



Ordinance 652

AN ORDINANCE TO ADOPT TITLE 21 OF THE DELAWARE CODE, AS AMENDED, RELATING TO THE OPERATION OF MOTOR VEHICLES, FOR APPLICATION WITH THE BOUNDARIES OF THE TOWN OF ELSMERE.

Sponsored By: 2nd District Councilwoman Sally Jensen

First and Second Reading: October 8, 2020 Council Meeting

Results: Passed 6 In Favor, 0 Opposed, 1 Absent

Third and Final Reading: November 12, 2020 Council Meeting

Results: Passed 7 In Favor, 0 Opposed

ORDINANCE 652

AN ORDINANCE TO ADOPT TITLE 21 OF THE DELAWARE CODE, AS AMENDED, RELATING TO THE OPERATION OF MOTOR VEHICLES, FOR APPLICATION WITH THE BOUNDARIES OF THE TOWN OF ELSMERE.

WHEREAS, The Mayor and Council of the Town of Elsmere desire to provide its citizens with the assurance of safety upon the municipal highways within the boundaries of the Town of Elsmere; and

WHEREAS, the State of Delaware has enacted Title 21 relating to the operation of motor vehicles;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:

1. Title 21 of the Delaware Code as amended, has been adopted as the law within the Boundaries of Elsmere and all sections of Title 21.
2. The Elsmere Traffic Code shall include all offenses and language currently or subsequently included in Title 21 of the Delaware Code, with the exception of penalties for offenses, which are defined in Table 3 B of this Ordinance.
3. Penalties for specific offenses defined in the Elsmere Traffic Code (Title 35) shall be established in Table 3 B, attached here to, and incorporated herewith.
4. This ordinance shall not usurp for or convey upon the Mayor and Council any responsibilities or duties which, under Title 21 of the Delaware Code are the exclusive jurisdiction of the State of Delaware.
5. All ordinances or sections thereof inconsistent with the provisions of this ordinance are hereby repealed and/or amended to the extent of the inconsistency.
6. If any part of this Ordinance or Title 21 of the Delaware Code shall be held invalid, such part shall be deemed severable, and the invalidity thereof, shall be deemed severable, and the invalidity thereof, shall not affect the remaining parts of this Ordinance or Title 21 of the Delaware Code.
7. Other Ordinances or parts of other ordinances deemed to be in conflict with this Ordinance are hereby repealed and super ceded to the extent that other such Ordinances or parts of Ordinances are in conflict, provided that such repeal shall not abate a right of action already accrued under any repealed Ordinance.

8. The Town Secretary shall certify to the adoption of this Ordinance and this Ordinance shall take full force and effect immediately after the date of final passage and approval.

First and Second Reading
October 8, 2020



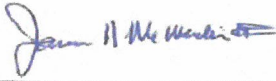
Eric Thompson, Mayor

Third and Final Reading
November 12, 2020



Brian Hurst, Secretary

Approved as to form:



Town Solicitor

**SYNOPSIS
ORDINANCE 652**

This Ordinance adopts the State of Delaware Traffic Code Title 21.

Fiscal Impact:

This Ordinance is anticipated increase the Town's annual income by \$18,000.00.

TABLE 3 B
Penalties for Offenses

Any person in violation of the provisions of the Elsmere Traffic Code (Title 35) shall be fined according to the penalty sections of Title 21 of the Delaware Code, with the following exceptions:

REGISTRATION VIOLATIONS		New Fine Amt.
35 / 2101 a	Unregistered motor vehicle	\$75.00
35 / 2115 (1)	Expired registration	\$75.00
 LICENSE VIOLATIONS 		
35 / 2756 a M	Dr Lic Susp/Revoked	\$500.00
35 / 2701 A M	No Valid License	\$100.00
35 / 2701 d M	Exp. License	\$75.00
35 / 2704 A V	License New Resident	\$50.00
 RULES OF THE ROAD 		
35 / 4107 a	Disregard Device	\$75.00
35 / 4122	Unsafe lane change	\$75.00
35 / 4123 a	Following Too Close	\$50.00
35 / 4152 a 1	Turn @ Intersection	\$75.00
35 / 4155 b	Failure to Signal	\$50.00
35 / 4168 a	Unsafe speed	\$75.00
35 / 4176 a	Careless Driving	\$75.00
35 / 4176 b	Inattentive Driving	\$75.00
35 / 4176 C a C	Cell Phone Use	\$100.00
35 / 4179 e 17 C	Park Curb Yellow	\$25.00
35 / 4184	Improper Backing	\$50.00
 EQUIPMENT VIOLATIONS 		
35 / 4333 a	MV 2 Head lights	\$25.00
35 / 4334 b	Rear Lamps	\$25.00
35 / 4334 c	Registration Light	\$25.00
35 / 4313 c	Op Veh. w/Tint	\$75.00