SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on August 24, 2011 at 5:00 p.m. with Chairman Hutchison presiding. Members present were Mr. Lynn, Mrs. Russell (arrived at 5:14 p.m.), Mr. Davis, and Mr. Hutchison.

AGENDA ADDITIONS/DELETIONS

Mr. Davis moved for approval of the agenda, seconded by Mr. Hutchison and unanimously carried.

Updates

The following updates were provided:

Purchase of Collegian Property on Loockerman Street and North Street Parking Lot

Mr. William Neaton, Economic Development Director, and Mr. Gregg Moore, President, Downtown Dover Partnership (DDP), reminded members that following the construction of the Dover Transit Center, the Metropolitan Planning Office (MPO) decided that a neighborhood study should be conducted to determine appropriate uses for properties surrounding the area. Mr. Moore stated that a Master Plan was completed for the entire downtown area. He indicated that several project sites were identified for improvement in the Master Plan, and presented information on the North Street Parking Lot and the Collegian Property located at 114, 116, 126, and 128 W. Loockerman Street.

Mr. Moore noted that, currently, there are seven (7) different parking lots on North Street, separated by fences, with individual entrances and exits. He reviewed the North Street Parking Lot Consolidation - Concept Design and explained that by consolidating the seven (7) parking lots into one (1), 35 additional parking spaces would be made available downtown. In addition, he stated that it would be possible to install a sidewalk at the location to provide for pedestrian traffic.

Mr. Moore provided members with an aerial map of North Street ***(Attachment #1)***, which depicted properties in the area. He advised members that the City leases property from Rudolph Von Croy to provide for permitted parking. Mr. Moore stated that there are 30-40 parking spaces available each day; however, he noted that the parking area is "hidden." He stated that the consolidation project would provide an entrance to the parking lot off Bank Lane as well as North Street and provide more visibility for the parking lot. The project would allow for paving, landscaping, lighting, etc. Mr. Moore explained that this project would then allow the DDP to market the former Sears Building (20,000 sq. ft.) more effectively, noting that without available parking it would be challenging to find a viable user. He stated that the additional 35 parking spaces would benefit other businesses in the area as well.

In conjunction with the Parking Lot Consolidation Project, Mr. Moore stated that it would be necessary to make improvements to North Street, which currently has inadequate sidewalks, lighting, and utilities. The desire is to install brick sidewalks, new curb gutters, new pathways, etc. to make North Street aesthetically pleasing and allow it to serve as another gateway to the City.

In addition, Mr. Moore reviewed three (3) concept plans for the Collegian Property which would maintain pedestrian pathways from Loockerman Street to and from North Street. In reviewing Concept 3, he noted that, due to the number of vacant buildings in the downtown area, it would not be appropriate to construct additional buildings at this time. Therefore, Mr. Moore noted that

Concepts 1 and 2 would maintain pedestrian pathways and create a plaza for the community's use until it becomes feasible to construct the building(s). He reiterated that the ultimate goal would be to construct buildings on the property.

Mr. Neaton advised members that architectural and engineering Requests for Proposals (RFPs) have been issued for the entire project and are due to be returned by September 14, 2011. In addition, an RFP has been issued for legal advice for consolidation of the parking lots, with a return date of September 14, 2011. Once the RFPs are received, architecture and law firms will be selected to provide guidance on moving forward with the projects. Mr. Neaton stated that construction is anticipated to begin after the first of the year. He stated that staff is extremely excited about these projects and that they are the first steps toward real revitalization of the downtown area.

Mr. Moore reminded members that the vacant building at 22-24 W. Loockerman Street, which was formerly occupied by W.T. Grant and consists of 20,000 sq. ft., was purchased by the DDP. He provided members with a sketch ***(Attachment #2)*** of suggested upgrades to the building being proposed by the DDP in an attempt to make the property more appealing, including refacing the rear of the building to become the front entrance. Mr. Moore felt that the improvements to the building, the parking lots, and North Street would make the property more marketable to businesses. He noted that although this project is not a part of the $3M that the DDP received through the FY 2012 State Bond Bill to finance area improvements, it is a part of the overall plan to make investments in the heart of downtown in an effort to upgrade Loockerman Street and The Green, and to improve parking.

In addition, Mr. Moore explained how the proposed upgrades would "invite" Wesley College students and their parents to the downtown area by providing a passageway. He advised members that the Frear Building was recently purchased by Wesley College to be used as their nursing school. The plan would allow for pedestrian traffic between the college and the Frear Building and bring people to the downtown area.

Chairman Hutchison relayed his appreciation for the dedication and enthusiasm of those working on the proposed project and urged members to support these plans for the betterment of the community.

Sex Offender Unit

Police Chief James Hosfelt reviewed a Presentation of the Sex Offender Mandates & Reporting Requirements for the City of Dover ***(Attachment #3)***, noting that there were currently 221 registered offenders in the City, which included an increase of 14 since the beginning of month. He noted that there are two (2) police officers assigned to the Sex Offender Unit whose sole responsibility is to manage and supervise sex offenders.

Mr. Koenig questioned if there was data available on programs implemented by other states to manage the sex offender registry. He inquired if there were any other options that would alleviate the use of certified police officers. Responding, Police Chief Hosfelt stated that other states utilize the Dover Police Department program as a model. He noted that the Delaware State Police currently

utilize retired police officers as civilian Sex Offender Agents due to the need to carry a badge and gun. Chief Hosfelt explained that arrest powers for these individuals are limited to crimes involving sex offenses.

Dover High School Construction

Mr. Scott Koenig, Interim City Manager, advised members that several City Staff members, along with representatives of the Delaware Department of Transportation (DelDOT), Mr. Gregg Moore, Becker Morgan Group, and EDiS recently met to review the current status of the Dover High School construction. He stated that Capital School District is currently working on some issues related to the Department of Natural Resources and Environmental Control (DNREC) and the Soil Intrusion Control Program. Mr. Koenig indicated that work has begun on underground utilities and the foundation package has been let. An agreement with DelDOT and the City is being discussed to issue a "foundation only" permit in October in order to allow for work during the winter months on the foundation before setting steel in the spring. Mr. Koenig noted that there are several issues that remain to be resolved related to the road design, an adjacent apartment complex, and coordination of responsibilities. He stated that, as a result, a complicated series of discussions would be held and relayed appreciation for the quarterly coordination meetings.

Although the completion of the project is not anticipated until 2014, Mr. Koenig indicated that it is important for certain milestones to be met this fall in order to remain on schedule and noted that there are third parties involved who could impact the schedule. Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that if the foundation is not started this fall, it would set back the opening of the school another school year; therefore, the City of Dover and DelDOT are trying to be very helpful, while at the same time assuring that authorizations are not issued too far in advance.

Responding to Chairman Hutchison, Mrs. Townshend stated that coordination meetings are being held quarterly involving this project, as well as additional monthly meetings as needed.

In response to Mr. Davis, Chairman Hutchison suggested that staff present information on the project milestones to the Committee as they are met so that Council can be informed.

