town of slaughter beach

ordinance #21-04

An ordinance regulating the parking of motor vehicles, boat trailers, recreational vehicles, and trailers on public streets and parking lots in the town of slaughter beach

WHEREAS, pursuant to Section 6.2.34 of the Charter of the Town of Slaughter Beach, the Town Council is authorized to “make, adopt, and establish, alter and amend all such Ordinances, Regulations, Rules, and By-Laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town, the protection and preservation of persons and property, and the public health and welfare of the Town and its inhabitants;”

 WHEREAS, the Town Council of the Town of Slaughter Beach is authorized pursuant to section 6.2.14 of the Town Charter to “adopt and enforce such ordinances regulating traffic and/or parking, on all streets, alleys, avenues, and public ways within the Town as are not inconsistent with the motor vehicle laws of the State of Delaware”;

 WHEREAS, the Town Council desires to regulate the overnight parking of boat trailers, recreational vehicles, and trailers on public streets and parking lots in Slaughter Beach in order to promote safe, unimpeded traffic circulation in town, improve visibility and promote safe ingress and egress to and from public streets and private property, to reduce congestion in public streets, provide for adequate parking in town, promote the safe travel of emergency vehicles, and to improve aesthetics in Town;

WHEREAS, the Town Council desires to restrict overnight parking of motor vehicles on beach access roads because the beach access roads are secluded and more prone to be used for unlawful purposes during the overnight hours when the beach is closed;

WHEREAS, the Town Council desires to restrict overnight parking of trailers, recreational vehicles, and boat trailers on all streets and public parking lots because allowing overnight parking can lead to public streets and parking lots being used as permanent storage locations; and

WHEREAS, in accordance with Section 4.5.3 of the Town Charter, 15 days’ notice of these changes were given by posting notice at the town bulletin board and on the Town website, and in the opinion of the Town Council of the Town of Slaughter Beach, it is in the best interest of the public health, safety, and welfare to update and revise the Town Code of the Town of Slaughter Beach, as more fully detailed herein.

 NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Slaughter Beach, a majority thereof concurring in Council duly met, as follows:

Section 1. Title II, Chapter 1 (“Peace and Good Order”), Section II.6 (“Use of Specified Public Places and Facilities; Prohibited Hours”) of the Town Code is hereby amended by making additions as shown by underline and deletions and shown by strikethrough, as follows:

### II.6 Use of Specified Public Places and Facilities; Prohibited Hours

#### II.6.1 Use of Public Places and Facilities

The municipal pavilion may be reserved by any person once each calendar year for a period of time not to exceed six (6) consecutive hours, which reservation may be made with the Town up to 12 months in advance. Reservations shall be made on a first-come, first-served basis. As part of the reservation, an applicant may request to use the municipal pavilion for either up to one hour prior to sunrise or until 10:00 pm. Except when reserved pursuant to this section, the municipal pavilion and all other public places in Slaughter Beach shall be used by the public on a first-come, first-served basis.

#### II.6.2 Prohibited Hours

No Person shall be or remain upon any of the following public places or facilities between the hours of 9:00 p.m. and sunrise.

1. The municipal park, including the tennis and basketball courts, parking area and play area.
2. The municipal pavilion.
3. Any street or alley lying east of Bay Avenue (State Route 36).
4. The beach, excepting within the boundaries of properties fronting on the beach, the owners, residents, and/or guests thereof.

*II.6.3 Parking, Stopping, or Storage of Vehicles on Public Streets and Parking Lots*

