



Town of Townsend Code Review Committee Meeting
March 10th, 2025, @ 1:00pm
VIA Conference Call & Town Hall
141 Main St, Townsend, DE 19734

1:00 pm Code Review Committee Meeting

- I. Call to Order:**
- II. Opening Ceremonies**
 - A. Roll Call:
 - B. Pledge of Allegiance:
 - C. Recognition of Visitors:
 - D. Announcements:
- III. Citizens Comments & Participation.**
- IV. Adoption of Agenda.**
- V. Approval/ Rejection of minutes:**
 - A. **ACTION ITEM:** Approval/rejection of Code Review minutes from the February 24th, 2025 meeting.
- VI. Discussion and review of Draft Ordinance 2024-007 "An Ordinance to amend the Town Code regarding Abandoned vehicles" for clerical and requested edits.**
- VII. Discussion and Review of municipal code for discrepancies and required edits.**
- VIII. Discussion regarding new business.**
- IX. Discussion regarding next meeting date.**
- X. Adjourn.**

Committee Meetings will be held both in person and in a virtual format.

Those wishing to attend virtually may dial 1(301)715-8592. When directed, provide following meeting ID **827-6421-7575#** and then the following password 361631# to enter the meeting. If you choose to access the meeting online click the following link:
<https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xjME1HV0ZOcHRxSHZ3QT09>

Residents will be able to view documents posted to the meeting tab on the Town website at <https://townsend.delaware.gov> or by joining the meeting via computer.

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:

Introduction on:



Mayor
Scott Lobdell

Councilman
Joshua Mertz,
PhD

Councilman
Joseph Bangura,
PhD

Councilman
Matthew
Chapman

Councilman
Marcus Suhr

Town Manager
Antonina Tantillo,
MPA,

ORDINANCE 2024-007 An Ordinance to amend the Town Code regarding abandoned vehicles.

WHEREAS, the Town Code currently prohibits abandoned vehicles and allows for the removal of abandoned vehicles; and

WHEREAS, the Town Council desires to amend such instruction to update the language and bring current the fine amounts for such violations of the code.

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

SECTION 1: That 16.08.040 of the Code of Ordinances, Town of Townsend, Delaware, is hereby amended to read as follows, by removing the text which is struck through and adding the text which is underlined:

16.08.040 Failure To Remove

Any person who has received notification that they are in violation of either TMC 16.04.010 or TMC 16.08.010, and who refuses or fails to remove or have removed the violation within seven days shall have consented to the removal of said violation by the town. ~~The president of the council~~ Administrator or a contractor employed by the Town of the town is authorized to enter upon such property ~~himself themselves~~, or through such persons, firms, or associations under contract of the town, for the purpose of removing the violation; ~~and charging the costs of removal will be charged~~ to the owner of the abandoned property, or to the owner where the abandoned property was located, or both at the Town's discretion. The cost shall include labor and materials actually expended to remove the violation. In the event that these amounts shall remain unpaid for greater than thirty (30) days from the date of billing, the town must issue civil execution to the Town may collect any debts for said removal, the additional legal costs actually incurred (including actual fees charged by attorneys, auctioneers, constables, etc.) all of which shall be charged against the violator, through any collection method permitted under the Town Charter or Chapter 29, Title 25 of the Delaware State Code.

State Law References: Removal of abandoned vehicle, 21 Del. C. §§ 4402, 4403.

A Council – Manager Municipality
Located on the Web at townsend.delaware.gov

SECTION 2: That 16.08.050 of the Code of Ordinances, Town of Townsend, Delaware, is hereby amended to read as follows, by removing the text which is struck through and adding the text which is underlined:

16.08.050 Penalty

1. Any owner of real property who allows abandoned property to remain upon their real property for a period of seven consecutive days, after being notified by the ~~president of the council~~ Administrator or contractor of the town, of the complaint, shall be guilty of a violation of this chapter, and upon conviction thereof before any justice of the peace residing in the state, or alderman of the town, be fined not less than ~~\$10.00~~ \$50.00, or more than ~~\$50.00~~ \$150.00 for each offense, plus any debts which are owed for the removal of abandoned vehicles.
2. Each day that a violation is allowed to continue after notice by Administrator or contractor of the town shall constitute a separate offense.

SECTION 3: 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 4: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 5: 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 _____ day of _____, 2024.

Introduction

Public Hearing

Final Reading

Adoption

Signed By

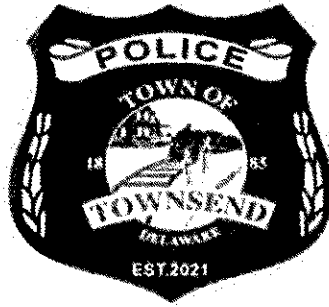
.....
Mayor

Town of Townsend, Delaware

Attest: _____

Town Clerk

TOWNSEND POLICE DEPARTMENT



661 South Street, PO Box 223, Townsend, DE 19734
Office 302-464-1262 Dispatch 302-739-4865
EMERGENCY 911

8.04.010 Destruction Or Defacing Of War Memorial NO CHANGE NEEDED

It shall be unlawful for any person to intentionally or recklessly alter, damage or deface any part of the war memorial located within the town limits of the town. Any person arrested and convicted of the aforementioned offense shall be faced with a fine of no less than \$500.00 and no more than \$1,000.00 for each offense.