Briefing on Delaware Department of Transportation (DelDOT) Projects - *Gary Laing*

Due to the absence of Mr. Gary Laing, Community Relations Officer and Public Relations Liaison for the Delaware Department of Transportation (DelDOT) , Mr. Scott Koenig, Interim City Manager, provided a briefing on DelDOT Projects, as follows:

West Dover Connector

Mr. Koenig stated that, to his knowledge, DelDOT is working on the preliminary engineering for the West Dover Connector and that approximately $5M has been budgeted for the planning and preliminary engineering for this project.

Route 8 and Hazlettville Road Corridor

Mr. Koenig stated that DelDOT has held preliminary meetings on the Route 8 and Hazlettville Road Corridor Project.

Mr. James Galvin, Principal Planner, Dover/Kent County Metropolitan Planning Organization (MPO), indicated that DelDOT has amended the Dover MPO 2012-2015 Transportation Improvement Program to include the Hazlettville/Route 8 Connector; therefore, funding has been allocated to the project and it is planned for completion in 2015.

Water Street Railroad Crossover

Mr. Koenig stated that the Water Street Railroad Crossover is a concept plan to extend Water Street across the railroad into the Eden Hill area. He indicated that it would be difficult to move forward with this project due to Conrail's strict policy that one (1) or more railroad crossings must be surrendered in order to obtain an additional crossing. Mr. Koenig noted that there are no crossings in the City that could be easily eliminated. He stated that he believed that this project would only be considered if a commuter rail service were proposed in the future in the area of the Dover Transit Center.

Wyoming Mill Road Project

Mr. Koenig advised members that work has begun on the Wyoming Mill Road Project and it is hoped that paving will begin within the next month.

Transit Center

Mr. Koenig stated that, to his knowledge, Requests for Proposals (RFPs) were solicited for the Transit Center building project and he had no further information regarding this project.

Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects - *Richard Vetter*

Mr. Richard Vetter, Executive Director of the Dover/Kent County Metropolitan Planning Organization (MPO), reminded members that the Regional Bicycle Plan for 2030 was developed as a by-product of the Dover/Kent MPO Long-Range Transportation Plan. He reviewed both the Off-Road and On-Road Project Recommendations ***(Attachments #4 and #5)***. Mr. Vetter stated that the public comment period for these recommendations has been completed. In addition, he provided members with a 2011 Bicycle Map for Kent County Delaware issued by DelDOT that lists challenging areas, primary routes, regional routes, etc.

Mr. Vetter also provided members with Map 5-2 from the Transportation Improvement Districts Study ***(Attachment #6)*** and explained that the MPO is coordinating with Kent County and DelDOT to review transportation improvement districts in an attempt to develop a Master Plan. He noted that the only area involving the City of Dover is a relatively small area located in the southern portion of the Cheswold Plan. He anticipated the Study would take one (1) year to complete.

Proposed Ordinance #2011-22 - Chapter 106 - Traffic and Vehicles, Article III - Stopping, Standing and Parking, Division 2 - Metered Parking Related to Immobilization of Vehicles

Members were provided Proposed Ordinance #2011-22, which would allow the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding $200 that are 30 days past due.

Lt. Alan Rachko, Special Enforcement Unit Commander, advised members that the Dover Police Department has accumulated over $226,000 in uncollected parking fines over the last two (2) years (July 15, 2009 through July 15, 2011). From January 2011 through July 2011 the Dover Police Department wrote $82,595 in parking fines. He stated that past methods for recovering this money have had little success and have required valuable work hours by police officers which could be used elsewhere. Lt. Rachko noted that current procedure provides for a collection agency to be used in an attempt to recoup these fines; however, this has met with little success. He noted that there are six (6) individuals who owe over $1,000 in fines, two (2) that owe $3,700 and $3,300, an additional seven (7) individuals who owe over $500, and 35 individuals who owe in excess of $200.

Lt. Rachko stated that he met with members of the Dewey Beach Police Department who use vehicle immobilization, which is commonly known as "a parking boot," for such problems. They indicated that this has allowed them to recover a large percentage of fines with less impact on the workforce and that the boot takes just minutes to install and to remove. Lt. Rachko advised members that this tool is used across the country by municipalities to collect monies owed to them and that the Wilmington Police Department has used these devices for years with great success. It was his opinion that the use of this tool by the City of Dover would allow the Dover Police Department to recover a large portion of overdue fines owed with little impact on the department's staffing and, as the public becomes aware of this tool, it will act as a deterrent and the amount of unpaid fines will decrease.

Staff recommended adoption of Proposed Ordinance #2011-22 which would allow the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding $200 that are 30 days past due. Lt. Rachko provided members with the warning notice provided by Dewey Beach when the parking boot is utilized ***(Attachment #7)***.

Responding to Chairman Hutchison, Police Chief James Hosfelt stated that the cost of a parking boot is less than $700. Lt. Rachko stated that there are grant funds available for the purchase cost of the parking boots; therefore, there should be no cost to the City. It was anticipated that five (5) parking boots would be necessary.

Lt. Rachko assured members that, if approved, there would be ample notification of the change to alert the public to the use of the parking boot.

Mr. Lynn moved to recommend adoption of Proposed Ordinance #2011-22 ***(Attachment #8)*** **that would allow the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding $200 that are 30 days past due. The motion was seconded by Mrs. Russell and unanimously carried.**

Discussion - Alcohol Control Measurers (*Referred back to Staff during the Meeting of April 27, 2011 to Conduct Further Research)*

During their meeting of April 27, 2011, members discussed various alcohol control measures to address concerns related to alcohol misuse in the Downtown Dover area and, after much discussion, referred the matter back to staff for further research.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that consideration of developing alcohol control measures was the result of problems that primarily involved one (1) establishment located in the downtown area. After several meetings with the business community, she stated that it was apparent that there was clearly no appetite for additional regulations in this regard. Mrs. Townshend stated that it was the sense of the business community that if the City were to institute such regulations, it would penalize those who are conducting business correctly. She reminded members that there were volunteers who agreed to meet to develop a brochure of "responsible management practices;" however, the City has been unsuccessful in having the volunteers meet and the business community prefers that the City handle these problems within the framework that is currently available rather than addressing all businesses.

Mrs. Townshend stated that the Division of Tobacco and Alcohol Enforcement has relocated their headquarters from New Castle County to the City of Dover and it was her understanding that they have a desire to work with the City to address problems as they arise. Police Chief James Hosfelt stated that it is hoped that with the headquarters being close, there will be greater cooperation by the Division of Tobacco and Alcohol Enforcement.

Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that each year, City Council develops a list of transportation priorities and shares these priorities with the Secretary of Transportation for consideration as the Department of Transportation develops the State's Capital Transportation Plan (CTP). Members were provided a copy of last year's transportation priorities, as approved by City Council on October 11, 2010. Upon reviewing last years' approved priorities, staff submitted the following priority ranking for the coming year.

