

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY, CHAPTER 94,
PARKING, TO REVISE PERMITTED PARKING, FINES, AND PENALTIES
ORDINANCE 197-20 (FIRST READING)
(Sponsored by Mayor Saxton)**

This ordinance amends Chapter 94, "Parking", to revise permitted parking, fines, and penalties.



ORDINANCE NO. 197-20

AN ORDINANCE TO AMEND the Code of the Town of South Bethany, Chapter 94, **Parking**, to revise permitted parking, fines, and penalties.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, a majority thereof concurring in Council duly met, that Chapter 94 ("Parking") be amended as follows (additions are **highlighted** and deletions **marked through**):

**CHAPTER 94
Parking**

§ 94-1. Authority.

This chapter is authorized by § C-4B of the Town Charter.

§ 94-2. Permitted parking.

A. Vehicles **assigned residential or handicapped parking permits** may park, where permitted **by signage, only** on the west side of Ocean Drive with parked vehicles heading south. **Vehicles with residential permits may also park where designated by signage, on public streets east of Highway Route 1 and perpendicular to Ocean Drive and on public streets west of Highway Route 1 only where designated by signage.** ~~Ocean Drive will be one-way south between North 6th Street and Logan Street. South of Logan Street, Ocean Drive will remain two-way.~~

~~**B.** With respect to the public streets east of Highway Route 1 and perpendicular to Ocean Drive, motor vehicles may be parked as follows:~~

~~(1) On the south side of the following streets with vehicles parked in an easterly direction:~~

~~(a) North 4th Street.~~

~~(b) North 3rd Street.~~

~~(c) North 1st Street.~~

~~(d) North 2nd Street.~~

~~(e) Division Street.~~

~~(f) — South 2nd Street.~~

~~(g) — South 4th Street.~~

~~(h) — South 6th Street.~~

~~(i) — South 8th Street.~~

~~(j) — Indian Street.~~

~~(k) — South 1st Street.~~

~~(l) — Kewanee Street.~~

~~(2) — On the north side of the following roads with vehicles parked in a westerly direction:~~

~~(a) — North 5th Street.~~

~~(b) — (Reserved)~~

~~(c) — (Reserved)~~

~~(d) — South 3rd Street.~~

~~(e) — South 5th Street.~~

~~(f) — South 7th Street.~~

~~(g) — South 9th Street.~~

~~(h) — Jamaica Street.~~

~~(3) — On North 6th Street, it will be one-way eastbound with parking on the north side in an easterly direction.~~

~~(4) — On Logan Street, it will be one-way westbound with parking on the north side in a westerly direction.~~

~~(5) — On Seaside Drive, it will be one-way counterclockwise with parking on the right side, except for the entranceway.~~

§ 94-3. Manner of parking.

All parking within Town rights-of-way shall be parallel to and in the same direction as the flow of traffic with the right-hand wheels as far to the right as is practical so as not to obstruct traffic. On one-way streets where parking is permitted on the left side of the street, the left-hand wheels should be as far to the left as practical so as not to obstruct traffic.

§ 94-4. Prohibited parking.

- A. Unlicensed, inoperable, disabled, derelict or abandoned vehicles or any part thereof shall not be permitted to be parked or maintained on any street. Trailers, campers, recreational vehicles, motor homes or boats may not park on the street rights-of-way within the corporate limits of the Town for more than 24 hours, except by special permit, for good cause as determined by the South Bethany Police Department; provided, however, that in no event may such vehicle be parked at such locations for more than 72 hours, and provided further that nothing in this subsection shall be interpreted so as to prohibit or restrict the mooring of boats. Vehicles in violation of this section shall be towed at owners' expense.
- B. No parking or blocking shall be permitted in appropriately marked driveways, designated handicapped zones, designated lifeguard spaces, within 15 feet of any fire hydrant, where parking has been prohibited by the State of Delaware on Route 1, or on any Town street designated as NO PARKING and so posted with signs.
- C. No fifth-wheel tractors or tractor-trailers or other commercial vehicles in excess of 30 feet shall be parked on any public right-of-way except by special permit or for loading or unloading.

§ 94-5. Handicapped parking and signage for persons with disabilities.

- A. With the exception of a "vehicle being used by a person with a disability" as defined in 21 Del. C. §§ 4183, 2134, and 2135, it is unlawful to park on public or private property any vehicle in any area under the control of the municipality or under the control of an owner or lessee of private property that is designated and conspicuously marked as a parking