(Ord. No. 99-2, § 1, 12-1-1999)

State Law References: Desecrating a public monument, 11 Del. C. § 1331.

8.04.020 Damaging Town Signs

No person shall, without lawful authority, intentionally or recklessly alter, damage, deface, remove, knock-down or therefor with the operation of any public roadway sign or signal or town owned, maintained or controlled sign or signal or other appurtenance or any inscription, shield or insignia thereon or any part thereof.

Whoever violates paragraph A shall be fined \$25.00 for each offense and be assessed restitution in any amount for any damage resulting thereon including the cost or repairing, replacing, or removing the same.

The justice of the peace court shall have original jurisdiction over this offense.

PLEASE ADD ALL BELOW to 8.04.020

Title 11:811. Criminal mischief; classification of crime; defense.

(a) A person is guilty of criminal mischief when the person intentionally or recklessly:

(1) Damages tangible property of another person; or

(2) Tamper with tangible property of another person so as to endanger person or property; or

(3) Tamper or makes connection with tangible property of a gas, electric, steam or waterworks corporation, telegraph or telephone corporation or other public utility, except that in any prosecution under this subsection it is an affirmative defense that the accused engaged in the conduct charged to constitute an offense for a lawful purpose.

(b) Criminal mischief is punished as follows:

(1) Criminal mischief is a class G felony if the actor intentionally causes pecuniary loss of \$5,000 or more, or if the actor intentionally causes a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service;

(2) Criminal mischief is a class A misdemeanor if the actor intentionally or recklessly causes pecuniary loss in excess of \$1,000;

(3) Otherwise criminal mischief is an unclassified misdemeanor;

(4) If an actor commits an act of criminal mischief of any degree on or along a Delaware byway, as defined in §101 of Title 17, the court shall impose a minimum mandatory fine of at least \$500.

(c) It is a defense that the defendant has a reasonable ground to believe that the defendant has a right to engage in the conduct set forth in subsection (a) of this section.

11 Del. C. 1953, § 811; 58 Del. Laws, c. 497, § 1; 60 Del. Laws, c. 590, § 6; 65 Del. Laws, c. 497, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 211, § 1; 77 Del. Laws, c. 133, § 14; 77 Del. Laws, c. 350, § 1;

Title 11:812. Graffiti and possession of graffiti implements; class G felony; class A misdemeanor; class B misdemeanor.

(a) (1) A person is guilty of the act of graffiti when the person intentionally, knowingly or recklessly draws, paints, etches or makes any significant mark or inscription upon any public or private, real or personal property of another without the permission of the owner.

(2) Graffiti is a class A misdemeanor, unless the property damage caused thereby exceeds \$1500, in which case it is a class G felony. The penalty for graffiti shall include a minimum fine of not less than \$1000 which shall not be subject to suspension, restitution for damages to the property and 250 hours of community service, at least 1/2 of which shall be served removing graffiti on public property. The minimum fine and community service hours shall be doubled for a second or subsequent conviction of an act of graffiti. The minimum fine shall also be doubled, and may not be suspended, for a first, second, or subsequent conviction of an act of graffiti which is performed on or along a "Delaware byway," as defined in § 101 of Title 17.

(b) (1) A person is guilty of possession of graffiti implements when the person possesses any tool, instrument, article, substance, solution or other compound designed or commonly used to etch, paint, cover, draw upon or otherwise place a mark upon a piece of property which that person has no permission or authority to etch, paint, cover, draw upon or otherwise mark, under circumstances evidencing an intent to use the same in order to commit an act of graffiti or damage such property.

(2) Possession of graffiti implements is a class B misdemeanor. The penalty for possession of graffiti implements shall include a minimum fine of not less than \$500 which shall not be subject to suspension, restitution for damages to the property and 100 hours of community service, at least 1/2 of which shall be served removing graffiti on public property. The minimum fine and community service hours shall be doubled for a second or subsequent conviction of possession of graffiti implements.

71 Del. Laws, c. 464, § 1; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 68, § 1; 76 Del. Laws, c. 377, § 1; 77 Del. Laws, c. 181, §§ 1, 2; 77 Del. Laws, c. 350,

8.08.010 Possession Of BB Guns And Air Rifles

No child under 16 years of age shall have possession of any firearm or what is commonly known as a BB or air rifle or the shot thereof unless under the direct supervision of a full adult. The parent or the legal guardian of a child violating the provisions of this article shall be fined an amount not to exceed \$25.00 and shall be held financially liable for any property damage or physical injury that occurs as the result of such violation.

(Ord. No. 18, 9-17-1985)

PLEASE ADD ALL BELOW to 8.08.010

Title 11:1445. Unlawfully dealing with a dangerous weapon; unclassified misdemeanor; Class E or G felony [Effective until Feb. 1, 2025].

(a) A person is guilty of unlawfully dealing with a dangerous weapon when:

(2) The person sells, gives or otherwise transfers to a child under 16 years of age a BB or air gun or spear gun or BB shot, unless the person is that child's parent or guardian, or unless the person first receives the permission of said parent or guardian.

(3) Being a parent, the person permits the person's child under 16 years of age to have possession of a BB or air gun or spear gun unless under the direct supervision of a person 21 years of age or older.

