

## Chapter 27

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History: Unless otherwise stated, this Chapter was Ordinance 2001<sup>1</sup> (adopted October 7, 1957). Section 27-38 was Ordinance 2005 (adopted February 13, 1967), Section 27-39 was Ordinance 2006<sup>2</sup> (adopted July 14, 1969), Section 27-40 was Ordinance 2007 (adopted February 8, 1971), Section 27-41 was Ordinance 2009 (adopted May 13, 1991), and Section 27-68 was Ordinance 2002 (adopted December 2, 1959). Article VII was Ordinance 2008 (adopted March 8, 1971).

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<sup>1</sup> As amended by Ordinance 2003 (adopted December 2, 1959).

<sup>2</sup> As amended by Ordinance 2006A (adopted September 14, 1970).

## Article I In General

### Section 27-1 Introduction

That on and after October 7, 1957 all driving and vehicular traffic and coaches, as well as pedestrians, on the public streets of Delaware City, Delaware, shall comply with and be bound by the following rules and regulations which shall be supplement the Motor Vehicle Laws of the State of Delaware; provided, however, that drivers of vehicles and coaches, and pedestrians shall, in case of emergency, comply with any direction by voice, hand, whistle, or signal of any officer of the police force.

### Section 27-2 Definitions

Wherever in these Rules and Regulations the following terms are used, they shall have the meanings respectively ascribed to them in this Section, except as otherwise specially indicated, and any such term used in the singular shall be held to include the plural.

a.) Authorized Emergency Vehicle: All Fire and Police vehicles and all public ambulances are designated AUTHORIZED EMERGENCY VEHICLES. Private ambulances, emergency vehicles of public service corporations, and such other emergency vehicles as are designated or authorized by the Mayor, when so designated or authorized, shall be AUTHORIZED EMERGENCY VEHICLES.

b.) Bus: Any self-propelled motor vehicle exclusively using gasoline, oil, or other similar fuel not confined to rails or a fixed path and used for the transportation of the public upon a roadway.

c.) Coach: A device for passenger transportation (commonly called an electric trackless trolley coach), equipped with tires of rubber or other resilient materials, not operations on rails, propelled by electrical energy supplied through overhead wires, which device may also contain auxiliary means for self-propulsion by a motor vehicle exclusively using gasoline, oil or other similar fuel.

d.) Coach and Bus Stop: The area or space within a roadway set apart by authority of the Mayor for the use of coaches and buses and protected or so marked or indicated by official signs or markings as are approved by the Mayor for making same visible at all times while set apart as a coach and bus stop.

e.) Commercial Vehicle: Any motor vehicle registered as a commercial vehicle and used principally for carrying things other than passengers and including a motor vehicle to which has been added a cabinet box, platform rack or other equipment for the purpose of carrying merchandise.

f.) Construction Equipment: All types of construction vehicles and equipment, including, but not limited to, air compressors, bulldozers, road graders, cement mixers, paving machinery, roller, well drilling machinery, concrete breakers, backhoes, cranes, front end loaders and welding equipment. Equipment owned by the Mayor and Council of Delaware City is excluded from the provisions of this Chapter.

g.) Crosswalk: That portion of a roadway ordinarily included within the prolongation or connection of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

h.) Curb: The lateral boundaries of that portion of a street designed for the use of vehicles and coaches, whether marked by curbstones or not.

i.) Driver: Any person who is in actual physical control of any vehicle, horse or coach upon a street or highway.

j.) Intersection: That area embraced within the lateral boundary lines of two or more streets that join one another at an angle, whether or not one such street crosses the other.

k.) Mayor: Except for powers prescribed by “An Act to Reincorporate the Town of Delaware City,” as amended in 1945 and future amendments, the term “Mayor” shall mean the “Mayor and Council of Delaware City.”

l.) Motor Vehicle: Every vehicle, as herein defined, which is self-propelled, excepting coaches.

m.) Official Traffic Signs: All signs, markings and devices, other than signals, not inconsistent with these Rules and Regulations, placed or erected by authority of the Mayor for the purpose of guiding, directing, warning, or regulating traffic.

n.) One-way Traffic: Traffic restricted to one direction of travel.

o.) Operator: Any person who is in actual physical control of powered river craft.

