

ORDINANCE #09-02
EMERGENCY USE OF OLD ORCHARD LANE

Introduced By: Councilman John D. Hanlin
Introduced On: March 25, 2009

AN ACT TO REGULATE USAGE OF OLD ORCHARD LANE BY LIMITING INGRESS AND EGRESS TO OFFICIAL EMERGENCY RESPONSE VEHICLES AND TO EMERGENCIES FOR RESIDENTS OF THE TOWN OF TOWNSEND; AND TO PREVENT POSSIBLE INJURY TO NEIGHBORHOOD RESIDENTS AND CHILDREN WHO MAY BE PLAYING IN THE AREA AND NOT BE AWARE OF NON-OFFICIAL VEHICULAR TRAFFIC.

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF TOWNSEND (a majority of the members elected thereto concurring therein):

Section 1. That the Code of Ordinances, Town of Townsend, Delaware is hereby amended by adding a new section to Chapter 58 thereof, numbered 58-8, which said section shall read as follows:

“Sec. 58-8. Emergency Use of Old Orchard Lane.

(a) Definitions. The following words terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

“Emergency” means fire, flooding and snow storms exceeding 12”, gas leaks, downed power lines, broken or damaged sewer lines, Town of Townsend official business or any emergency utility work and medical emergencies where secondary road travel to access Main Street and South Street is not feasible.

“Official emergency response vehicles” means vehicles of a fire department, police vehicles, ambulances, vehicles used by a fire chief, assistant fire chief, fire engineer, or fire police officer of any duly organized fire company in the performance of those duties, the vehicles of the state Forester in performance of the State Forester’ s duties, the vehicles of the Forest Fire Control Supervisor in the performance of its duties the vehicles of the Emergency Response Team in the performance of its duties and emergency vehicles of state, federal, county or municipal departments or public service corporations as are designated by the Secretary of Homeland Security.

(b) No person shall operate a vehicle on Old Orchard Lane in Townsend, Delaware except as set forth herein.

(c) A person shall not be in violation of subsection (b) hereof (the prohibition against operating a vehicle on Old Orchard Lane):

1. While operating an official emergency response vehicle or a privately owned vehicle in the course of performing his or her responsibilities as an official member of a duly organized fire company, police department, ambulance service, police department, and offices of the state forestry, forest fire control, or a member of the Emergency Response team of any duly organized fire company in the performance of those duties, the vehicles of the State Forester in performance of the State Forester's duties, the vehicles of the Forest Fire Control Supervisor in the performance of its duties the vehicles of the Emergency Response Team in the performance of its duties and emergency vehicles of state, federal, county or municipal departments or public service corporations as are designated by the Secretary of Homeland Security.

2. While on foot or operating a bicycle.

3. While performing construction, inspection or maintenance services upon Old Orchard Lane which has been duly authorized by the Town of Townsend.

4. In the event said person uses Old Orchard Lane during an emergency as defined herein

(d) Fines:

1. First offense: \$50.00 & 5 hours community service.

2. Second offense: \$100.00 & 10 hours community service.

3. Third and any subsequent offenses: \$200.00

SYNOPSIS

The use of Old Orchard Lane as a vehicular roadway is to be used by emergency personnel during an emergency only. The only exception to this would be if residents are directed by emergency personnel, during an emergency, to exit the area using Old Orchard Lane. Bicycles and walkers are exempt from this Ordinance. Anyone caught using Old Orchard Lane as a thoroughfare will be subject to fines and community service.

First & Second Reading: April 1, 2009

Public Hearing: April 1, 2009

Third & Final Reading: May 6, 2009

Signed By: _____

David B. Raughley, Mayor of Townsend