8.12.010 Disorderly Conduct **NO CHANGE NEEDED**

A person is guilty of disorderly conduct when:

A. He intentionally causes public inconvenience, annoyance or alarm to any other person, or creates a risk thereof by:

1. Engaging in fighting or violence, tumultuous or threatening behavior;
2. Making an unreasonable noise or an offensively coarse utterance, jest or display, or addressing abusive language to any person;
3. Disturbing any lawful assembly or meeting of persons with lawful authority;
4. Obstructing vehicular or pedestrian traffic;
5. Congregating with other persons in a public place and refusing to comply with a lawful order of the police to disperse; or
6. Creating a hazardous or physically offensive condition which serves no legitimate purpose; or

B. He engages with at least one other person in a course of disorderly conduct as defined in paragraph A which is likely to cause substantial harm or serious inconvenience, annoyance or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer to the participants.

Disorderly conduct is a class B misdemeanor.

(Ord. No. 13, 9-17-1985) State Law References: Disorderly conduct, 11 Del. C. § 1301.

8.12.020 Loitering **CHANGES PER AG**

11 Del. C. § 1321(2) is covered by 11 Del. C. § 1323, which states – “A person is guilty of obstructing public passages when alone or with other persons and having no legal privilege to do so, the person intentionally or recklessly renders any public passage unreasonably inconvenient or hazardous to use, or the person wilfully enters upon or tampers with or obstructs any public utility right-of-way.”

1321(3) is covered (to the extent it applies to state-supported schools) by 11 Del. C. § 1320, which states – “A person is guilty of loitering on property of a state-supported school, college or university when the person loiters or remains in or about the buildings or grounds of a school, college or university supported in whole or in part with state funds, not having any reason or relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.”

1321(5) is covered by 11 Del. C. § 1341 for public sexual acts not involving money and 11 Del. C. § 1343(a)(3) for sexual acts related to prostitution:

1341 – “A person is guilty of lewdness when the person does any lewd act in any public place or any lewd act which the person knows is likely to be observed by others who would be affronted or alarmed. Lewdness is a class B misdemeanor.”

1343(a)(3) – “A person is guilty of patronizing a prostitute when: [. . .] (3) The person solicits or requests another person to engage in sexual conduct with the person in return for a fee.”

1321(6) is covered by 11 Del. C. § 1301(2), which states – “The person engages with at least 1 other person in a course of disorderly conduct as defined in paragraph (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer to the participants.”

21 Del. C. § 4147(a) is covered by 11 Del. C. § 1301(1)(d), which states – “A person is guilty of disorderly conduct when: (1) The person intentionally causes public inconvenience, annoyance or alarm to any other person, or creates a risk thereof by: [. . .] (d) Obstructing vehicular or pedestrian traffic[. . .]”

8.12.030 Remaining On Property USE ABOVE CHANGES PER AG

Loiters or remains on the premises even though the premises are private property, if he is not a resident of the premises on which he is loitering or remaining or a guest of a resident, and he continues to loiter and remain after being lawfully ordered to do so by any police officer.

(Ord. No. 8(2), 10-1-1997) State Law References: Trespass, 11 Del. C. §§ 821--823.

8.12.040 Harassment

A person is guilty of harassment when, with intent to harass, annoy or alarm another person he insults, taunts or challenges another person or engages in any other course of alarming or distressing conduct in a manner, which he knows is likely to provoke a violent or disorderly response. (Ord. No. 15, 9-17-1985)

PLEASE ADD ALL BELOW to 8.12.040 Harassment

Title 11: 1311. Harassment; class A misdemeanor.

(a) A person is guilty of harassment when, with intent to harass, annoy or alarm another person:

(1) That person insults, taunts or challenges another person or engages in any other course of alarming or distressing conduct which serves no legitimate purpose and is in a manner which the person knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress;

(2) Communicates with a person by telephone, telegraph, mail or any other form of written or electronic communication in a manner which the person knows is likely to cause annoyance or alarm including, but not limited to, intrastate telephone calls initiated by vendors for the purpose of selling goods or services;

(3) Knowingly permits any telephone under that person's control to be used for a purpose prohibited by this section;

(4) In the course of a telephone call that person uses obscene language or language suggesting that the recipient of the call engage with that person or another person in sexual relations of any sort, knowing that the person is thereby likely to cause annoyance or alarm to the recipient of the call; or

(5) Makes repeated or anonymous telephone calls to another person whether or not conversation ensues, knowing that person is thereby likely to cause annoyance or alarm.

(b) Harassment is a class A misdemeanor.

11 Del. C. 1953, § 1311; 58 Del. Laws, c. 497, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 316, § 3; 74 Del. Laws, c. 362, § 1; 76 Del. Laws, c. 343, §§ 1, 2;

8.16.010 Minors Under 16; Generally NO CHANGE NEEDED

It shall be unlawful for any minor under the age of 16 years to loiter, idle, wander, stroll or play in or remain unnecessarily upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public builds, places of amusement and entertainment, vacant lots or other unsupervised places, whether by foot or in a motor vehicle or other conveyance between the hours of 10:00 p.m. and 6:00 a.m. of the following day, official city time; provided, however, that the provisions of this section shall not apply to a minor accompanied by his parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business employment directed by his parents, guardian or other person having the care and custody of the minor. (Ord. No. 21, § I, 8-14-1979)

8.16.020 Responsibility Of Parent, Etc

NO CHANGE NEEDED

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 16 years to neglect to restrain and prevent or to knowingly permit such minor to loiter, idle, wander, stroll or play in or remain unnecessarily upon the public streets, highways, roads, alleys, parks, playground or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, official city time; provided, however, that the provisions of this section shall not apply when the minor is accompanied by his parent, guardian or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business employment directed by his parent, guardian or other adult person having the care and custody of the minor. (Ord. No. 21, § II, 8-14-1979)

8.16.030 Jurisdiction Over Offenders

ONE CHANGE NEEDED TO E.

