SAFETY ADVISORY AND TRANSPORTATION COMMITTEE AGENDA

SEPTEMBER 28, 2015 - 4:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

AGENDA ADDITIONS/DELETIONS

1. **PRESENTATIONS**
   - **A. CURE VIOLENCE HEALTH APPROACH (RONALD J. BROWN, JR.)**
     (COMMITTEE ACTION NOT REQUIRED)
   - **B. DANGEROUS BUILDING PROCESS**
     (COMMITTEE ACTION NOT REQUIRED)

2. **LEFT-TURN SIGNAL AT STATE AND WATER STREETS**

3. **PROPOSED ORDINANCES**
   - **A. #2015-15 AMENDING CHAPTER 70 - OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 70-2 - WEAPONS GENERALLY AND APPENDIX F - FEES AND FINES**
     (STAFF RECOMMENDS ADOPTION OF ORDINANCE #2015-15)
   - **B. #2015-16 AMENDING CHAPTER 106 - TRAFFIC AND VEHICLES, ARTICLE III - STOPPING, STANDING AND PARKING, DIVISION 2 - METERED PARKING, SECTION 106-164 - VIOLATIONS; PENALTIES**
     (STAFF RECOMMENDS ADOPTION OF ORDINANCE #2015-16)

4. **ADJOURNMENT BY 4:50 P.M.**

/TM
S:\AGENDAS-MINUTES-PACKETS-PRESENTATIONS-ATT&EXH\COMMITTEE-AGENDAS\2015\09-28-2015 SA&T.WPD

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

CURE VIOLENCE HEALTH APPROACH PRESENTATION

Dover, De.

Ronald J. Brown Jr.

CURE VIOLENCE 101,

- Violence is sometimes acceptable?
- Violence in any form is never acceptable?
- Violence is a learned behavior?

THE PROBLEM,

- Homicide is the second leading cause of death among Americans aged 15-34

THEORIES ABOUT THE POSSIBLE CAUSES OF VIOLENCE,

- Violence is.....
- Learned from role models
- Caused by social forces (e.g., lack of opportunity, racism, poverty, etc.
- A cultural norm in subgroups
- A series of events or interactions between co-disputants that can escalate into homicide

STOP SHOOTINGS & KILLINGS BY:

- Working with those most closely associated with the problem
- Working in communities that are disproportionately effected
- Basing our approach on data and research
- Focusing on behaviors

MODEL APPROACH

- Interrupt Transmission
- Behavior Change
- Change Community Norms

BEHAVIOR CHANGE, WHAT IS MOST IMPORTANT?

- Information
- Skills
- Overcoming barriers
- Feelings about doing it
- What friends think

THE BEST "CHANGE AGENTS" ARE

- Credible
- Opinion leaders
- From target group
- Empathetic
- Helpful
- Make strong effort

THE CURE VIOLENCE MODEL: IDENTIFICATION & DETECTION

- Identify and detect
  - -potential shooting **events**
  - -**Individuals** & **groups** at highest risk of involvement in a shooting or killing
- Use all sources & possible points of entry:

-Notice from law enforcement -**Hospitals**

-**Schools** –Calls from the Community

INTERRUPTION, INTERVENTION, & RISK REDUCTION

- Intervene in crises

-Help individuals deal with “in the moment” stressful events or situations without shooting

- Mediate conflicts between individuals &/ or groups

  -Prevent larger scale events or retaliatory violence

- Provide ongoing behavior change & support to individuals using outreach workers & others

-foster behavior change by providing info, & skills

-Connect clients to social services

CHANGE BEHAVIORS & NORMS

- Inform & train individuals & groups on specific strategies to bring about behavior change
- Mobilize community to change norms
  - -Organize responses to all shooting events
  - -Sponsor community events
  - -Engage faith leaders
- Educate the public
  - -Launch & promote Specific Campaigns to enforce key messages

MULTIPLE MESSENGERS CHANGE WHAT IN *“NORMAL”*

- Outreach Workers
- Violence Interrupters
- Peers
- Family members
- Community members
- Faith leaders
- Doctors
- Police
- Champions

Social Norms

Risk Factors

Alternatives to Violence

“LESS SHOOTINGS”

