

# The Mayor and Council of the Town of Townsend

141 Main Street, P.O. Box 223, Townsend, DE 19734  
Phone (302) 378-8082 Fax (302) 378-7099



Introduced by: Mayor Lobdell

Introduction on: January 10<sup>th</sup>, 2024

## ORDINANCE 2024-002

### AN ORDINANCE TO AMEND SECTION 24.04.060 OF THE TOWN CODE TO ADD THE DEFINITION OF COMMERCIAL VEHICLE AND SECTION 24.04.090 OF THE TOWN CODE

Mayor  
Scott Lobdell

**WHEREAS**, the Town Code currently states that commercial vehicles may not be parked overnight anywhere within the Town limits; and

Councilman  
Joshua Mertz,  
PhD

**WHEREAS**, the Town Code does not define “commercial vehicle;” and

Councilman  
Joseph Bangura,  
PhD

**WHEREAS**, the Town Council desires to amend the definition section of the Zoning and Unified Development Chapter of the Town Code to include a definition for commercial vehicles.

Councilman  
Matthew  
Chapman

**NOW, THEREFORE**, be it ordained by the Town Council of the Town of Townsend, as follows:

Councilman  
Marcus Suhr

**SECTION 1:** That Section 24.04.060 of the Code of Ordinances, Town of Townsend, Delaware is hereby amended by adding a section after the line beginning “Church” and before the line beginning “Demolition,” which said section shall read as follows:

“Commercial vehicle” shall mean a vehicle of a type required to be registered as commercial under state law or used or maintained for the transportation of persons or property for hire, compensation, or profit, except taxicabs. Commercial vehicles are further defined by the federal Highway Administration as a Class 3- vehicle which is classified as a four tire, single unit vehicle.

**SECTION 2:** That Section 24.04.090 of the Code of Ordinances, Town of Townsend, Delaware is hereby amended by striking *G. The overnight parking of trucks or commercial vehicles in a residential area shall be prohibited* and adding said section shall read as follows:

Town Manager  
Antonina Tantillo,  
MPA,

A Council – Manager Municipality  
Located on the Web at <https://townsend.delaware.gov>

1. Vehicles and trucks above a Class 3 as defined by the FHWA shall be parked in driveways overnight. Overnight parking on streets is prohibited.
2. Recreational Vehicles. Any boat, boat trailer, motor home, self-contained camper, mobile home, trailer, pop-up camper/tent trailer, horse trailer or similarly oriented vehicle as defined in Title 21 of the Delaware Code as amended from time to time are prohibited from parking on the street, with the exception of 48 hours to load and unload.

**SECTION 32:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 43:** In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

**SECTION 54:** This Ordinance shall become effective immediately upon passage.

Adopted by at least a majority of the Council members of the Town of Townsend on this 1<sup>st</sup> day of \_\_\_\_\_, May, 2024.

Introduction 01/10/2024

Public Hearing 04/17/2024

Final Reading 05/01/2024

Adoption 05/01/2024

Signed By

\_\_\_\_\_

Mayor

Town of Townsend, Delaware

Attest: \_\_\_\_\_

Town Clerk

**SUMMARY**

An act to provide the definition of a commercial vehicle to Chapter 24 of the Townsend Municipal Code.

DRAFT