A. Any minor alleged to have violated the provisions of TMC 8.16.010 shall be immediately turned over to his parent, guardian or other adult person having the care and custody of such minor. In the event the parent, guardian or other adult having custody of any said minor cannot be located, any such minor shall be turned over to the state division of social services or to the family court for such action as is deemed appropriate in accordance with the rules of the family court.

B. Any police officer who turns over a minor alleged to have violated the provisions of TMC 8.16.010 to his parent, guardian or other adult person having custody of such minor shall there upon issue to such parent, guardian or other adult person a summons charging him with violation of the provisions of TMC 8.16.020.

C. Any parent, guardian or other adult person having the care and custody of a minor and who is found guilty of violating the provisions of TMC 8.16.020 shall, upon conviction thereof, be fined not less than \$10.00 nor more than \$50.00.

D. At the time that the police officer issues a summons for violation of TMC 8.16.020 to a parent, guardian or other adult person having custody of a minor alleged to have violated TMC 8.16.010, such officer shall offer said parent, guardian or other adult person the option of voluntary payment of a minimum fine of \$10.00 for violation of TMC 8.16.020, provided that said parent, guardian or other adult person signs the summons or other form approved by the chief of police as an acknowledgment of guilt of the offense and as an agreement to pay said minimum fine within ten days of issuance of the summons, in person or by mail, and further provided that said parent, guardian or other adult persons has not been convicted of violating TMC 8.16.020 either by justice of the peace court adjudication or by voluntary payment of said minimum fine more than three times within the past year, in which event said parent, guardian or other adult person shall be required to appear in the justice of the peace court for such fourth and subsequent offenses and upon conviction thereof in the justice of the peace court shall be fined the maximum amount of \$50.00 for the fourth and each subsequent violation of TMC 8.16.020.

E. Any parent, guardian or other adult person as aforesaid who has signed the summons or other

form approved by the chief of police agreeing to voluntary payment of said minimum fine, may, within ten days thereafter, withdraw an agreement, provided said alleged violator notifies the justice of the peace court within said ten days, either in person, or in writing, that he wishes to withdraw said voluntary agreement and requests a justice of the peace court appearance on the charge of violating TMC 8.16.020. If the alleged violator so notifies the court, he shall be prosecuted for violation of TMC 8.16.020.

F. In the event that following compliance with the voluntary payment of the minimum fine provisions of this section, the justice of the peace court discovers that the violator of TMC 8.16.020 has within the past year been convicted of or made voluntary payment of the minimum fine for violation of TMC 8.16.020 four times or more, personal appearance before the justice of the peace court shall be required and said violator shall be fined the maximum amount of \$50.00. Notice of the time and place for the required court appearance shall be given to the alleged violator by the justice of the peace court following its discovery of violation of this section. (Ord. No. 21, § III, 8-14-1979)

Sincerely

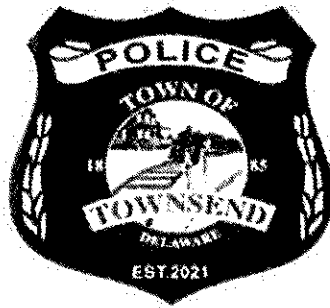
Robert J. Longo

Robert J. Longo

Chief of Police

Townsend Police Department

TOWNSEND POLICE DEPARTMENT



661 South Street, PO Box 223, Townsend, DE 19734
Office 302-464-1262 Dispatch 302-739-4865
EMERGENCY 911

16.04.010 Parking On All Streets

A. Every vehicle stopped or parked upon **all streets** shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or outside edge of the shoulder of said Main Street.

B. Whoever violates paragraph **shall be charged with Delaware Title 21: 4180a, which carries a fine of \$185 fine.**

C. Jurisdiction over this offense shall be with the justice of the peace court. **(No changes)**

D. For the purpose of this chapter the term "vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon the roadway, excepting devices moved by human power.

E. **A motor vehicle summons for Delaware Title 21:4180a shall** be attached to an unattended vehicle found in violation of this section by any police officer or authorized person for violations of this section.

F. Any vehicle found in violation of this section which at the time of discovery of the violation is unattended and identity of the operator is not otherwise apparent, the person in whose name the vehicle is registered as owner shall be held prima facie responsible for such violation.**(No changes)**

16.04.020 The Parking Of Vehicles Along Main Street From The Railroad Tracks West

The parking of vehicles along each side of Main Street from the railroad tracks west to the incorporated Town limits is prohibited under **Delaware Title 21:4179. Stopping, standing or parking.**

ADD ALL THIS UNDER 16.04.020 The Parking Of Vehicles Along Main Street From The Railroad Tracks West

(a) Upon any highway outside of a business or residential district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway, except when necessary to avoid conflict with other traffic or where it is necessary for public utility vehicles to temporarily stop along the highway to make alterations in or repairs to utility facilities, so long as proper traffic-control devices are posted or where it is in compliance with the directions of a police officer or traffic-control device.