1. West Dover Connector
2. Route 8/Hazlettville Road Connector (formerly identified as North/South Road between Route 8 and Hazlettville Road on the West Side of the Capital School District Property and the Village of Cannon Mills)
3. Garrison Oak Connector Road
4. Dover Transit Hub (Intermodal Transportation Center) – This represents the building associated with the Dover Transit Hub, which will be constructed as a public/private partnership.
5. Loockerman Street/Forest Street Improvements
6. US Route 13 Service Road Corridor
7. US Route 13 Sidewalk Construction
8. Kenton Road Corridor Upgrades
9. College Road Corridor Upgrades
10. Crawford Carroll Avenue Extension

Mrs. Townshend noted that last year, a prioritization list of programs and policies was also included; however, staff did not recommend that a ranking of programs and policies be forwarded to the Department of Transportation for the coming year.

Mr. Hutchison moved to recommend approval of the Prioritization of City of Dover State Capital Transportation Program (CTP) Projects, as recommended by staff. The motion was seconded by Mr. Davis and unanimously carried.

There being no further business, by unanimous consent, the meeting was adjourned.

Meeting Adjourned at 6:07 P.M.

James L. Hutchison
Chairman

JLH/js/jg/dd/tm
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Attachments
Attachment #1 - Aerial Map of North Street (to original and file copy)
Attachment #2 - Sketch of 22-24 West Loockerman Street (to original and file copy)
Attachment #3 - Presentation of the Sex Offender Mandates & Reporting Requirements (to original and file copy)
Attachment #4 - Dover/Kent County MPO Regional Bike Plan 2030 - Off-Road Project Recommendations (to original and file copy)
Attachment #5 - Dover/Kent County MPO Regional Bike Plan 2030 - On-Road Project Recommendations (to original and file copy)
Attachment #6 - Map 5-2 of the Transportation Improvement Districts Study (to original and file copy)
Attachment #7 - Dewey Beach Notice for Parking Boot (to original and file copy)
Attachment #8 - Proposed Ordinance #2011-22

ATTACHMENT #1
SA&T Committee Meeting of 08/24/2011

LOOCKERMAN STREET

NORTH STREET

BANK LANE

GOVERNORS AVENUE

STATE STREET

LANDS N/F
VON CROY, RUDOLPH
T.M.: ED-05-07709-04-5300
ACRES: 0.124±
ZONING: C2

LANDS N/F
YOUNG, ROBERT B.
T.M.: ED-05-07709-04-5700
ACRES: 0.065±
ZONING: C2

LANDS N/F
VON CROY, RUDOLPH
T.M.: ED-05-07709-04-4300
ACRES: 0.693±
ZONING: C2

LANDS N/F
VON CROY, RUDOLPH
T.M.: ED-05-07709-04-4200
ACRES: 0.128±
ZONING: C2

LANDS N/F
VON CROY, RUDOLPH
T.M.: ED-05-07709-04-5101
ACRES: 0.350±
ZONING: RG0

LANDS N/F
DEL. STATE
HOUSING AUTHORITY
T.M.: ED-05-07709-04-5000
ACRES: 1.239±
ZONING: RG0

LANDS N/F
VON CROY, RUDOLPH
T.M.: ED-05-07709-04-5301
ACRES: 0.152±
ZONING: C2

LANDS N/F
DEL. STATE HOUSING AUTHORITY
T.M.: ED-05-07709-04-5400
ACRES: 0.263±
ZONING: RG0

LANDS N/F
TERRY, CHARLES
T.M.: ED-05-07709-04-5600
ACRES: 0.206±
ZONING: C2

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

Dover
309 S. Governors Ave.
Dover, DE 19904
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Fax 302.734.7965

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Wilmington
3205 Randall Parkway, Suite 211
Wilmington, North Carolina 28403
Ph. 910.341.7600
Fax 910.341.7506

www.beckermorgan.com

PROJECT TITLE

NORTH ST. PARCELS

CITY OF DOVER
KENT COUNTY, DE

SHEET TITLE

2007 AERIAL PHOTOGRAPHY

0 15 30 60
SCALE : 1" = 30'

ISSUE BLOCK

MARK	DATE	DESCRIPTION

PROJECT NO.:	600203.00
DATE:	07/18/11
SCALE:	1" = 30'
DRAWN BY: S.L.G.	PROJ. MGR.: G.V.M.

SHEET
C-1

COPYRIGHT 2011

F:\AutoCAD\Projects\2011\PROPOSAL\dwg\AERIAL-NORTH-STREET.dwg, Aug 25, 2011 - 4:55pm



0' 4' 8' 16'