1. Definitions. For purposes of this section, the following definitions shall be applicable unless the context clearly indicates to the contrary.
2. Beach Access Roads – Includes the following streets: White Gull Dr., Marina Dr., Blue Heron Dr. Horseshoe Dr., Sandpiper Dr., Evans Dr., Yerkes Dr., Cohee Dr., Marvel Dr., Bridgeham Ave., Harrison Ave., N. Delaware Ave., S. Delaware Ave., Cedar Ave., Sussex Ave., Maryland Ave., Virginia Ave., and Simpson Ave.
3. Boat Trailer – Includes a vehicle without automotive power designed to transport a boat or other property wholly on its structure and to be drawn by a motor vehicle, including those vehicles being actively used to store or transport a boat or other property.
4. Motor Vehicle – Includes any vehicle which is self-propelled and capable of transporting a person or persons or property, including but not limited to a car, truck, semi-truck, passenger van, cargo van, motorcycle, and sports utility vehicle.
5. Person – Includes any natural person, corporation, partnership, society, club, firm, company, partner, director, officer, lessee, employer, employee or any of them, including an executor, administrator, trustee, receiver or other representative appointed pursuant to law.
6. Recreational Vehicle – Includes any vehicle used for human living quarters and often used for recreational or vacation activities, including but not limited to motor homes, mobile homes, camping trailers, pop-up camping trailers, vans, self-propelled campers, pickup coaches, and other vehicles with permanently attached living quarters or camper components, regardless of the equipment or furnishings contained within the same.
7. Street – Includes all streets, avenues, boulevards, roads, lanes, alleys, sidewalks, curbs or other areas used for vehicular or pedestrian traffic, including beach access roads.
8. Trailer – Includes a mobile home, travel trailer, house trailer, office trailer, camping trailer, pop-up camping trailer, trailer used as part of a business, or any other vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.
9. Purpose. In order to promote safe, unimpeded traffic circulation in town, improve visibility and promote safe ingress and egress to and from public streets and private property, reduce congestion in public streets, provide for adequate parking in town, promote the safe travel of emergency vehicles, reduce the potential for unlawful activities to occur in secluded locations during the overnight hours, and improve aesthetics in Town, the following restrictions limiting parking, stopping or storage of certain types of motor vehicles and trailers shall be applicable.
10. Limitations on parking, stopping, or storage of certain vehicles.
	1. Between the hours of 9:00 pm and sunrise, it shall be unlawful for any person to park, stand, or store or permit the parking, standing, or storing of any boat trailer, recreational vehicle or trailer on any street or public parking lots in the Town of Slaughter Beach, except when the same is actually being loaded or unloaded.
	2. Between the hours of 9:00 pm and sunrise, it shall be unlawful for any person to park, stand, or store or permit the parking, standing, or storing of any motor vehicle on beach access roads or public parking lots in the Town of Slaughter Beach, except when the same is actually being loaded or unloaded.
11. Exceptions. The provisions of this Section II.6.3 shall not be applicable to trailers of contractors working at a property in Slaughter Beach, provided that any such trailer may only be parked on the street during those hours that the contractor is actively working at a property. Additionally, the provisions of this Section II.6.3 shall not apply to emergency vehicles or motor vehicles of governmental agencies while on official business.
12. Removal of vehicles. The Town or an agent of the Town may remove or cause to be removed, at the expense of the owner or operator, any motor vehicle, boat trailer, recreational vehicle, or trailer parked, stored, or left standing in violation of the provisions of this Section II.6.3 when the owner or operator of the same fails to remove the same in compliance with the terms of this Section II.6.3. In addition to paying the fine imposed by the provisions of § II.6.4, if any motor vehicle, boat trailer, recreational vehicle, or trailer is removed by the Town pursuant to the provisions of this section, the owner or operator thereof shall pay the cost of removal, a reasonable charge for storage, and any court costs. In addition, said owner or operator shall sign a receipt for such vehicle prior to its being released by the storage facility.
13. Notice of Removal; Right to a Hearing. In order to require the removal of a motor vehicle, boat trailer, recreational vehicle, or trailer, the Town shall follow the enforcement procedures for vehicles abandoned on public property as outlined in Sections II.12.6 through II.12.11(1) of the Town Code, which are incorporated herein by specific reference thereto. Additionally, when the motor vehicle, boat trailer, recreational vehicle, or trailer is parked adjacent to private property, a copy of the order shall be left at the adjacent property with a duplicate copy sent to the owner and occupant by certified mail, return receipt requested. Anything in the Town Code to the contrary notwithstanding, the removal notice may indicate that if the same motor vehicle, boat trailer, recreational vehicle, or trailer is found to be in violation of this Section II.6.3 within twelve (12) months of the issuance of the first removal notice, the same may be removed as indicated herein and a penalty issued without any additional notice.

#### ~~II.6.3~~II.6.4 Penalty

Any person violating this ~~ordinance~~ Section II.6 shall be fined not less than $50.00 for the first offense and not less than $100.00 for any subsequent offense, including the costs of prosecution;

provided, however, that, with the consent, in writing, of the person charged with violating this Section II.6, the Town is authorized to accept and receive, without a hearing, $50 if such violation is paid within thirty days from the date of the violation or $75 as a penalty for such violation if such violation is paid more than 30 days from the date of the violation. Each day a violation of this ordinance exists shall constitute a new and separate offense.

Section 2. Title II, Chapter 1 (“Peace and Good Order”), Section II.12 (“Abandoned, Wrecked, Junked, or Dismantled Vehicles”) of the Town Code is hereby amended by making additions as shown by underline and deletions and shown by strikethrough, as follows:

#### II.12.4 Abandonment of vehicles on public property prohibited; declared a nuisance.

(a) On those public property locations where parking, storing, or standing of vehicles between 9:00 pm and sunrise is not prohibited under Section II.6.3, no ~~No~~ person shall abandon or leave unattended any vehicle (not otherwise prohibited as a wrecked, dismantled or inoperable vehicle, even if bearing a current registration), upon any public property within the town for a period of time in excess of five days under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. The presence of such vehicles under such circumstances is hereby declared to be a public nuisance which may be abated in accordance with the provisions of this ordinance. This section does not apply to vehicles parked or stored on public property owned by the town.

Section 3. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Town Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the Town Council’s intent.

Section 4. This Ordinance shall become effective thirty (30) days after its adoption by the Town Council.

SYNOPSIS

 This ordinance prohibits the parking of boat trailers, recreational vehicles, and trailers on public streets and public parking lots between 9 pm and sunrise and prohibits the parking of motor vehicles on public parking lots and beach access streets between the same overnight hours. Exceptions are providing for otherwise prohibited vehicles and trailers that are actively being loaded or unloaded, trailers actively being used to perform work at a property, and emergency vehicles or government agency on official business. This ordinance requires notice and a hearing prior to the removal of a trailer or vehicle violating the ordinance, and establishes voluntary assessment procedures for violations of the ordinance. Once a notice of removal has been issued for a vehicle, the Town may proceed to remove that same vehicle for subsequent violations within the following 12 months without issuing any additional notices.

 This will certify that this is a true copy of the Ordinance duly adopted by the Town Council of the Town of Slaughter Beach at a meeting at which a quorum was present on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021.

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

 Secretary Mayor