(b) Whenever any person authorized to issue a summons under this title finds a vehicle standing upon the highway in violation of subsection (a), (e) or (f) of this section, the authorized person may move such vehicle or require the driver or other person in charge of the vehicle to move same to a position off the highway.

(c) Any person authorized to issue a summons under this title is hereby authorized to remove or cause to be removed any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel in such a position or under such circumstances as to obstruct the normal movement of traffic.

(d) Subsections (a) and (b) of this section shall not apply to the driver of any vehicle which is disabled while on the roadway in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

(e) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, including all state-owned and/or state leased property; in any of the following places:

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within 15 feet of a fire hydrant;

(5) On a crosswalk;

(6) Within 20 feet of a crosswalk;

(7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal;

(8) Between a safety zone or island and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone or island, unless a different length is indicated by traffic-control devices;

(9) Within 50 feet of the nearest rail or railroad crossing, unless a different length is indicated by traffic-control devices;

(10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly designated by traffic-control devices;

(11) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;

(12) Upon the roadway of any highway when it is practical to stop, stand or park off the roadway;

(13) On the roadway side of any vehicle stopped or parked on the shoulder or at the edge or curb of a highway;

(14) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(15) At any place where official traffic-control devices prohibit stopping, standing or parking;

(16) At any place where such parking, standing or stopping obstructs the free passage of other traffic;

(17) Wherever a curb is marked yellow or a yellow line is placed at the edge of a roadway or shoulder;

(18) In the area between roadways of a divided highway, including crossovers;

(19) In any area owned by, leased by or under the control of the State, when such area has been designated by the Director of the Office of Management and Budget as a reserved parking space for members of the General Assembly, their staff, state-owned vehicles, specific state offices or state employees. Such parking spaces will be conspicuously marked as such;

(20) In any areas which in any manner restricts access to or ingress or egress from the areas defined in paragraph (19) of this subsection.

Whoever violates this paragraph shall be fined three hundred (\$300.00) for each offense. Jurisdiction over this offense shall be with the Justice of the Peace Court.

For the purpose of this section, "vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon the roadway, excepting devices moved by human power.

A summons in an appropriate form as adopted by the Town Council may be attached to an unattended vehicle found in violation of this section by any police officer or authorized person for violations of this section.

Any vehicle found in violation of this section which at the time of discovery of the violation is unattended and identity of the operator is not otherwise apparent, the person in whose name the vehicle is registered as owner shall be held prima facie responsible for such violation.

ADD ALL THIS UNDER 16.04.020 The Parking Of Vehicles Along Main Street From The Railroad Tracks West. Delaware Title 21:4180. Additional parking regulations; penalty.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a 2-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or outside edge of the shoulder.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or outside edge of the shoulder, or its left wheels within 12 inches of the left-hand curb or outside edge of the shoulder.

(c) Local authorities within their respective jurisdictions may, by ordinance, permit angle parking on any highway, except that angle parking shall not be permitted on a federal aid or state highway unless the Department of Transportation has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic on the roadway.

(d) The Department of Transportation may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where, in its opinion, such stopping, standing or parking is dangerous to those using the highways or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such prohibitions or restrictions may be declared to be effective either part or all of the time, and differing limits may be established for different times of the day, for different types of vehicles, for different weather conditions and when other significant factors differ.

(e) No person shall park a vehicle in any area owned by, leased by or under the control of a retail store and immediately adjacent to such retail store, when such area has been designated by the management of the retail store as a loading zone and is conspicuously marked as such.

(f) Whoever violates this section shall be assessed a civil penalty not less than \$100 nor more than \$500.

16.04.030 The Parking Of Vehicles Along Wiggins Mill Road From New Castle County Bridge NC-423 To Bridge NC-424

The parking of vehicles along each side of Wiggins Mill Road, from the single lane bridge (Bridge #NC-423) at the Southern End to the bridge (Bridge #NC-424) at the Northern End (near the incorporated Town limits) is prohibited.

Whoever violates this section shall be charged with **Delaware Title 21:4179. Stopping, standing or parking.**

Jurisdiction over this offense shall be with the Justice of the Peace Court.

For the purpose of this section, "vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon the roadway, excepting devices moved by human power.

A summons in an appropriate form as adopted by the Town Council may be attached to an unattended vehicle found in violation of this section by any police officer or authorized person(s) for violation of this section.

Any vehicle found in violation of this section which at the time of discovery of the violation is unattended and identity of the operator is not otherwise apparent, the person in whose name the vehicle is registered as the owner shall be held prima facie responsible for such violation.

16.08.010 Abandoned Vehicles

It shall be unlawful for any person to allow any motor vehicle, trailer, or parts thereof, to be abandoned upon the streets, alleys, or other public lands, within the town.