BECKER MORGAN GROUP
ARCHITECTURE ENGINEERING

22-24 W. LOOCKERMAN STREET - DDP BUILDING
CONCEPT ELEVATION

05.18.2011 / 2011040.00

ATTACHMENT #2
SA&T Committee Meeting of 08/24/2011

DOVER POLICE DEPARTMENT



Sex Offender Mandates & Reporting Requirements

ATTACHMENT #3
SA&T Committee Meeting of 08/24/2011

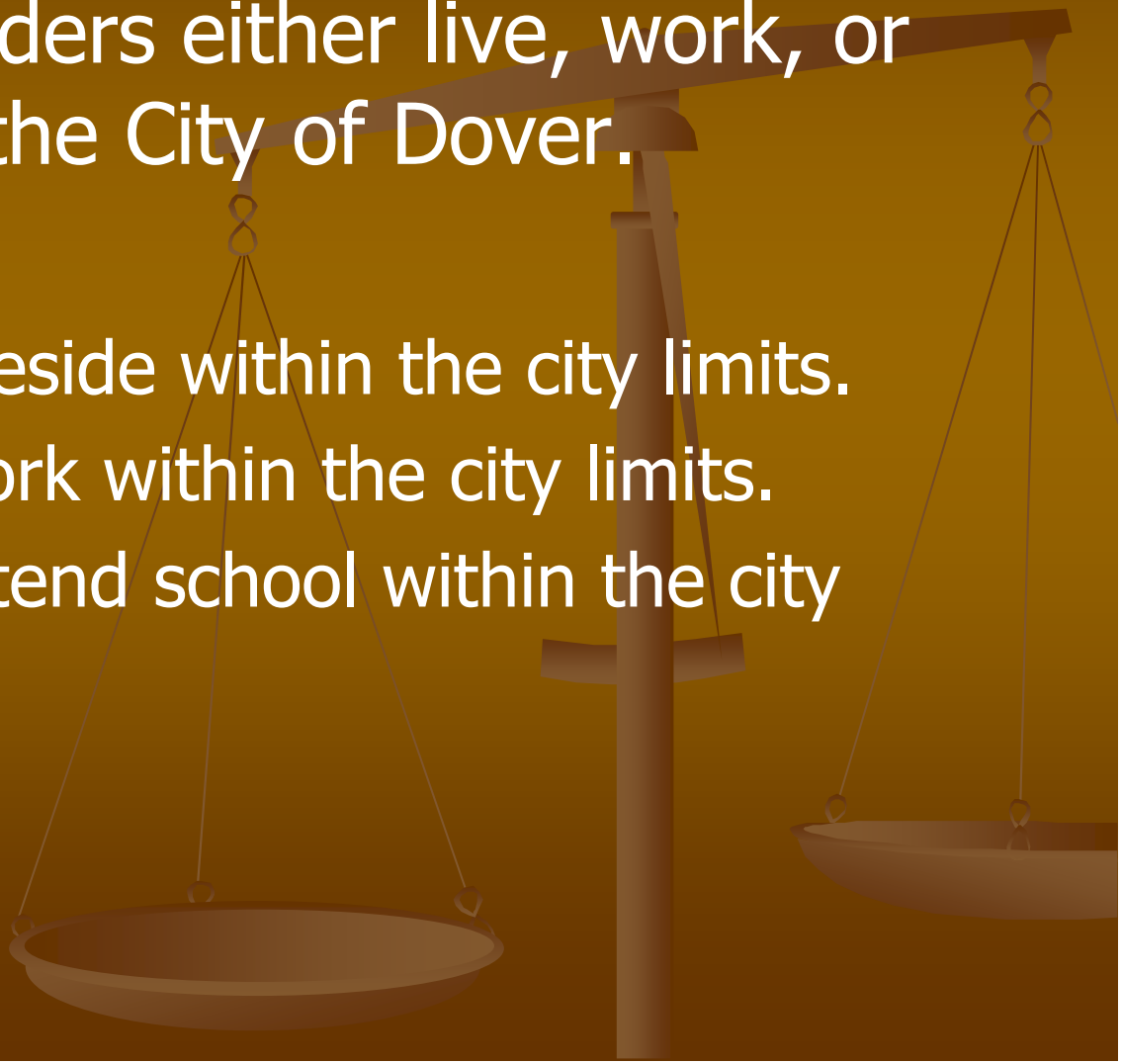
City of Dover Sex Offender Population



- As of August 23, 2011, there are 221 registered sex offenders in the City of Dover.
- There are 214 adult male & 7 adult female offenders. Additionally, we manage 3 juvenile male offenders.

Population Continued

- These sex offenders either live, work, or go to school in the City of Dover.
  - 117 offenders reside within the city limits.
  - 82 offenders work within the city limits.
  - 22 offenders attend school within the city limits



Sex Offender Registration
"Megan's Law"

- Tier III - The most severe. Offenders at this level have been convicted of crimes such as Rape 1st / 2nd degree, Unlawful Sexual Contact 1st degree, Unlawful Sexual Intercourse 1st / 2nd degree, Unlawful Sexual Penetration 1st / 2nd degree and Kidnapping 1st / 2nd degree. Currently we manage 60 Tier III Sex Offenders.

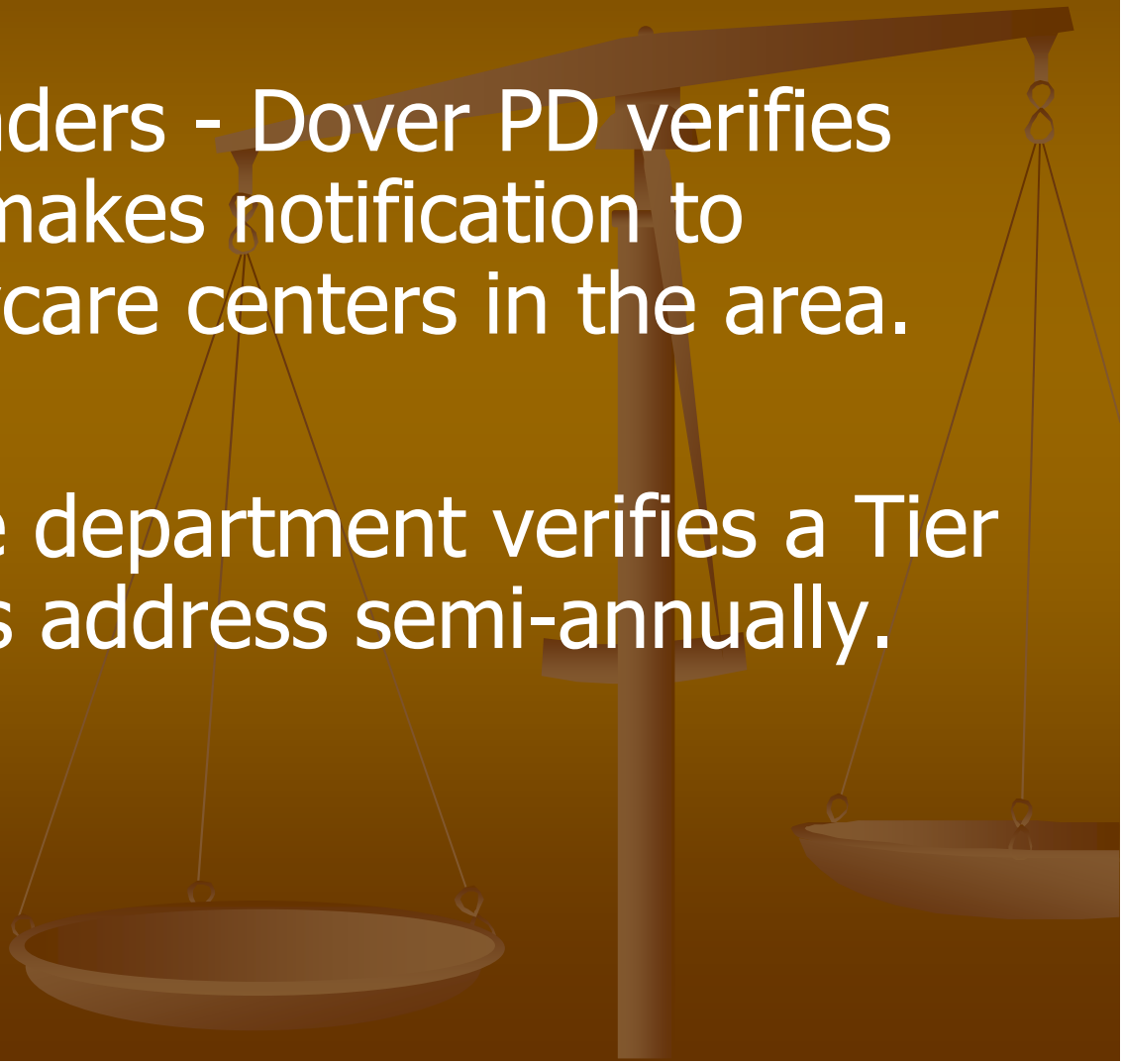
Sex Offender Registration
Police Responsibility

- Tier III Sex Offenders - Dover PD verifies addresses and makes notification to schools and daycare centers in the area. Additionally, the police department verifies the offenders address quarterly and passes out fliers in the sex offender's neighborhood. The following information is listed on each flyer:
  - Sex Offenders Name, DOB and Description
  - Address
  - Photo