THE CURE VIOLENCE MODEL: DATA AND MONITORING

- Collect/analyze data from sources/points of entry
- Evaluate clients based on high risk criteria
- Monitor work(e.g., worker caseloads, # of interventions/mediations
- Measure outcomes(e.g., risk levels, shootings, change in norms) to inform refinements to approach

YOU MUST HAVE THE RIGHT,

- Community
- Participants
- Workers
- Partners
- Public education
- Community Mobilization
- Documentation
- Outcomes

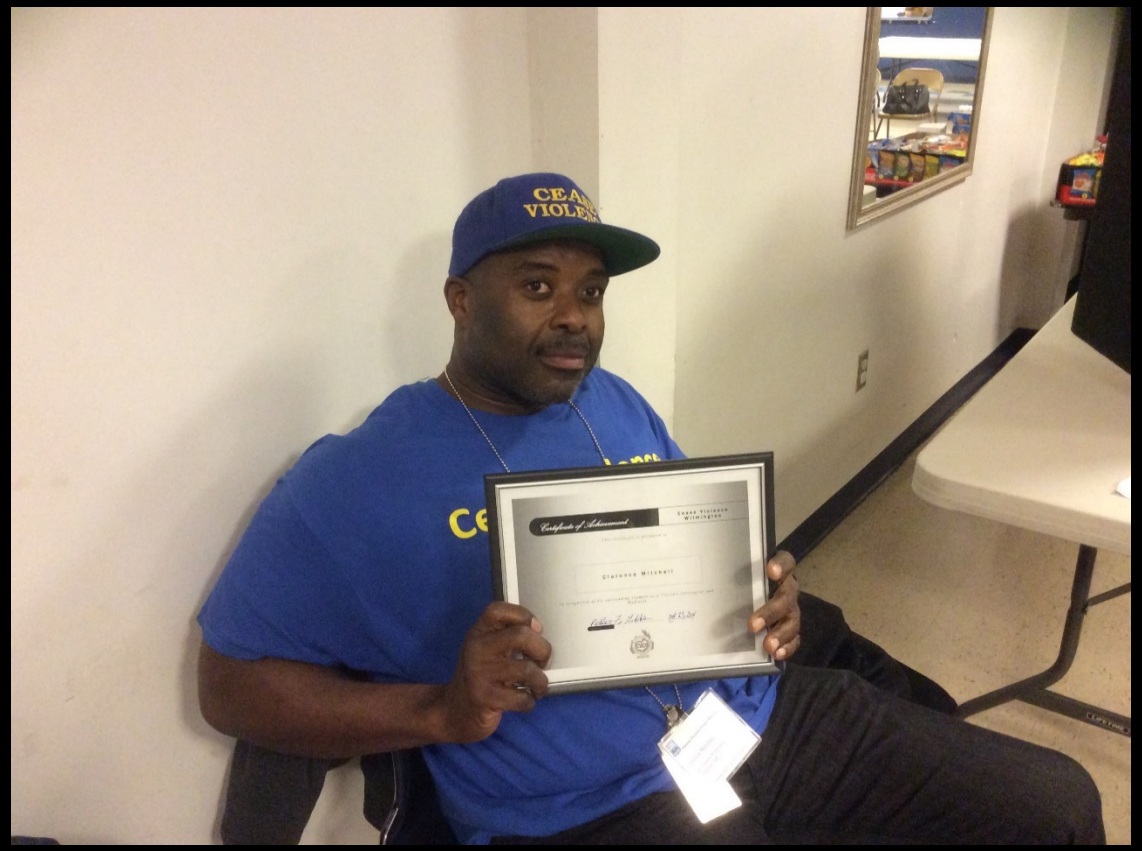
PARTICIPANTS FIT (4) OF THE FOLLOWING

- 16-25 years old
- Recently released from prison
- Recently shot
- History of violence
- Weapons Carrier
- Engaged in high risk activity
- Gang involved
- Unemployed
- On probation/parole
- Key role in gang

THE RIGHT WORKERS FOR THIS WORK "**VERY VERY**" IMPORTANT,

- Able to relate to highest risk
- Credible
- Connection to target group
- Streetwise
- Identify & detect
- Interrupt
- Change norms

SOME OF THE EVENTS WE HAVE,





DR. WHO MADE IT POSSIBLE
DR. GARY SLUTKIN





ENGAGING WITH THE COMMUNITY DURING A SHOOTING RESPONSE





CONTACT INFORMATION

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Work# (302)482-7533

CITY OF DOVER PROPOSED ORDINANCE #2015-15

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 70 - Offenses and Miscellaneous Provisions, Section 70-2 - Weapons Generally, be amended by deleting it in its entirety and inserting in lieu thereof the following:

Sec. 70-2. - Weapons generally.