Violation of this section shall be charged with **Delaware Title 21:4401 Abandon Vehicles**

ADD ALL THIS UNDER 16.08.010 Abandoned Vehicles

4401. Purpose; abandoned vehicles on private property or public highways; definition.

(a) The purpose of this chapter is to eliminate abandoned vehicles which tend to impede traffic in the streets or interfere with the enjoyment of, and reduce the value of, private property, to invite plundering, to create fire hazards and other safety and health hazards to children as well as to adults, to interfere with the comfort and well-being of the public and to create, extend and aggravate urban blight.

(b) Any vehicle that is either:

(1) inoperable, dismantled, wrecked, or which displays expired registration plates which are at least 30 days expired, or which displays no registration plates, or from which major components have been removed, is in such a state of disrepair as to be incapable of being operated in the manner for which it is designed and is situated on private property appearing to have been abandoned; or (2) which is inoperable, dismantled, wrecked, or which displays expired registration plates which are at

least 30 days expired, or which displays no registration plates, or from which the major components have been removed and which shall have been placed upon any State or public highway or property or the property or roads of any political subdivision or the State or public highways within a municipality or upon any express highway in the State for a period in excess of 12 hours without being removed, shall be considered to be abandoned for the purpose of this chapter, except:

(1) That vehicles and equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this chapter;

(2) Those vehicles whose owners have properly parked and locked them and have notified the State Police, county police or municipal police, as the case may be, as designated in § 4402 of this title, that the owner desires to leave the vehicle so parked and secured for a period not to exceed 30 days, except that if during such period the vehicle is no longer secured, or, in the opinion of the State Police, county police or municipal police, has become a danger to the public, then the vehicle shall be subject to the provisions of this chapter.

(c) As used in this chapter, the term "express highway" or "state highway" or "public highway" shall include any portion of the highway located within the right-of-way lines or, in the case of limited access highway, the denial of access lines, including shoulders and median strip.

16.08.020 Permitting Abandoned Vehicles On Private Property

It shall be unlawful for any person being the owner of any land within the corporate limits of the town to allow any person to allow to be deposited or to leave abandoned upon their lands any motor vehicle, trailer, or parts thereof.

ADD ALL THIS UNDER 16.08.020 Permitting Abandoned Vehicles On Private Property

4401. Purpose; abandoned vehicles on private property or public highways; definition.

(a) The purpose of this chapter is to eliminate abandoned vehicles which tend to impede traffic in the streets or interfere with the enjoyment of, and reduce the value of, private property, to invite plundering, to create fire hazards and other safety and health hazards to children as well as to adults, to interfere with the comfort and well-being of the public and to create, extend and aggravate urban blight.

(b) Any vehicle that is either:

(1) inoperable, dismantled, wrecked, or which displays expired registration plates which are at least 30 days expired, or which displays no registration plates, or from which major components have been removed, is in such a state of disrepair as to be incapable of being operated in the manner for which it is designed and is situated on private property appearing to have been abandoned; or (2) which is inoperable, dismantled, wrecked, or which displays expired registration plates which are at

least 30 days expired, or which displays no registration plates, or from which the major components have been removed and which shall have been placed upon any State or public highway or property or the property or roads of any political subdivision or the State or public highways within a municipality or upon any express highway in the State for a period in excess of 12 hours without being removed, shall be considered to be abandoned for the purpose of this chapter, except:

(1) That vehicles and equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this chapter;

(2) Those vehicles whose owners have properly parked and locked them and have notified the State Police, county police or municipal police, as the case may be, as designated in § 4402 of this title, that the owner desires to leave the vehicle so parked and secured for a period not to exceed 30 days, except that if during such period the vehicle is no longer secured, or, in the opinion of the State Police, county police or municipal police, has become a danger to the public, then the vehicle shall be subject to the provisions of this chapter.

(c) As used in this chapter, the term "express highway" or "state highway" or "public highway" shall include any portion of the highway located within the right-of-way lines or, in the case of limited access highway, the denial of access lines, including shoulders and median strip.

16.08.030 Presumption Of Abandonment

For the purpose of TMC 16.08.010 and TMC 16.08.020, any motor vehicle, or trailer or parts thereof which has remained continuously in one location for a period of seven consecutive days shall be considered to be abandoned if the registered owner of said property has been notified by the president of the council that such property is considered to be abandoned

ADD ALL THIS UNDER 16.08.030 Presumption Of Abandonment

4401. Purpose; abandoned vehicles on private property or public highways; definition.

(a) The purpose of this chapter is to eliminate abandoned vehicles which tend to impede traffic in the streets or interfere with the enjoyment of, and reduce the value of, private property, to invite plundering, to create fire hazards and other safety and health hazards to children as well as to adults, to interfere with the comfort and well-being of the public and to create, extend and aggravate urban blight.

