

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 1 GENERAL PROVISIONS, ARTICLE II
GENERAL PENALTY, §1-13 VIOLATIONS AND PENALTIES OF THE CODE OF THE
TOWN OF DEWEY BEACH, DELAWARE TO AMEND SECTION C.**

WHEREAS, The Commissioners of the Town of Dewey Beach would like to further improve clarity on 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 14TH DAY OF JULY, 2017 THAT:

§ 1-13 Violations and penalties.

[Amended 12-12-1987 by Ord. No. 105; 12-16-1989 by Ord. No. 168; 5-12-1990 by Ord. No. 175; 5-11-1991 by Ord. No. 210; 12-14-1991 by Ord. No. 222; 5-9-1992 by Ord. No. 231; 7-10-1992 by Ord. No. 236; 5-8-1993 by Ord. No. 263; 7-8-1994 by Ord. No. 305; 12-9-1995 by Ord. No. 339; 2-10-1996 by Ord. No. 341; 5-10-1997 by Ord. No. 372; 4-12-2008 by Ord. No. 624; 2-14-2009 by Ord. No. 647; 6-12-2009 by Ord. No. 663; 4-9-2011; 3-10-2012 by Ord. No. 692; 11-9-2013 by Ord. No. 707]

It is hereby provided that the payment of a voluntary assessment for the disobedience of any ordinance of the Town of Dewey Beach, unless otherwise provided for specifically in an ordinance, shall be \$200. Furthermore, the voluntary assessment for violations of § 80-6 (Alcoholic beverages in public) and violations of § 80-13 (Urinating in public) shall be \$200; voluntary assessment for any other civil violation is \$50. The voluntary assessment for § 85-1315A (Offenses concerning minors), Subsections (1) through (5), shall be \$200, and the voluntary assessment for violations of § 177-13 (Crossing at other than crosswalks), and § 177-14 (Pedestrians on highways) shall be \$50.

A. Parking fines.

(1) A fine of \$30 shall be imposed for each parking violation involving:
[Amended 4-9-2016 by Ord. No. 728]

- (a) No parking permit.
- (b) Parking or stopping on wrong side of street.
- (c) Perpendicular in parallel parking zone.
- (d) Parallel in perpendicular parking zone.
- (e) Parking in bus zone.
- (f) Double parked.
- (g) Blocking mailbox.
- (h) Parked on roadway.
- (i) Parked in an expired meter zone.

(2) A fine of \$65 shall be imposed for each parking violation involving:
[Amended 4-9-2016 by Ord. No. 728]

(a) Fire hydrant violation.

(b) No stopping, standing, parking zone.

(c) Timed parking zone.

(d) Parked too close to stop sign or intersection.

(e) Parked in prohibited zone, sidewalk, loading zone, lifeguard zone.

(f) Illegal access to property violation.

(g) Blocking driveway.

(h) Fire lane violation.

(i) Obstruction of three-foot-wide vehicle-prohibited safety zone as provided in Chapter 158, § 158-10.

(j) Other.

(3) A fine of \$100 shall be imposed for handicapped zone violations.

B. (Reserved)[1]

[1] Editor's Note: Former Subsection B, Nonpayment of fines, was repealed 4-9-2016 by Ord. No. 728. See now Subsection D.

C. Upon the accumulation of two or more delinquent parking fines **that are both 30 days or more past due after the date issued** attributable to any one vehicle, such vehicle's license plate number shall be entered into the Police Department's **and/or Code Enforcement's** electronic scanning system for automatic identification. The vehicle may be towed or booted when so identified.
[Amended 4-9-2016 by Ord. No. 728]

(1) Before a vehicle may be released to its owner from custody after being booted, a release fee of \$80 will be charged by the Town and all outstanding tickets issued must be paid in full.

(2) Before a vehicle may be released to its owner from custody after being towed by reason of violation of any provisions of the Municipal Code of the Town of Dewey Beach or of the State of Delaware, all outstanding tickets issued to the owner and/or parking citations issued to the vehicle must be paid in full. The owner or driver of the vehicle may request a hearing before the Alderman's Court on the parking violation that resulted in the towing of the vehicle; and, if the violation is dismissed, the Town will refund the fine and towing charges.

(3) Any ticket not paid after ~~10~~ **7** days from the date of issuance shall be considered delinquent.

D. Late fees for unpaid parking fines. The Town of Dewey Beach shall make it a policy to charge late fees for any unpaid parking fines according to the following schedule:
[Added 4-9-2016 by Ord. No. 728; amended 5-14-2016 by Ord. No. 730]

| Time Frame | Additional Late Fine | Total Late Fines | Action Taken by the Town |
|---|---------------------------------|---------------------------------|--|
| 7 days after date issued | \$5 | \$5 | First notice sent to vehicle owner |
| 21 days after the end of the issue date calendar month | \$10 | \$15 | First notice sent to vehicle owner Second notice sent to vehicle owner |
| 31 days after the date issued | \$10 | \$25 | Third Notice |
| 45 days send to collection | \$35 | \$90 | |
| | \$10 | \$25 | |
| 10 days after date of first notice | | | |
| November 10 | \$10 | \$35 | Second notice sent to vehicle owner |
| December 1 SEND TO COLLECTION | \$35 | \$70 | Send account to collection agency |

Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on July 14th, 2017.

Mayor, Dale H. Cooke

Town Manager, Marc Appelbaum