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

Municipal Building shall mean any building where the city meets in its official capacity, including non-city owned or leased buildings during the time in which the city is meeting in or occupying the building, or any building containing the offices of city elected officials and of city employees actively engaged in performing governmental business. Parking facilities are excluded.

Weapon shall mean any firearm from which a shot, projectile or other object may be discharged, or any air gun, BB gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind, or any knife, brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

(b) *Unlawful discharge.* It shall be unlawful for any person to discharge any firearm within the city, except lawfully in self-defense, in defense of property, in defense of others or as permitted in paragraph (c).

(c) *Lawful discharge*.

(1) *Law enforcement officers*. The discharge of weapons by any law enforcement officer while on duty, or as necessary in the lawful discharge of his or her duties, is permitted.

(2) *Galleries and ranges*. The discharge of weapons at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the projectile from traversing any grounds or space outside the limits of the gallery or range is permitted.

(d) *Prohibited.*

(1) *Business display*. It shall be unlawful for any pawnbroker, secondhand dealer or other person who engages in business in the city to display, or to place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm with a barrel of less than 12 inches in length, or any switchblade knife, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

Draft

(2) *Furnishing to certain persons*. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, any person in a condition of agitation and excitability or a minor under the age of 18 years.

(3) *Possession of firearms, ammunition, components of firearms, or explosives in municipal buildings.* Except as set forth in section (c) below, possession of firearms, ammunition, components of firearms, or explosives is prohibited in all municipal buildings.

a. *Required Signs*. In all municipal buildings, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may also state that persons in violation may be denied entrance to the building or be ordered to leave the building.

b. *Immediate Departure*. Any person who immediately foregoes entry or immediately exits any municipal building or police station due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.

c. *Exceptions*. The following shall constitute valid exceptions to this section:

1. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

2. Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;

3. Law enforcement agencies conducting firearm or ammunition safety and training programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;

4. Compliance by persons subject to protection from abuse court orders;

5. Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;

6. Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or

7. Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

Draft

(e) *Penalties*.

(1) *Fines*. Except as otherwise provided, any violation of this section shall be subject to a fine as provided for in Appendix F - Fees and Fines (of at least _____ and not to exceed _____, or by imprisonment for not more than _____, or by both fine and imprisonment.)

(2) *Forfeiture*. Every person convicted of a violation of this section, section 70-3, or any state law relating to weapons shall forfeit the weapon to the city. Upon a finding of guilt, it shall then be the duty of the court, after the expiration of a reasonable time, to declare by written order that the chief of police shall either dispose of the weapon or retain the weapon for official police department use.

(f) *Severability*. 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 City 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 City Council's intent.

(g) *No repeal of existing firearms related ordinances*. Adoption of this ordinance shall in no way repeal or alter any law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985. To the extent that this ordinance conflicts with any similar ordinance prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985, the more stringent of the two ordinances shall govern.

(Code 1968, §§ 20-29, 20-33—20-36; Code 1981, § 14-5)

BE IT FURTHER ORDAINED:

That Appendix F, Fees and Fines, be amended by inserting the blue text and deleting the red, struck text, as follows:

Chapter 70—Offenses and Miscellaneous Provisions			
Sec. 70-1	Combative fighting		
	Subsec. (d)(1)	Violations; penalties, Fines	Not to exceed $1,000.00. Separate fines may be issued to the promoter of such an event, participants in such an event, and the owner of the premises of such an event
Sec. 70-2	**Weapons generally**		
	Subsec. (e)(1)	**Penalties; Fines**	***
Sec. 70-7	Registered Sexual Offenders		

Draft

	Subsec. (~~d~~ f)	Penalties	$500.00 for any offense; each day shall constitute a separate offense

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\ORDINANCE #2015-15 - CHAPTER 70 OFFENSES AND MISCELLANEOUS PROVISIONS\Ordinance #2015-15 Amending Ch 70 - Offenses and Miscellaneous Provisions, Sec 70-2 Weapons Generally.wpd

SYNOPSIS

This ordinance amendment harmonizes the Dover Code with the provisions of Article I, Section 20 of the Delaware Constitution.

