

Town of Dewey Beach, DE  
Wednesday, May 10, 2017

## Chapter 158. Streets and Parking

### § 158-11. Booting and towing of vehicles.

- A. Any police officer of the Town, county or state, while in the performance of his 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, while in the performance of his 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.
- C. Anyone so removing any motor vehicle, trailer or part thereof or booting and rendering immobile any motor vehicle, trailer or part thereof shall have a possessory lien against said motor vehicle, trailer or part thereof for the cost of removing, towing, preserving and storing or booting and rendering immobile said motor vehicle, trailer, or part thereof after complying with the notice and sale provisions as outlined in Chapter 39 of Title 25, with the exception that the proceeds of the sale shall be applied first to the cost of the sale and then to the cost of removing towing, preserving and storing and then to the payment of any liens to which the said motor vehicle, trailer or part thereof may be subject in order of their priority, then in satisfaction of any outstanding parking tickets owed to the municipality and then to the State Treasurer pursuant to 21 Del. C. § 6901.
- D. The Town or other agencies of Dewey Beach will not be responsible for any damage which may occur from the action of towing or booting or storing or holding a vehicle.
- E. The Town of Dewey Beach will not be responsible for damage from any cause which may occur during the storage of vehicles.
- F. The charge for removing a boot or otherwise rendering an immobile vehicle mobile shall be as set forth in § 1-13C(1), unless the boot was improperly applied in which case no charge will be levied.<sup>[1]</sup>

[1] *Editor's Note: This subsection was revised at the direction of the Town in conjunction with booting fee revisions adopted by Ord. No. 642.*