



Ordinance 649

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: 4th District Councilman Charles McKewen

First and Second Reading: February 13, 2020 Council Meeting

Results: Passed 7 In Favor, 0 Opposed

Third and Final Reading: March 12, 2020 Council Meeting

Results: Passed 7 In Favor, 0 Opposed

ORDINANCE 649

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, is hereby 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 number 3 of this Ordinance.
3. Penalties for specific offenses defined in the Elsmere Traffic Code (Title 35) shall be established in Table 3A, attached hereto 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 All ordinances or sections thereof inconsistent with the provisions of this ordinance are hereby repealed and/or amended to the extent of the inconsistency.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 Other ordinances or parts of other ordinances deemed to be in conflict with this Ordinance are hereby repealed and super ceded to the extent that other such ordinances or parts of ordinances are in conflict, provided that such repeal shall not abate a right of action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
February 13, 2020

Third and Final Reading
March 12, 2020

Eric Thompson, Mayor

Brian Hurst, Secretary

Approved as to form:

Town Solicitor

**SYNOPSIS
ORDINANCE 649**

This Ordinance adopts the State of Delaware Traffic Code.

Fiscal Impact:

This Ordinance is anticipated to have no expenses.

TABLE 3 A
Penalties for Offenses

Any person violation 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

35 / 2101 a	Unregistered motor vehicle	\$50.00
35 / 2102	New resident fail to register in DE	\$50.00
35 / 2108	Possession of Registration Card	\$25.00
35 / 2115 (1)	Expired registration	\$50.00
35 / 2115 (2)	Fictitious, cancelled, altered reg	\$75.00
35 / 2155 (3)	Unsafe Vehicle	\$50.00
35 / 2126 a	Fail to display tag	\$40.00
35 / 2126 b	Fail to secure tag on rear of veh	\$40.00
35 / 2126 c	Tinted plate cover	\$50.00
35 / 2133 a 1	False information of temp tag	\$50.00
35 / 2133 a 3	Expired temporary tag	\$50.00
35 / 2503 a	Fail to transfer title	\$75.00

RULES OF THE ROAD

35 / 4108 A 3 a	Red light violation	\$75.00
35 / 4114	Drive on wrong side of road	\$75.00
35 / 4121 a	Wrong way-1 way road/divided hwy	\$75.00
35 / 4122	Unsafe lane change	\$50.00
35 / 4164 a	Fail to stop at stop sign	\$50.00
35 / 4164 b	Fail to remain stopped/yield after stop	\$50.00
35 / 4168	General speed restrictions	\$50.00
35 / 4169	Speeding (Specific speeds)	
	1 to 9 over limit	\$75.00
	10 to 14 over limit	\$95.00
	15 to 19 over limit	\$125.00
	20 to 29 over limit	\$200.00
	30 or more over limit	\$300.00
35 / 4172 a	Speed Exhibition / drag racing	\$100.00
35 / 4172 b	Speed Exhibition / spin tires	\$50.00
35 / 4176 a	Careless Driving	\$50.00
35 / 4802	Seatbelt Violation	
“ g(2)a	Secondary Offense (2 nd Violation)	\$25.00 civil penalty
“ g(2)c	Primary Offense	\$50.00 civil penalty