p.) Parking: The standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily for the purpose of an while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals.

q.) Pedestrian: Any person afoot.

r.) Person: Every natural person, firm, copartnership, association, or corporation.

s.) Police Officer: Every uniformed member of the Delaware City Police Department authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. In addition, any person who is deputized by the Mayor shall have authority to act in the capacity of a member of the Delaware City Police Department during the period authorized by the Mayor.

t.) Powered River Craft: Any vessel, boat, or equivalent equipment having buoyancy sufficient to remain afloat, which is propelled by a power device such as outboard motor, inboard motor, airplane propeller, etc.

u.) Private Road or Driveway: Every road or driveway not open to the use of the public for purposes of vehicular and coach travel.

v.) Right of Way: The privileges of the immediate use of the street or highway.

w.) Roadway: That portion of a street or highway between regularly established curb lines, or that part improved and intended to be used for vehicular and coach traffic.

x.) Safety Zone: The area or space officially set apart within a roadway for the use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible.

y.) Sidewalk: That portion of a street between curb and adjacent building lines designed for the use of pedestrians, whether paved or otherwise.

z.) Street/Highway: Every way or place of whatever nature open to the use of the public as a matter of right purposes of vehicular, coach, and pedestrian travel. The terms “street,” “roadway” or “highway” shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities, or other institutions.

aa.) That Portion of the Branch Channel of the Chesapeake and Delaware Canal Located Within the Limits of Delaware City: All that portion of this waterway between the Delaware River limits, the southeast side of said Branch Channel and the limits located near the Main Channel connection to the Branch Channel of the Chesapeake and Delaware Canal.

bb.) Traffic: Pedestrians, ridden, or herded animals, vehicles, coaches and other conveyances either singly or together while using any street for purposes of travel.

cc.) Traffic Control Signal: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed.

dd.) Trailer: Includes every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

ee.) Truck Tractor: Includes every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn.

ff.) Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a public street or highway, except vehicles used exclusively upon stationary rails or tracks, and excepting coaches.

**Sections 27-3 to 27-5 Reserved**

## **Article II Traffic Signs and Signals**

### **Section 27-6 Official Traffic Signs and Signals**

a.) All signs and signals required hereunder for a particular purpose shall be approved and authorized by the Mayor and shall be controlled and directed by the Police Department, and may be operated by Officers of said Department or by automatic devices.

b.) No provision of these Rules and Regulations for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

### **Section 27-7 Obedience to Traffic Signs and Signals**

It shall be unlawful for the driver of any vehicle or coach or for any pedestrian to disobey the directions indicated by any official traffic sign, signal or marking placed in accordance with the provisions of these Rules and Regulations, unless otherwise directed by a police officer.

### **Section 27-8 Traffic Control Signal Legend**

a.) Whenever traffic at an intersection is controlled by traffic control signals exhibiting colored lights, or the words "GO," "CAUTION" and/or "STOP" said lights and terms shall indicate, as follows:

1.) Green or "GO." Traffic facing the signal may proceed, except that vehicular traffic and coaches proceeding under such signal shall yield the right of way to pedestrians, vehicles and coaches lawfully within a crosswalk or the intersection at the time such signal was exhibited.

2.) Yellow or "CAUTION." When shown alone following the green or "GO" – Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection unless so close to the intersection that a stop cannot be made in safety.

3.) Red or "Stop." Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at such other point as may be plainly and officially designated by authority of the Mayor, and remain standing until Green or "GO" is shown alone.

b.) The driver of a vehicle or coach intending to turn to the right or left at an intersection where traffic is controlled by traffic control signals or by a police officer shall proceed to make

either turn with proper care to avoid accident and only upon the “GO” signal, unless otherwise directed by a police officer or by official traffic signs or special signals.

**Section 27-9 Traffic Lanes and Directional Signs**

Where lanes for traffic and/or directional signs are officially marked or placed by authority of the Mayor, each vehicle or coach being operated on such marked or signed street or intersection shall be driven as indicated by the markings or signs.

**Section 27-10 Interference with Signs, Signals, and Marking Prohibited**

It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any official traffic sign, signal or interfere with any official traffic sign, signal or marking.

