, street or alley at the owner's or operator's expense any motor vehicle, trailer or part thereof parked or left standing in such manner as to create a hazard by interfering with the normal movement of traffic, by preventing the exit from or entrance to any public highway, private road or driveway, by interfering with emergency fire fighting equipment, by being involved in an accident and rendered incapable of being moved under its own power, when the owner or operator has been arrested and detained or when the owner or operator is unable, unwilling or not available to do so immediately.
- B. Any police officer of the Town, county or state; code enforcement officer, or code enforcement supervisor of the Town of Dewey Beach, while in the performance of his or her duty, may remove, store or cause to be removed or stored or cause to be booted and rendered immobile any motor vehicle, trailer, or part thereof which has outstanding against it one or more parking violations unpaid for a period in excess of 10 days, or which is in violation of any parking ordinance and which has two or more parking violations outstanding. In the event the outstanding violations are not past due, no charge will be made for the booting."

SECTION 2. Severability. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. Adoption. This Ordinance shall take effect immediately upon its adoption by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on _____

BY: _____

Mayor Dale H. Cooke

ATT: _____

Town Manager Marc Appelbaum