Sex Offender Registration
"Megan's Law"

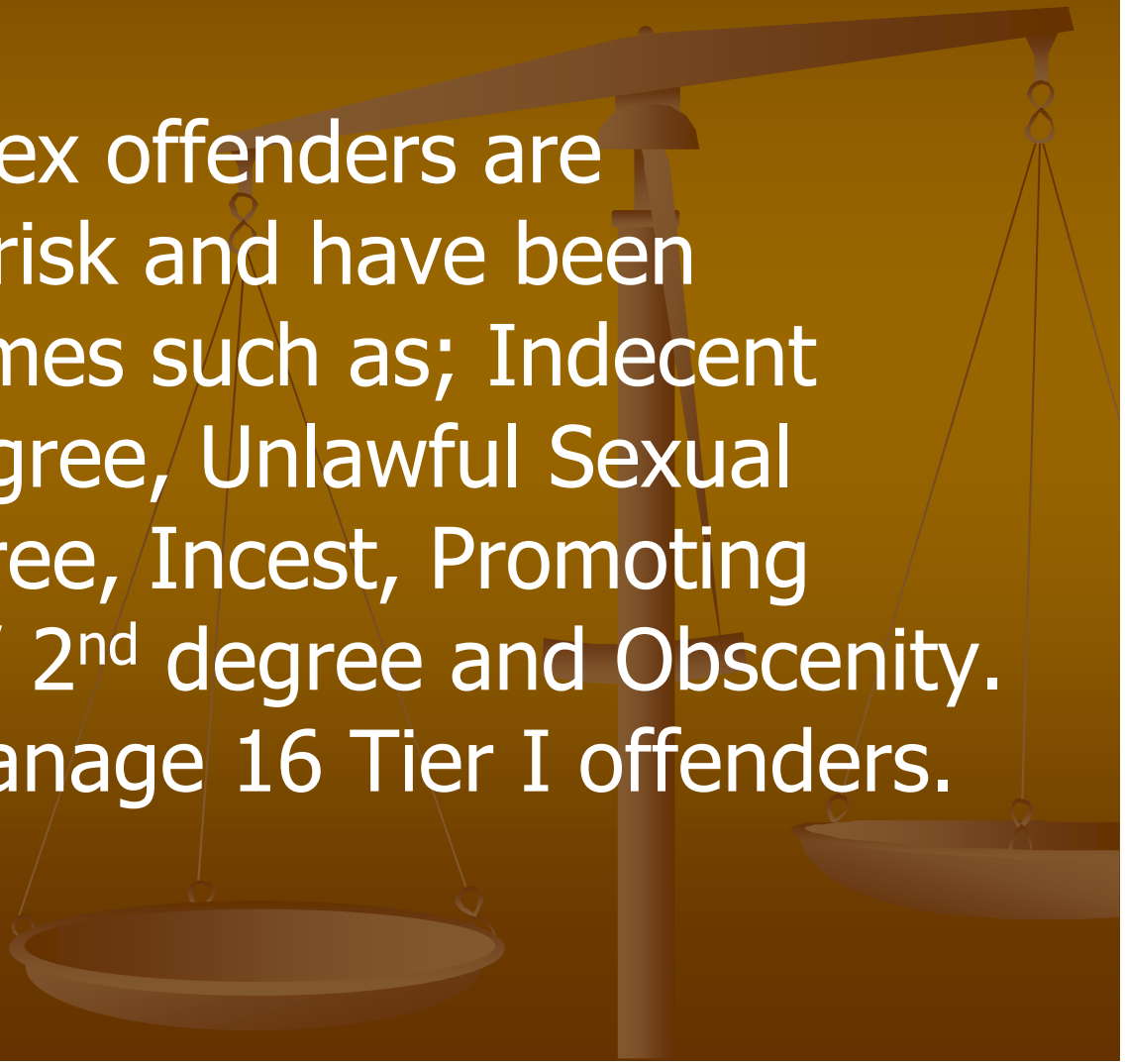
- Tier II - Sex offenders at this level are considered moderate risk and have been convicted of crimes such as Rape 3rd / 4th degree, Unlawful Sexual Contact 2nd degree, Unlawful Sexual Intercourse 3rd degree, Unlawful Sexual Penetration 3rd degree or Bestiality. We currently manage 145 Tier II Sex Offenders.

Sex Offender Registration
Police Responsibility



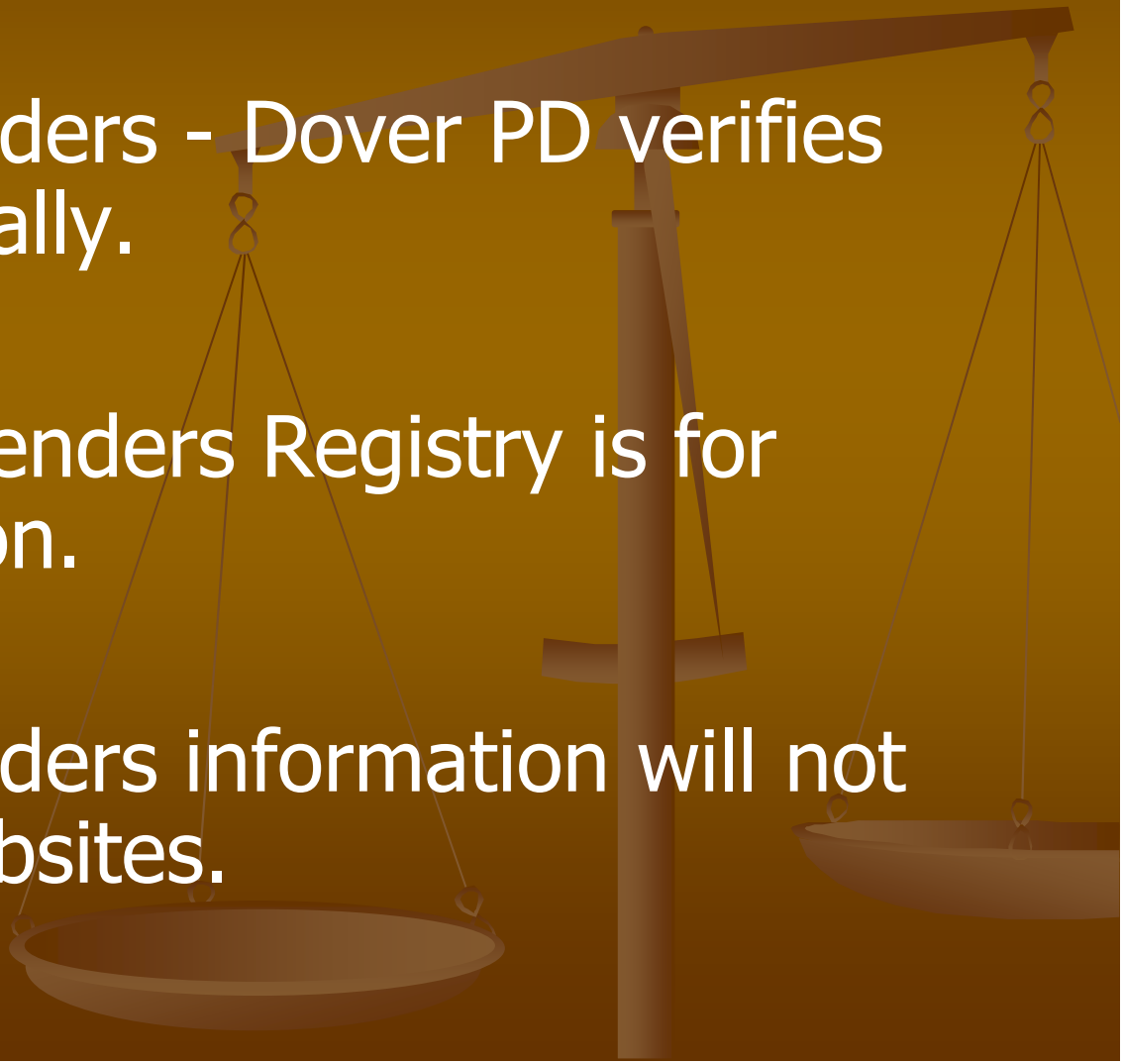
- Tier II sex offenders - Dover PD verifies addresses and makes notification to schools and daycare centers in the area.
- Additionally, the department verifies a Tier II sex offender's address semi-annually.