**Section 27-11 Display of Unauthorized Signs, Signals, and Markings Prohibited**

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, device or marking which purports to be or is an imitation of or resembles an official traffic sign, signal or marking, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official sign, signal or marking. Every such prohibited sign, signal, device or marking is hereby declared to be an public nuisance; and the Police Department is hereby authorized to cause same to be removed without notice.

**Sections 27-12 to 27-15 Reserved**



### **Article III Pedestrians' Rights and Duties**

#### **Section 27-16 Crosswalks and Safety Zones**

Where crosswalks and safety zones are established, designated and maintained by appropriate markings or devices on or placed upon the street surface in any intersection or on any street by authority of the Mayor for the protection and safety of pedestrians, it shall be the duty of pedestrians using such marked streets and intersections to observe same, and they are required to do so.

#### **Section 27-17 Pedestrians' Right of Way**

a.) The driver of a vehicle or coach shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of a block, except at intersections where the movement of traffic is being regulated by police officers or traffic control signals.

b.) Whenever any vehicle or coach has slowed down or stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway; it shall be unlawful for the driver of any other vehicle or coach approaching from the rear to overtake the pass such vehicle or coach.

c.) Whenever there is a marked crosswalk at any intersection which is controlled or regulated by traffic control signals or by a police officer, the driver of a vehicle or coach shall not stop his vehicle or coach across or beyond the said marked crosswalk while waiting for the traffic control signal to change, or the direction of the police officer, or for the flow of traffic on the intersecting street to pass so he can safely enter the said intersection. Whenever it is necessary for the driver of a vehicle or coach to yield the right of way to a pedestrian crossing the roadway at any unmarked crosswalk at the end of a block, the said driver shall bring his vehicle or coach to a stop in black of the building line of the intersecting street.

d.) Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right of way to vehicles and coaches upon the roadway.

e.) The provisions of this Section shall not relieve the driver of a vehicle or coach or the pedestrian from the duty to exercise due care.

#### **Section 27-18 Pedestrians' Rights and Duties at Controlled Intersections**

At intersections where traffic is controlled by traffic control signals or by police officers, pedestrians shall not cross a roadway against a Red or "STOP" signal and between adjacent

intersections so controlled shall not cross at any place except upon a marked or unmarked crosswalk. A pedestrian crossing or starting across in any such crosswalk on a Green or "GO" signal shall have the right of way over all vehicles and coaches, including those making turns, until such pedestrian has reached the opposite curb or a safety zone, and it shall be unlawful for the driver of any vehicle or coach to fail to yield the right of way to any such pedestrian.

At intersections controlled by means of separate periods for vehicular movement on each of the roadways, and an additional period allotted to pedestrian movement alone, every pedestrian shall remain upon the sidewalk during the time that green lights are in effect for vehicular traffic upon either street, and during the time that the words "DON'T WALK" are clearly indicated upon the traffic controls. Pedestrians may thereafter move across the roadways, within the designated crosswalks, when the red light has stopped vehicular movement upon the roadways at the intersection, and during the time that the word "WALK" is clearly indicated upon the traffic controls.

**Sections 27-19 to 27-20 Reserved**

**Article IV Coaches and Railroad Trains****Section 27-21 Passing of Coaches**

The driver of a vehicle overtaking any coach which is stopped or about to stop for the purpose of receiving or discharging any passenger is permitted (subject to the provisions of Section 27-17 b to pass on the left of such coach at a speed not greater than is reasonable or proper and in no case more than ten (10) miles per hour and with due caution for the safety of pedestrians and alighting passengers.

**Section 27-22 Boarding or Alighting from Coaches or Vehicles**

It shall be unlawful for any person to board or alight from any coach or vehicle while such coach or vehicle is in motion.