- space or zone for persons with disabilities which limit or impair the ability to walk.
- B. Parking spaces or zones for use by persons with disabilities which limit or impair the ability to walk shall be provided in accordance with the International Building Code as amended and adopted by the Town Council.
- C. For purposes of this section, "conspicuously marked" means that a vertical sign has been placed at an approximate height of at least Five feet but no more than seven feet when measured from the surface directly below the sign to the top of the sign for each parking space or zone. The sign shall comply with federal specifications for the identification of a parking zone or space for persons with disabilities, which limit or impair the ability to walk. A sign at least 12 inches wide (horizontal) by 18 inches tall (vertical) that includes the internationally recognized wheelchair symbol of access shall be required for each parking space or zone for persons with disabilities which limit or impair the ability to walk. These requirements may not be construed to preclude additional markings, such as the international wheelchair symbol or a striped extension area painted on the space or zone, or a tow-away warning sign.
- D. Any officer authorized to issue a parking summons and citation shall issue a written notice of violation and corrective order to an individual of record or artificial entity of record of private property that is generally accessible to the public who has failed to erect and maintain signage pursuant to this section. Such corrective order shall afford the individual of record or artificial entity of record found in violation of this section with at least 10 calendar days and not more than 30 calendar days to achieve compliance with this section. If, after 30 days from the date that the written notice of violation and corrective order is issued, the individual of record or artificial entity of record has not erected and/ or maintained the required signage, the officer may issue a summons (with associated penalties and fines) or apply for a warrant in the name of the offending individual or artificial entity.
- E. Upon the discovery on private property of a vehicle, other than "a vehicle being used by a person with a disability" as defined in 21 Del. C. § 4183, in a designated parking space or zone for persons with disabilities, the owner or lessee of the private property may cause the illegally parked vehicle to

be removed to a private storage area maintained for the safe storage of vehicles. Any costs of removal and storage shall be borne by the owner or operator of the vehicle.

- F. Upon the discovery of a vehicle illegally parked in a designated parking space or zone for persons with disabilities that is under the control of the municipality or private property that is generally accessible to the public, any officer authorized to issue a parking summons and citation may cause the illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles. Any costs of removal and storage shall be borne by the owner or operator of the vehicle. In the alternative, any officer authorized to issue a parking summons and citation may cause a uniform parking summons to be attached to an unattended vehicle found in violation of this section. It is prima facie evidence that the individual or artificial entity in whose name the unattended vehicle is registered is responsible for the violation.
- G. An individual or artificial entity who or which violates any provision of this section shall receive a mandatory fine of ~~\$100~~ **\$200** for a first offense, and for a subsequent like offense, a mandatory fine of ~~\$200~~ **\$500** or a term of imprisonment of not less than 10 nor more than 30 days, or both. Any officer authorized to issue a parking summons and citation may cause the illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles at the cost of the owner or operator of the vehicle.

§ 94-6. Parking permit system.

For the purposes of this section, "residential dwelling" shall have the following definition: A dwelling designed to serve as a single-family dwelling (as defined in § 145-3, "single-family dwelling") and constructed to provide complete housekeeping facilities. Accessory buildings such as garages or storage sheds, whether on their own lot or on the same lot as the residential dwellings, are not considered residential dwellings.

- A. On streets where posted, any motorized conveyance parked on any public right-of-way between the hours of 10:00 a.m. and 5:00 p.m. and 12:00 midnight to 6:00 a.m., from May 15 through September 15, require a parking permit. Parking permits will be required for special events and may be obtained at the ~~Police Department~~ **Town Office**.

- B. The Town will issue resident parking permits for a fee.
- (1) Each residential dwelling shall be entitled to four resident parking permits, but no more than four permits shall be issued per dwelling unit regardless of the number of dwelling owners.
 - (2) Owners of one or more residential lots unimproved by a residential dwelling may jointly purchase a maximum of four resident permits (regardless of the number of lots owned), provided that: such owner(s) are not entitled to parking permits under § 94-6B(1) nor have they been previously issued any parking permits under § 94-6B(2). Any permits issued under § 94-6B(2) shall be deemed to have been issued jointly to all of the record owners of the lot for which the permit(s) are issued.
- C. One-day parking permits may be purchased by anyone ***and may be used where designated visitor parking is located west of Highway Route 1.***
- D. All parking permits must be placed, hung, or affixed to all motorized conveyances in such a manner as to be clearly visible for inspection.
- E. Authorized contractors, subcontractors, and their employees may obtain a parking permit without charge for use at building or service sites only during normal working hours. Contractors and subcontractors must have a valid South Bethany mercantile license before a permit will be issued.

§ 94-7. Parking permit fees.

- A. ***Resident p***arking permits may be purchased at the Town Office during office hours or online through the South Bethany website. ***Visitor permits may be purchased at the kiosk located at Town Hall.***
- B. Replacement parking permits may be purchased if the original permit(s) were lost, stolen, or destroyed.
- C. All parking permit fees shall be set periodically by resolution of the Town Council. The fee schedule will be available in the Town Office.

§ 94-7.1. Denial of permits.

- A. The Town shall have the right to deny parking permits to any property owner who has not completed the Application for Rental License or Nonrental Declaration Form for each calendar year the form is not returned.
- B. Anyone having a delinquent tax or other financial obligation due the Town shall be denied parking permits until the obligation is satisfied.

§ 94-8. Penalties for offenses.

- A. Any person violating the provisions of this chapter shall be subject to a penalty of not less than ~~\$20~~ **\$50** nor more than ~~\$50~~ **\$1,000**, except as specified in § 94-5G, and the costs of towing away the violating vehicle.
- B. Fines imposed for violation of any provisions of this chapter must be paid within 14 days of the date of notice of the violation at the Town Office. Failure to pay such fine within 14 days shall result in the fine being doubled.

Effective date: This ordinance shall become effective upon the date of adoption.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE ____ OF _____ 2020.

SEAL:

Tim Saxton, Mayor

Carol Stevenson, Council Secretary

ATTEST:_____

1st Reading: 2/10/20
2nd Reading:

Sponsored by Mayor Saxton
TS:phs:Ordinance 197-20
First Reading