Sex Offender Registration
"Meghan's Law"



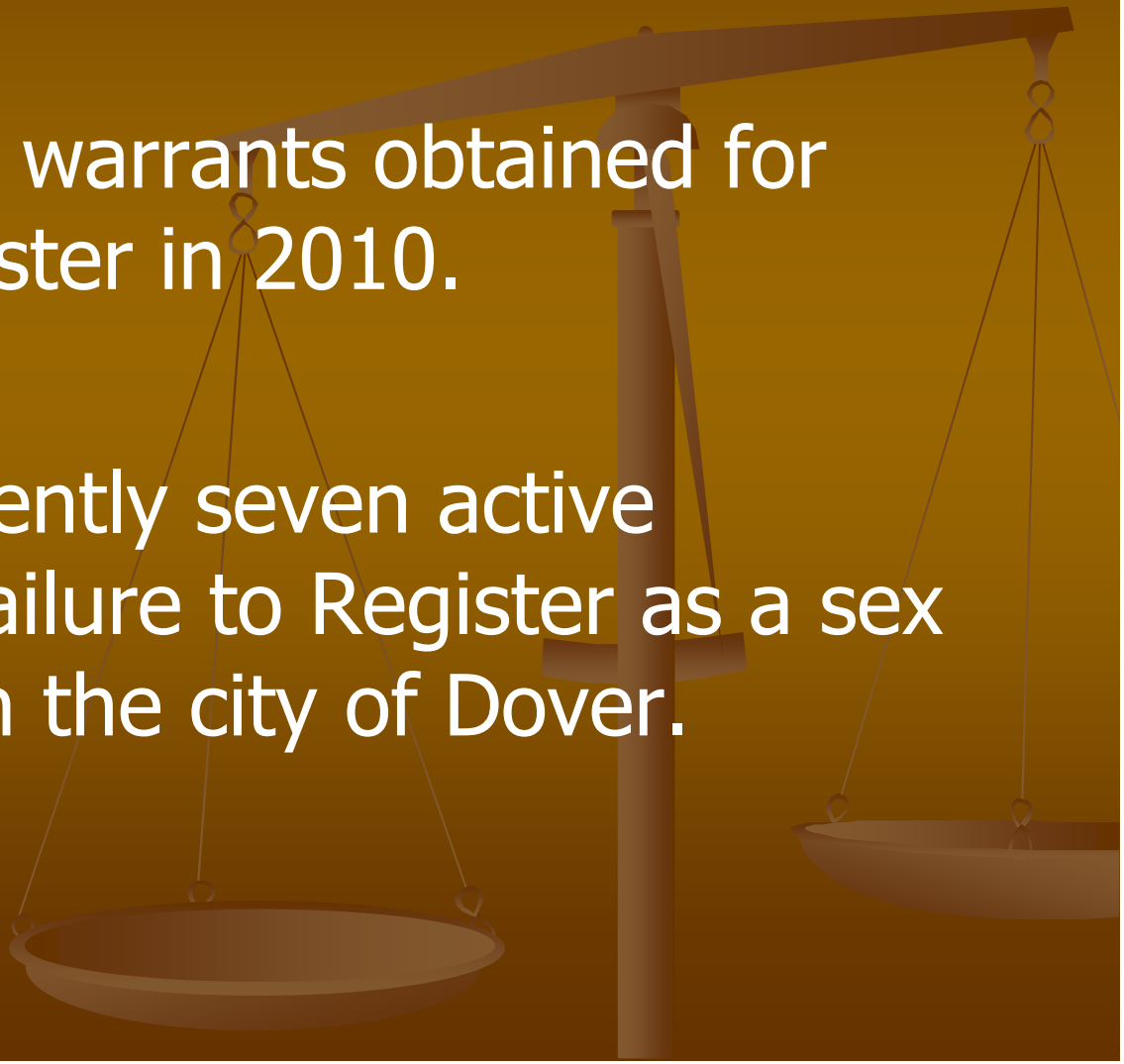
- Tier I – These sex offenders are considered low risk and have been convicted of crimes such as; Indecent Exposure 1st degree, Unlawful Sexual Contact 3rd degree, Incest, Promoting Prostitution 1st / 2nd degree and Obscenity. We currently manage 16 Tier I offenders.

Sex Offender Registration
Police Responsibility



- Tier I Sex Offenders - Dover PD verifies addresses annually.
- A Tier I Sex Offenders Registry is for police notification.
- Tier I Sex Offenders information will not be found on websites.

Sex Offender Registration
Police Responsibility



- There were 20 warrants obtained for Failure to Register in 2010.
- There are currently seven active warrants for Failure to Register as a sex offender within the city of Dover.

Change in Status / Tier

- Any person seeking relief from designation as a Sex Offender shall file a petition with the sentencing court.
  - Tier III – Designated for Life, but may apply for Tier II after 25 years.
  - Tier II – Designated for 25 years, but may apply for a change in status after 10 years.
  - Tier I – Designated for 10 years, but may apply for a change in status after 10 years.