**Section 27-23 Railroad Trains not to Block Street**

It shall be unlawful for the directing officer or the operator of any steam or electric railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of the street for purposes of travel for a period of time longer than five (5) consecutive minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

**Sections 27-24 to 27-25 Reserved**

## Article V Stopping, Standing, and Parking

### Section 27-26 Stopping Prohibited in Specified Places

a.) It shall be unlawful for the driver of a vehicle or coach to stop, stand or park such vehicle or coach in any of the following places, except when necessary to avoid conflict with other traffic, in compliance with the directions of a police officer or traffic control sign or signal, or while operating in accordance with rules and regulations specifically authorized by the Mayor applicable to coaches and buses:

- 1.) Within an intersection.
- 2.) Within twenty-five feet (25') from the intersection of curblines, or, if none, then within fifteen feet (15') of the intersection of property lines at an intersection, except at alleys.
- 3.) On a crosswalk. (See also 27-17 c)
- 4.) Within twenty-five feet (25') upon the approach to any flashing beacon, or traffic control sign or signal located at the side of the roadway.
- 5.) Within fifteen feet (15') of the driveway entrance to any fire station.
- 6.) Within fifteen feet (15') of a fire hydrant, or within fifteen feet (15') of a drinking fountain for animals.
- 7.) In front of or within five feet (5') of either side of a private driveway, entrance to any public or private garage or other place or building to which vehicular access is necessary.
- 8.) On a side walk. (See also Section 27-32)
- 9.) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- 10.) On the roadway side of any vehicle stopped or parked at the edge or curb of a street (i.e., double-parking).
- 11.) Within fifty feet (50') of the nearest rail of a steam or interurban railway crossing.
- 12.) Upon or adjacent to a safety zone.
- 13.) Upon any street or roadway where such stopping, standing or parking will narrow the useable portion of such street or roadway so as to prevent its use for the movement of other vehicles or coaches.

b.) The repairing of a vehicle upon the roadway or sidewalks of any street is prohibited; provided, however, that in the event of a breakdown, such emergency repairs as may be necessary for its removal without injury may be performed, but no other repairs.

**Section 27-27 Standing for Loading or Unloading Only in Certain Places**

a.) It shall be unlawful for the driver of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any space marked as a passenger zone.

b.) It shall be unlawful for the driver of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the driver of a commercial vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the actual unloading and delivery of the pick-up and loading of materials in any place marked as a loading zone. In no case shall the stop for loading and/or unloading of materials exceed thirty (30) minutes.

**Section 27-28 Coach and Bus Stops – Taxicab and Public Livery Stands**

a.) The Mayor shall establish coach and bus stops, and stands for taxicabs and public livery vehicles, on such streets, in such places and in such numbers as the Mayor may determine to be of the greatest benefit and convenience to the public, and every such stop and stand shall be designated by appropriate sign or signs and/or marking.

b.) It shall be unlawful for the driver of any vehicle other than a coach or bus to stand or park in an officially designated coach and bus stop, except that the driver of any passenger vehicle may temporarily stop in any such place for the purpose of and while actually engaged in letting persons in or out of such vehicle. Coaches and buses operating regular schedules may stop, stand or park for such periods of time and at such coach and bus stops and at such other officially authorized places on the roadways as may be required to enable such coaches and buses to fulfill their schedules and afford adequate service.

c.) It shall be unlawful for the driver of a taxicab or public livery vehicle to stand or park such vehicle upon any street other than at a designated stand, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in receiving or discharging passengers.

d.) It shall be unlawful for the driver of any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, or for any vehicle other than a public livery vehicle to

stand or park in an officially designated public livery stand, except that the driver of any vehicle may temporarily stop in any such stand for the purpose of, and while actually engaged in, receiving or discharging passengers.

e.) It shall be unlawful for any person to use the streets of Delaware City for parking purposes for vehicles designed to carry persons or personal property for hire, except upon permits granted by the Mayor after due application made; provided, however, that this provision shall not apply to the time necessary to be consumed by such vehicle in loading and unloading.

### **Section 27-29 Limited Parking and No Parking**

a.) The Mayor shall determine upon what streets, or portions of streets, the parking of vehicles shall be permitted for a limited period only, and for what period or periods of time; and upon what streets or portions of streets, the parking of vehicles shall be prohibited and for what period or periods of time; and upon what streets or portions of streets, the parking of periods of time; and shall cause such streets or portions of streets to be marked in accordance with such rulings.

b.) It shall be unlawful for the driver of a vehicle to park such vehicle on any street, or in front of any space on any street, where the time for the parking of vehicles has been limited by the Mayor, and so marked by authority of the Mayor, for a period of time longer than prescribed by the official sign for parking on such street or at such location.