(b) Any vehicle that is either:

(1) inoperable, dismantled, wrecked, or which displays expired registration plates which are at least 30 days expired, or which displays no registration plates, or from which major components have been removed, is in such a state of disrepair as to be incapable of being operated in the manner for

which it is designed and is situated on private property appearing to have been abandoned; or (2) which is inoperable, dismantled, wrecked, or which displays expired registration plates which are at least 30 days expired, or which displays no registration plates, or from which the major components have been removed and which shall have been placed upon any State or public highway or property or the property or roads of any political subdivision or the State or public highways within a municipality or upon any express highway in the State for a period in excess of 12 hours without being removed, shall be considered to be abandoned for the purpose of this chapter, except:

(1) That vehicles and equipment used or to be used in the construction, operation or maintenance of public utility facilities and which are left in a manner which does not interfere with the normal movement of traffic shall not be considered abandoned vehicles for the purposes of this chapter;

(2) Those vehicles whose owners have properly parked and locked them and have notified the State Police, county police or municipal police, as the case may be, as designated in § 4402 of this title, that the owner desires to leave the vehicle so parked and secured for a period not to exceed 30 days, except that if during such period the vehicle is no longer secured, or, in the opinion of the State Police, county police or municipal police, has become a danger to the public, then the vehicle shall be subject to the provisions of this chapter.

(c) As used in this chapter, the term "express highway" or "state highway" or "public highway" shall include any portion of the highway located within the right-of-way lines or, in the case of limited access highway, the denial of access lines, including shoulders and median strip.

16.08.040 Failure To Remove

Any person who has received notification that they are in violation of either TMC 16.04.010 or TMC 16.08.010, and who refuses or fails to remove or have removed the violation within seven days shall have consented to the removal of said violation by the town. The president of the council of the town is authorized to enter upon such property himself, or through such persons, firms, or associations under contract of the town, for the purpose of removing the violation and charging the costs of removal to the owner of the abandoned property, or the owner where the abandoned property was located, or both. The cost shall include labor and materials actually expended to remove the violation. In the event that the town must issue civil execution to collect any debts for said removal, the additional legal costs actually incurred (including actual fees charged by attorneys, auctioneers, constables, etc.) shall be charged against the violator.

ADD ALL THIS UNDER 16.08.040 Failure To Remove

Delaware Title 21:4402. Enforcement; removal of abandoned vehicles; transfer thereof.

(a) This chapter shall be enforced with respect to state or public highways or property within a municipality which maintains a police force by that police force. In all other instances, the State Police or the Department of Safety and Homeland Security (hereinafter "Department") shall enforce this chapter, except that, in New Castle County, the New Castle County Police shall have concurrent

authority to enforce this chapter. New Castle County Code Enforcement Constables shall have concurrent authority to enforce the notice provisions of subsections (d) and (e) of this section. The Department of Transportation shall have a limited role in causing vehicles to be removed from state or public highways, as stated herein.

(b) Upon the discovery of a vehicle on any state or public highway or property or the property or roads of any political subdivision or state or public highways within a municipality or upon any express highway in the State concerning which vehicle there are reasonable grounds to believe to be an abandoned vehicle, the State Police, county police or municipal police, as the case may be, shall post a notice at some conspicuous place on the vehicle, which shall direct that such vehicle be removed by a stated time and date (such time and date to be not less than 12 hours following the posting of such notice).

If the vehicle is not removed within the time period designated by such notice, the abandoned vehicle shall be removed to a storage area designated by the Department or the State Police or its successor.

(c) In the event that a vehicle is abandoned on private property without the consent of the owner or occupant thereof, at the complaint of the property owner or occupant, such vehicle may be caused to be removed by the State Police, county police or municipal police, as the case may be, in the manner provided in this chapter, except that the posting required in subsection (b) of this section may be omitted. Any towing company or vendor requested to remove an abandoned vehicle under these circumstances shall be provided by the involved police agency the best available information regarding ownership of the vehicle and last known address of the owner.

(d) If an abandoned vehicle is on private property with the consent of the owner or occupant thereof, or if an abandoned vehicle is owned by the owner or occupant of the private property where the vehicle is located, representatives of the Department or State Police may enter upon the property where such vehicle is located to ascertain its ownership. The Department shall notify the owner of the abandoned vehicle by certified mail sent to the owner's last known address to remove such vehicle within 7 days from the date of the mailing. If the vehicle is not removed within 7 days or if the owner cannot be located for the purpose of sending the written notice, then representatives of the Department or State Police may enter upon the property where the vehicle is located and conspicuously affix thereto a sticker or tag showing the time and date of its affixing, advising the owner that if the vehicle is not removed within 24 hours from the time of the affixing of the sticker, the vehicle shall be removed to a storage area designated by the Department or the State Police. This subsection shall not apply to automobile graveyards as defined in § 1202(b)(2) of Title 17 nor to any vehicle on private property which is not visible from the street or road and is not otherwise a nuisance or a health or fire hazard.

(e) The notice required by subsections (b) and (d) of this section shall state that, if such vehicle is not so removed, it will be removed and stored at a storage area designated by the Department or the State Police at the owner's expense, and thereafter will be subject to disposal in accordance with law. Such notice shall also set forth verbatim § 4414 of this title. If the vehicle shall not have been removed by the time and date specified in the notice, the police officer or agents or employees of the Department or State Police shall take such vehicle into custody and shall cause it to be removed and

stored for safekeeping in the storage area designated by the Department or the State Police. The officer shall promptly notify the Secretary of Safety and Homeland Security, upon a form to be supplied by the Secretary for that purpose, of the action which has been taken with respect to such vehicle.

(f) This chapter shall not apply to any removal of a vehicle unless the removal is directed by the appropriate police authority or the Department or State Police or its successor.