Internet Sites

State Web Site

http://sexoffender.dsp.delaware.gov/

National Web Site

http://www.nsopr.gov/

Private Web Sites

http://www.familywatchdog.us/Search.asp

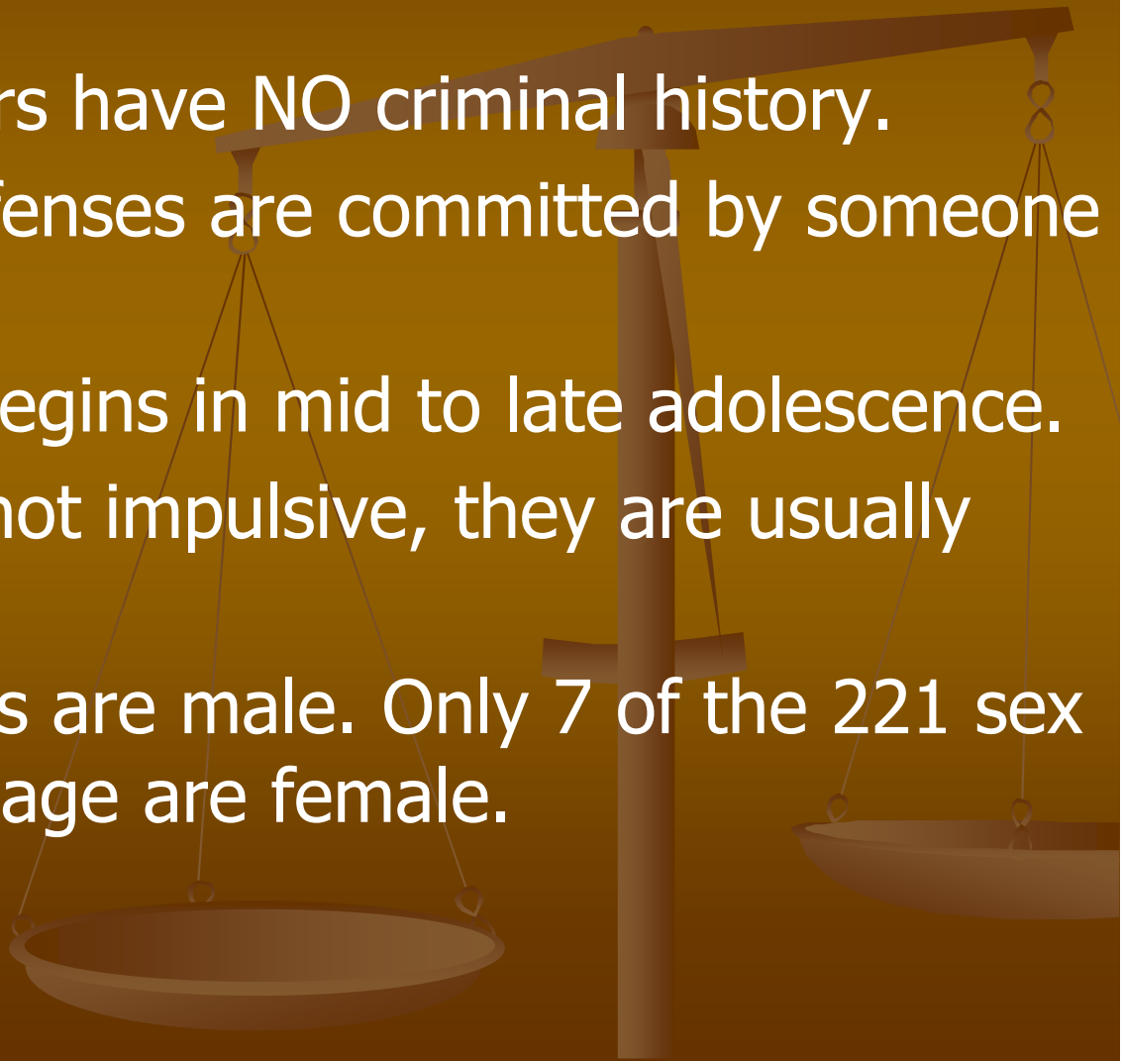


CRIMEWEB.NET

WWW.CRIMEWEB.NET

- CRIMEWEB.NET is a tool used by the Dover Police Department to disseminate sex offender notifications and other informational notifications.
- CRIMEWEB.NET is free to the subscriber.

Sex Offender Characteristics



- Many sex offenders have NO criminal history.
- 78-90% of sex offenses are committed by someone known to victim.
- Sexual deviancy begins in mid to late adolescence.
- Sex offenses are not impulsive, they are usually carefully planned.
- Most sex offenders are male. Only 7 of the 221 sex offenders we manage are female.

Dover/Kent County Metropolitan Planning Organization

Regional Bicycle Plan for 2030

July 2011 Draft





Summary of Project Recommendations

1. Silver Lake to St. Jones Connector Trail
2. Camden to Dover Trail
3. Route 10 Trail
4. Smyrna-Clayton Trail
5. Smyrna-Big Oak Park Connector Trail
6. Clayton, DE to Easton, MD Rail Trail
7. Dover Air Force Base Bike Trail