c.) Parking within any block, whether at the same location or not, for an aggregate period of time in excess of the time permitted by the Mayor shall be deemed a violation of these Rules and Regulations; and any person or persons removing a vehicle from any given place on any street, to which this regulation applies, before the expiration of the period authorized for said location and returning it for the purpose of evading the provisions of these Regulations and not for a bona fide purpose, shall be considered as violating the provisions of these Regulations and be subject to the penalties prescribed.

d.) It shall be unlawful for the driver of a vehicle to park such vehicle on any street, or in front of any space on any street, where the parking of vehicles has been prohibited by the Mayor and marked "No Parking" by authority of the Mayor; except that this provision shall not prevent the driver of a vehicle from temporarily stopping at such place for the purpose of and while actually engaged in loading or unloading passengers.

**Section 27-30 Spaces for Official Cars**

The driver of a vehicle shall not park such vehicle in any space upon any street marked by authority of the Mayor as being reserved for the exclusive use of vehicles owned by Delaware City or County of New Castle or State of Delaware or United States Government and so designated, and while same are in actual service of these organizations.

**Section 27-31 Limited Parking for Cleaning Streets**

No person shall park any vehicle on the East side of Clinton Street or the North side of Fifth Street between the hours of 5:00 AM and 8:00 AM on Friday of each week to permit cleaning of streets. No person shall park any vehicle on the West side of Clinton Street or the South side of Fifth Street between the hours of 5:00 AM and 8:00 AM on Saturday of each week to permit the cleaning of streets. In addition to the penalties for violation of this Chapter the owner may be subject to towing charges for removal of the vehicle. It will be the responsibility of the owner to retrieve the vehicle from the location; within Delaware City, to which it was moved.

**Section 27-32 Driving or Parking on Sidewalks Prohibited**

It shall be unlawful for the driver of a vehicle or coach to drive, park or place such vehicle or coach upon any sidewalk at any time, except that a driver of a vehicle or coach shall be permitted to drive his vehicle or coach across a sidewalk area upon a permanent or temporary driveway.

**Section 27-33 Curb Parking**

a.) Except in an emergency, or in obedience to traffic regulations or traffic signs or signals, the driver of a vehicle shall not stop, stand or park such vehicle on any roadway, other than parallel to the curb line of the roadway and within the curb-side wheels of the vehicle within six inches (6") of the curb line, except as provided in the following paragraphs:

1.) Upon those streets which have been marked or signed for parking of vehicles by authority of the Mayor, vehicles shall be parked in such position and within such spaces as indicated by such markings or signs. In the case of a angle parking, vehicles shall be face towards the curb and headed in the direction of traffic upon that side of the street, except in such instances where traffic is headed down a steep grade and the markings or signs indicate that such vehicles may be driven head first into such spaces.

**Section 27-34 Parking of Vehicles for Sale Prohibited**

It shall be unlawful for any person to park upon a street any vehicle displayed for sale.

**Section 27-35 Vehicles for Primary Purpose of Displaying Advertising Prohibited**

It shall be unlawful for any person to park upon a street any vehicle for the primary purpose of displaying advertising.

**Section 27-36 Parking Permitted on Both Sides of One-Way Streets**

Except on such streets as are otherwise prescribed and so marked or signed by authority of the Mayor, vehicles may be parked on both sides of one-way traffic streets, subject to all parking regulations and requirements.

**Section 27-37 Parked Vehicles Must be Left in Proper and Safe Condition for Standing**

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle, and when standing upon a perceptible grade, without turning the front wheels of such vehicle to the curb or side of the street.

**Section 27-38 Wrecked, Abandoned, Seized, or Illegally Parked Vehicles**

a.) In order to preserve the public peace, health and safety of the citizens and inhabitants of Delaware City, it is hereby ordained and provided that whenever any vehicle of any kind or character shall be found on any public street, highway, alley or other public or private lot without written permission of the owner, within the corporate limits of Delaware City, a municipal corporation of the State of Delaware, wrecked, abandoned or parked in violation of any law of the State of Delaware, ordinance ordained by "The Council" of the Mayor and Council of Delaware City, or any agency of the Mayor and Council of Delaware City, nor or hereinafter in force, or shall be seized for any violation thereof, such vehicle shall be removed by authority of the Bureau of Police, to an official pound, provided, however, that no vehicle shall be towed away if at the time of the intended removal the owner or person for the time being in charge thereof is present and shall express a willingness and intention to immediately remove said vehicle.