(g) Any person who possesses or on whose property any abandoned vehicle or motor vehicle is found or who owns a vehicle or motor vehicle for which the certificate of title is lost or destroyed and such vehicle or motor vehicle is more than 8 years old and has no engine or is otherwise totally inoperable, may transfer the vehicle or motor vehicle to a licensed automotive recycler without the certificate of title on forms furnished by the Department.

In such cases, the licensed automotive recycler may take the vehicle or motor vehicle in that person's possession and shall immediately obtain from the Division of Motor Vehicles the name and address of the last known owner of the vehicle or motor vehicle or secured party. The licensed automotive recycler shall give at least 10 days' notice to the owner or secured party by certified mail, return receipt requested. If the vehicle is not reclaimed within the 10-day period specified in the notice, the licensed automotive recycler assumes unencumbered title to the vehicle.

If the name and address of the owner or secured party cannot be obtained from the records of the Division of Motor Vehicles or by exercising reasonable diligence, the licensed automotive recycler assumes unencumbered title after the vehicle or motor vehicle has been in the recycler's possession for 30 days.

Notice of assumption of ownership shall be made to the Division of Motor Vehicles on forms devised by the Division.

(h) In the event that a vehicle is abandoned or parked within a private right-of-way, alleyway or easement in such a manner as to impede the flow of traffic, at the complaint of any property owner or occupant or other person with a right-of-passage across the private right-of-way, alleyway or easement, such vehicle may be caused to be removed by the State Police, county police or municipal police, as the case may be, in the manner provided in this chapter, except that the posting required in subsection (b) of this section may be omitted and that the provisions of this chapter shall be applied to said parked vehicle as if it were an abandoned vehicle.

Delaware Title 21:4403. Notice of removal.

The police or the Department of Safety and Homeland Security causing the removal of an abandoned vehicle shall immediately ascertain the identity of any person or persons holding a lien against said vehicle. Within 5 days of the removal of the vehicle, the State Police, other police agencies, New Castle County Code Enforcement Constables or the Department shall cause a written notice to be mailed to the registered owner of the vehicle removed and lien holders stating:

(1) That the vehicle has been removed pursuant to law;

(2) The place to which it has been removed; and

(3) That the vehicle may be sold to satisfy the costs of removal and storage of the vehicle as provided in § 4404 of this title unless those costs have been paid in full on or before 30 days from the date of the removal of the vehicle.

If the address of the owner of the vehicle cannot be ascertained by the exercise of reasonable diligence, then the notice provided by this section shall not be required to be given.

16.08.050 Penalty I WOULD CHECK WITH LISA ON JP COUR FINES FOR THIS & USE THAT

Any owner of real property who allows abandoned property to remain upon their real property for a period of seven consecutive days, after being notified by the president of the council, of the town of the complaint, shall be guilty of a violation of this chapter, and upon conviction thereof before any justice of the peace residing in the state, or alderman of the town, be fined not less than \$10.00, or more than \$50.00 for each offense.

Each day that a violation is allowed to continue after notice by the president of the council of the town shall constitute a separate offense.

16.12.010 Operation Of Off-Road Vehicles

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

"All-terrain vehicle" means an off-road vehicle which:

Operates or travels on three or more low-pressure tires;

Has a seat designated to be straddled by the operator of the vehicle; and

Has handlebars for steering the vehicle.

"Off-road vehicle" means any wheeled or tracked motorized vehicle designed or adapted for cross-country travel on land, water, ice, snow, marsh, swampland or other natural terrain, including, but not limited to:

A snowmobile;

An all-terrain vehicle;
A mini-bike, dirt bike and trail bike;
A miniature vehicle such as a dune or sport buggy;
An off-road maintenance machine;
An amphibious vehicle; or
A go-cart.

No person shall operate an off-road vehicle upon a public street, highway, or any public property used by the public for purposes of vehicular travel or parking.

No person shall operate an off-road vehicle upon any public property, such as town parklands or any property owned by the Appoquinimink School District and held for education purposes.

The prohibitions of this section shall not apply to the operation of off-road vehicles on private property or against persons engaged in the agricultural activities.

Any person who violates any part of this section shall be charged with Delaware Title 21:6801. OHV registration — Required.

ADD ALL THIS UNDER 16.12.010 Operation Of Off-Road Vehicles

(a) Except as hereinafter provided, no person shall operate any off-highway vehicle within the State unless such vehicle has been registered in accordance with this chapter. Such registration shall not permit the vehicle to be operated on any highway except as hereinafter specifically provided. No person shall sell an OHV without furnishing the buyer a bill of sale.

(b) Proof of such registration shall be available for inspection upon demand by any peace, environmental protection or law-enforcement officer; however, the operator shall be allowed 24 hours to produce the registration card before a conviction can be obtained under this chapter, such registration having been legally issued at a time prior to the operator's arrest.

16.12.020 Emergency Use Of Old Orchard Lane (NO CHANGES TO THIS)

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this paragraph, 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 Foresters 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.

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

A person shall not be in violation of paragraph B (the prohibition against operating a vehicle on Old Orchard Lane):

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 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.

While on foot or operating a bicycle.

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

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

Fines.

First offense: \$50.00 and five (5) hours community service.

Second offense: \$100.00 and ten (10) hours community service.

Third and any subsequent offenses: \$200.00.

Sincerely

Robert J. Longo

Robert J. Longo
Chief of Police