Dover/Kent County Metropolitan Planning Organization

Regional Bicycle Plan for 2030

July 2011 Draft



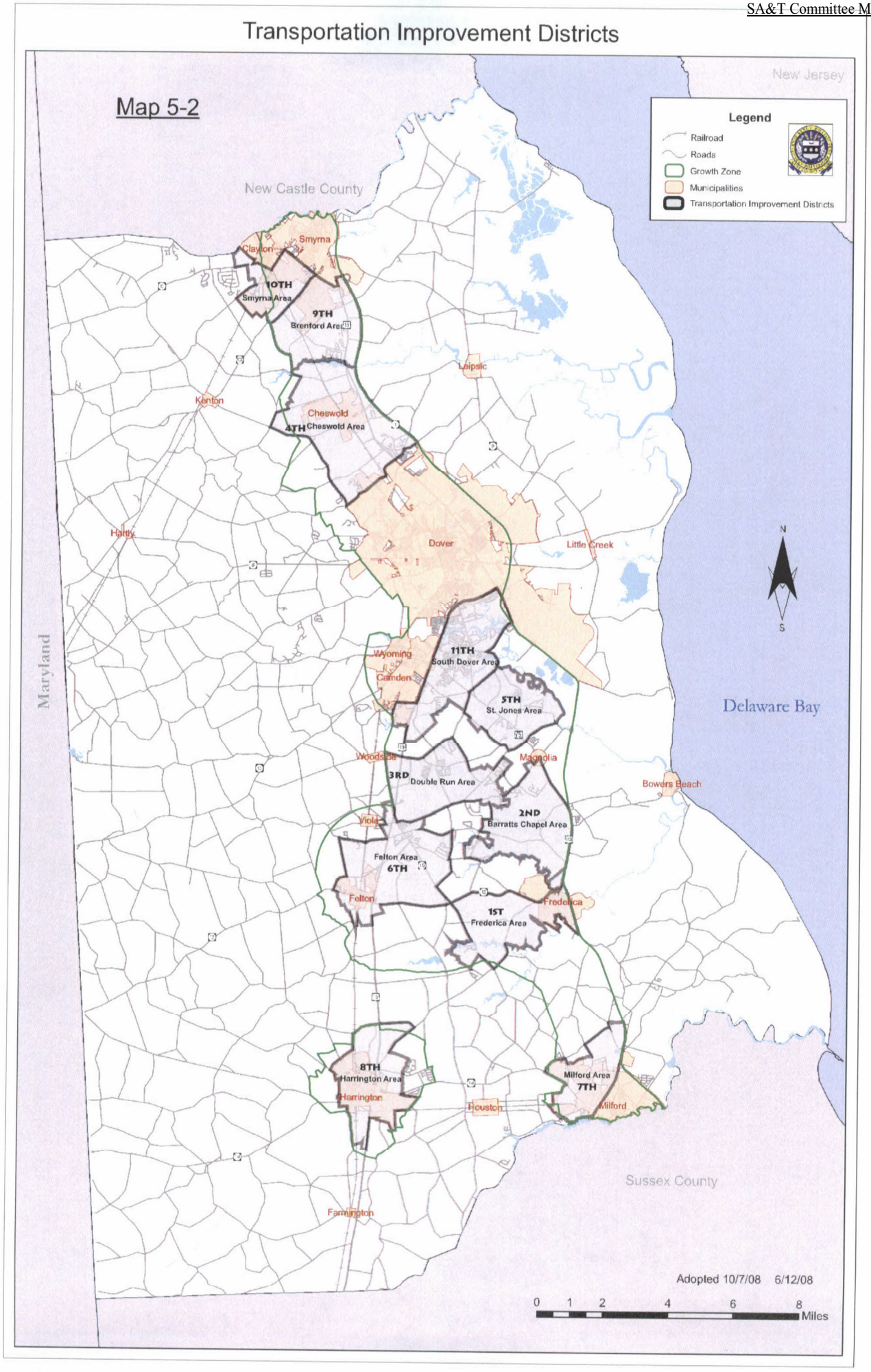
Summary of Project Recommendations

1. **S. West Street** (North Street to Queen Street)
2. **U.S. 13** (Scarborough Road to Puncheon Run Connector)
3. **State Street** (U.S. 13 to Walker Road)
4. **DE 8/Forest Avenue** (Railroad Tracks to Heatherfield Way)
5. **Walker Road** (State Street to Saulsbury Road)
6. **North Street** (Wyoming Mill Road to Railroad Tracks)
7. **College Road** (McKee Road to Dover-Kenton Road)
8. **DE 10** (U.S. 13 to U.S. 113)
9. **Milford Riverwalk**
10. **Saulsbury Road/DE 15** (North Street to U.S. 13)
11. **U.S. 113** (SR 1 through Milford)
12. **Dover-Kenton Road** (DE 8 to Denney's Road)
13. **Sorghum Mill Road** (DE 10 to the Hunn Property)
14. **Pearsons Corner Road** (DE 8 to DE 42)
15. **Chestnut Grove Road** (Dover-Kenton Road to DE 8)
16. **DE 12** (Black Swamp Road to Maryland Line)
17. **DE 15** (Viola to Airport Road)





Transportation Improvement Districts



WARNING!

YOUR CAR HAS BEEN IMMOBILIZED.

THE TOWN OF DEWEY BEACH IS NOT RESPONSIBLE FOR ANY DAMAGE CAUSED BY ATTEMPTING TO DRIVE.

YOU ARE RESPONSIBLE FOR ANY DAMAGE CAUSED TO THIS LOCKING DEVICE.

TO ARRANGE FOR REMOVAL, CALL:

DEWEY BEACH POLICE DEPARTMENT
105 RODNEY AVE., DEWEY BEACH, DE
(302)-227-1110

ATTACHMENT #7
SA&T Committee Meeting of 08/24/2011

THIS CAR HAS BEEN IMMOBILIZED RATHER THAN TOWED IN ORDER TO SAVE YOU TIME AND MONEY.

CITY OF DOVER PROPOSED ORDINANCE #2011-22

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, be amended by inserting the text indicated in bold, blue, italics, re-lettering paragraph (d) as (e), and inserting a new paragraph (d) as follows:

(a) *Generally.* Any person convicted of violating the provisions of this division 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. After the expiration of 24 hours, the violator may pay the sum as provided for ***in*** Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.

(b) *Fourth violation.* Any person committing a fourth violation within any 30-day period of the provisions of this division within one hour from the time that the summons giving notice of the violation is issued, may pay as provided for ***in*** Appendix F—Fees and Fines. After the expiration of one hour from the issuance of the summons, the violator may pay each such violation as provided for ***in*** Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.

(c) *Fifth violation, etc.* Any person committing more than four violations within any 30-day period of the provisions of this division may pay the sum as provided for ***in*** Appendix F—Fees and Fines, if payment is made voluntarily prior to the time and date set forth in the summons.

(d) Enhanced civil enforcement authority. If five (5) or more violations of this Article have been issued to a vehicle and those violations are more than thirty (30) days past due or if accumulated unpaid violations of this Article exceed more than $200.00, the vehicle shall be subject to enhanced civil enforcement, as follows:

(1) Such vehicle found parked on any street in the City of Dover 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 release for 120 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.

~~(d)~~ *(e) 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.

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, Chapter 106 – Traffic and Vehicles, Article III – Stopping, Standing and Parking, Division 2 – Metered Parking, Section 106-164, be amended by deleting the text indicated in bold, red, strikeout and inserting the text indicated in bold, blue, italics as follows:

Chapter 106—Traffic and Vehicles, Article III—Stopping, Standing and Parking, Division 2—Metered Parking			
Sec. 106-163	Use of meters required		
	Subsec. (b)	Coins accepted	
		Each $0.01 coin	Permits the vehicle to be parked for a period of 12 minutes
		Each $0.05 coin	Permits the vehicle to be parked for a period of 60 minutes
Sec. 106-164	Violations; penalties		
	Subsec. (a)	Generally; Each violation *if paid within 24 hours* from time summons giving notice of violation is issued	A fine of not less than $1.00 for each violation
	Subsec. (a)	Generally; Each violation *if paid after expiration of 24 hours* from time summons giving notice of violation is issued	$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons
	Subsec. (b)	Fourth Violation; Each violation *if paid within one hour* from time summons giving notice of violation is issued	$1.00 for each such violation
	Subsec. (b)	Fourth Violation; Each violation *if paid after expiration of one hour* from time summons giving notice of violation is issued	$2.00 for each violation, if payment is made voluntarily prior to the time and date set forth in the summons

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	Subsec. (c)	Fifth violation, etc.; Any person committing more than four violations within any 30-day period of the provisions of this division	$5.00 for each such violation, if payment is made voluntarily prior to the time and date set forth in the summons.
	Subsec. (d)(4)	***Any person who unlawfully removes a device for immobilization of a vehicle***	***$500.00 fine for each violation***
	Subsec. (d)(5)	***Any person who tows or otherwise moves an immobilized vehicle without authorization by the Chief of Police or his designee***	***$500.00 fine for each violation***
	Subsec. ~~(d)~~ ***(e)***	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	

ADOPTED: *

SYNOPSIS

The proposed ordinance would allow the Police Department to use a device to immobilize a vehicle that has unpaid parking tickets exceeding $200 that are 30 days past due.

Actions History

August 24, 2011 - Scheduled for Consideration by the Safety Advisory and Transportation Committee

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