(SPONSORS: HOSFELT AND HUTCHISON)

Actions History

09/28/2015 - Scheduled for Introduction at Safety Advisory and Transportation Committee

Draft

Sec. 70-2. - Weapons generally.

~~(a) Prohibited. It shall be unlawful for any person to have in his possession, carry or use a revolver or pistol of any description, a shotgun or rifle which may be used for the explosion of bullets and cartridges~~

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

***Municipal Building* shall mean any building where the city meets in its official capacity, including non-city owned or leased buildings during the time in which the city is meeting in or occupying the building, or any building containing the offices of city elected officials and of city employees actively engaged in performing governmental business. Parking facilities are excluded.**

***Weapon* shall mean any firearm from which a shot, projectile or other object may be discharged**, or any air gun, BB ~~gun, gas-operated gun or spring-operated~~ gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind ~~by any means whatsoever~~, or any knife, ~~whether that instrument is called by any name set forth above or by any other name.~~

~~(b) License. The weapons prohibited in subsection (a) of this section shall be permitted upon the grant of a license therefor, if required, in the following situations:~~
~~(1) On owner's property. Possession within the possessor's own domicile or business.~~
~~(2) Other license or permit. Possession, carrying or use in conformity with a license issued by the state for that weapon or a permit issued by the chief of police.~~
~~(3) Shooting ranges. Possession or use~~**brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.**

(b) *Unlawful discharge.* It shall be unlawful for any person to discharge any firearm within the city, except lawfully in self-defense, in defense of property, in defense of others or as permitted in paragraph (c).

(c) *Lawful discharge*.

(1) *Law enforcement officers*. The discharge of weapons by any law enforcement officer while on duty, or as necessary in the lawful discharge of his or her duties, is permitted.

(2) *Galleries and ranges*. The discharge of weapons at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the

projectile from traversing any grounds or space outside the limits of the gallery or range.

~~(4) Unloaded and cased. Carrying of any type of gun whatsoever, when unloaded and properly cased, to or from any licensed gallery or range or to or from an area where hunting is allowed by law. This subsection shall not limit the permitted carrying of guns allowed by subsection (b)(5) of this section.~~

~~(5) Officers. Carrying, wearing, possessing and using, by United States marshals, sheriffs, constables and their deputies, and any regular, special or ex officio police officer, or any other law enforcement officer while on duty, or as shall be necessary in the proper discharge of their duties.~~

~~(6) State license. Possession, carrying or use in conformity with a license issued by the state for that purpose in areas approved by the chief of police, and only then when used in such a manner that shall not endanger persons or property.~~

~~(7) Defense. Persons exercising their legal right of self-defense or defense of property or others.~~

~~(c) Discharge. It shall be unlawful for any person to discharge any gun, pistol, revolver or other firearm within the city, except lawfully pursuant to subsections (b)(2), (3) and (5)—(7) of this section, and those persons excepted by law.~~

~~(d)~~ **is permitted.**

(d) ***Prohibited.***

(1) *Business display*. It shall be unlawful for any pawnbroker, secondhand dealer or other person who engages in business in the city to display, or to place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm with a barrel of less than 12 inches in length, or any switchblade knife, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billyclub.

(~~e~~**2**) *Furnishing to certain persons*. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon to~~,~~ any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, ~~to~~ any person in a condition of agitation and excitability or ~~to~~ a minor under the age of 18 years.

~~(f) Forfeiture.~~

(3) ***Possession of firearms, ammunition, components of firearms, or explosives in municipal buildings.*** **Except as set forth in section (c) below, possession of firearms, ammunition, components of firearms, or explosives is prohibited in all municipal buildings.**

a. ***Required Signs*****. In all municipal buildings, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may also state that persons in violation may be denied entrance to the building or be ordered to leave the building.**

b. ***Immediate Departure*****. Any person who immediately foregoes entry or immediately exits any municipal building or police station due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.**

c. ***Exceptions*****. The following shall constitute valid exceptions to this section:**

1. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

2. Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;

3. Law enforcement agencies conducting firearm or ammunition safety and training programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;

4. Compliance by persons subject to protection from abuse court orders;

5. Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;

6. Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or

7. Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(e) ***Penalties*****.**

(1) ***Fines*****. Except as otherwise provided, any violation of this section shall be subject to a fine as provided for in Appendix F - Fees and Fines (of at least**

_____ and not to exceed _____, or by imprisonment for not more than _____, or by both fine and imprisonment.)

(2) ***Forfeiture.*** Every person convicted of a violation of this section ~~**or**~~**,** section 70-3, or any state law relating to weapons shall forfeit **the weapon** to the city ~~**the dangerous or deadly weapon concealed or displayed**~~. Upon a finding of guilt, it shall then be the duty of the court, after the expiration of a reasonable time, to declare by written order that the chief of police shall either dispose of the weapon or retain the weapon for official police department use.

~~**(g) Definition. As used in subsection (c) and (f) of this section, the term "weapon" shall mean any revolver or pistol, shotgun or rifle which may be used for the explosion of bullets and cartridges, or any air gun, BB gun, or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany," or any bow made for the purpose of throwing or projecting missiles of any kind, or any knife.**~~

(f) ***Severability*****. 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 City 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 City Council's intent.**

(g) ***No repeal of existing firearms related ordinances*****. Adoption of this ordinance shall in no way repeal or alter any law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985. To the extent that this ordinance conflicts with any similar ordinance prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985, the more stringent of the two ordinances shall govern.**

(Code 1968, §§ 20-29, 20-33—20-36; Code 1981, § 14-5)

CITY OF DOVER PROPOSED ORDINANCE #2015-16

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing, and Parking, Division 2 - Metered Parking, Section 106-164 - Violations; Penalties of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the blue text, as follows:

Sec. 106-164. - Violations; penalties.

(a) *Generally*. Any person convicted of violating the provisions of this article or of aiding, abetting or assisting in the violation of said provisions shall be sentenced to pay a fine as provided for in Appendix F-Fees and Fines.

(b) *Enhanced civil enforcement authority*. If five or more violations of this article have been issued to a vehicle and those violations are more than 30 days past due, or if accumulated unpaid violations of this article exceed more than $100.00, the vehicle shall be subject to enhanced civil enforcement, as follows:

(1) Such vehicle found parked on any street in the city shall be immobilized by any police officer or parking enforcement employee of this city in such manner as to prevent its operation. Any vehicle so immobilized or impounded shall not be released to its lawful owner until all unpaid violations and applicable administrative fees issued to such owner have been discharged by payment in full, together with payment for the costs of immobilizing, releasing, and storing such vehicle. The owner shall sign a receipt for such vehicle. Payment for any such towing shall be in accordance with the towing costs outlined in the current agreement between the police department and the towing operator. If the vehicle is a tractor-trailer combination, the trailer may be released to an authorized agent if the tractor-trailer is immobilized pursuant to this section.

(2) In any case involving immobilization of a vehicle pursuant to this section, the police officer or parking enforcement employee shall place on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

(3) Any vehicle remaining immobilized and not released for ~~120~~ 24 hours may be towed and impounded at the direction of a police officer or parking enforcement employee.

(4) Any person who unlawfully removes a device for immobilization of a vehicle shall be fined as provided for in Appendix F-Fees and Fines.

(5) Any person who tows or otherwise moves an immobilized vehicle without authorization by the chief of police or his designee shall be fined as provided for in Appendix F-Fees and Fines.

Draft

(c) *Cost*. No cost will be assessed if payment of the penalty as hereinbefore imposed is voluntarily paid without the necessity of a hearing before the proper official.

(Code 1968, § 31-77; Ord. of 8-25-1971, § 1; Code 1981, § 13-49; Ord. No. 2009-09, 6-22-2009; Ord. No. 2011-22, 9-26-2011; Ord. No. 2015-09, 6-8-2015)

ADOPTED: *

S:\ORDINANCES\2015\DRAFT\ORDINANCE #2015-16 CHAPTER 106 TRAFFIC AND VEHICLES\Ordinance #2015-16 Chapter 106 Traffic and Vehicles.wpd

SYNOPSIS

The amendment reduces the time from immobilization to towing and impounding of vehicles from 120 hours to 24 hours.

(SPONSORS: SLAVIN AND HOSFELT)

Actions History

09/28/2015 - Scheduled for Introduction at Safety Advisory and Transportation Committee

Draft