"A Historic Past"

"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

Ordinance No. 16-1121-02

ORDINANCE TO AMEND DELAWARE CITY PROPERTY MAINTENANCE CODE SECTION 52-2 XX 302.15.1 TO REGULATE THE PARKING OF BOAT TRAILERS AND OTHER SIMILARLY SIZED TRAILERS IN PUBLIC RIGHTS-OF-WAY

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

WHEREAS, Chapter 52, Section XX., 302.15.1 of the Code, entitled "Boats," provides for the storage of boats and boat trailers on residential property;

WHEREAS, the Mayor and City Council of Delaware City desire to amend Chapter 52, Section 52-2, XX. 302.15.1 to limit the parking of boat trailers in City rights-of-way (the "Boat Parking Trailer Ordinance");

NOW, THEREFORE, the Mayor and City Council believe this Boat Trailer Parking Ordinance is in the best interest of the City and necessary to enhance the health, safety, and welfare of the City of Delaware City, especially as to traffic safety and the City's aesthetic appeal, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. Amend Section 52-2, XX. 302.15.1 of the Code by adding the language identified below in underline and bold below:

> All boats shall be stored upon a registered trailer which is suitable to transport the boat. A commercially manufactured frame, designed for the storing of sailboats, is also appropriate. All trailers and frames shall be stored upon a hardened surface constructed of material, treated or covered with brick, block, pavers, stone, concrete, asphalt or crushed decorative rock. The surface must fully accommodate the size of the vehicle. The trailer shall not **be parked on** or extend into the **public** right-of-way.
>
> **Parking a boat trailer, or any other similarly sized trailer, in the public rights-of-way shall be punishable by a fine of no less than $100 for every instance.**

Section 2. **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.

Section 3. **Effective Date**. This Ordinance shall become effective immediately upon its adoption by City Council.

(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this _____ day of _____, 201_.

ATTEST:

_____
City Secretary

_____
Mayor

APPROVED AS TO FORM:

_____
Council Member

_____
City Solicitor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

First Reading on _____,

Second Reading, Public Hearing, and Final Passage on _____.