b.) The provisions of this Section shall apply only to those streets, highways and alleys on which there have been posted "No Parking" or "No Stopping" or like signs or as to those portions of said streets, highways or alleys set-aside as bus stop areas. This Section shall, however, apply to wrecked or abandoned vehicles wherever the same may be found and



notwithstanding the provisions of Paragraph c hereof. The term “abandoned vehicles,” as used herein, shall have the following meanings: 1.) Any vehicle which obstructs the flow of traffic on a public street or highway or in alleys or in front of, from or into driveways, provided, however, that where the obstruction of traffic flow is in a private driveway or from a private driveway, into a public highway, the Bureau of Police, must receive a complaint as to the alleged “abandoned vehicles” and have same on file before initiating any action to tow away the offending vehicle or vehicles; and/or 2.) Any vehicle parked in an area designated as a “No Parking” area, but which has not been designated as a “tow-away” area, when offending vehicle or vehicles have been so parked for a period of twenty-four (24) hours or more; or in a limited parking area for a period of at least forty-eight (48) hours; or any place else on the public highway, street or alley or other public or private lot without permission of the owner, for more than seventy-two (72) hours.

c.) The provisions of this Section shall be operative as to “No Parking” or “No Stopping” areas only when notice of the provision of this Section shall be give by appropriate signs or markings, advising that vehicles parked in violation of any law, ordinance or regulation aforesaid, may be towed away in accordance with the provision of this Section.

d.) The Bureau of Police is hereby empowered, authorized and directed to arrange with the owners and/or operators of a garage or garages or parking area or areas, for their use as an official pound or pounds, to which the vehicle impounded shall be stored, for which the owners and/or operators shall enter into an agreement with the Mayor and Council of Delaware City on the amount of fee or fees to be received by the owner and/or operator for the storage of the impounded vehicle or vehicles, and the furnishing of a bond and insurance, the amount of each to be approved by the City Solicitor, to protect the Mayor and Council of Delaware City from all claims for damages, injuries or bodily harm resulting from the impounding or storage of the vehicles.

e.) The Bureau of Police is hereby empowered and authorized and directed to arrange with the owners and/or operators of vehicle towing services, for removing vehicles to the authorized pounds with a tow truck or trucks so as to cause no damage to the vehicles being towed, for which the owners and/or operators shall enter in an agreement with the Mayor and Council of Delaware City on the amount of fee or fees to be received by the owner and/or operator for this service and the furnishing of a bond and insurance, the amount of each to be approved by the City Solicitor, to protect the Mayor and Council of Delaware City from all claims for damages or injuries resulting from the towing service.

f.) The Bureau of Police shall keep a record of all vehicles impounded and be able at all times to furnish the Mayor and Council of Delaware City, the City Treasurer or agents thereof with the information as to the place of impounding and any other information.

g.) Before the owner or his agent shall be permitted to remove an impounded vehicle from such pound, he shall 1.) pay to the City Treasurer or Clerk of Council the sum of ten dollars (\$10.00) to cover the cost of towing and storage of the vehicle for the first twenty-four (24) hour period, together with the sum of two dollars (\$2.00) for each succeeding twenty-four (24) hour period or fraction thereof, and secure from said City Treasurer or Clerk of Council a certified release, in duplicate; 2.) present the original copy of said release to the person in charge of the official pound, or his agent; and 3.) sign a receipt for such vehicle. In the event the payment is made under protest, the owner or his agent shall furnish a bail bond in such form and amount as required by the City Treasurer.

h.) The payment of towing and storage charges shall not operate to relieve the owner from liability from any fine or penalty that may be imposed for violation of any law, or ordinance or act or regulation for which the vehicle was impounded, and provided further that payment of such charges unless made under protest, shall be final and conclusive and shall constitute a waiver of any right to recover the money so paid.

i.) Any person, firm, association or corporation violating any of the provisions of this Section shall, upon conviction before any Alderman, Magistrate or Justice of the Peace, forfeit and pay a fine not exceeding fifty dollars (\$50.00) for the first offense and a fine not exceeding one hundred dollars (\$100.00) for each subsequent offense.

### **Section 27-39 Parking of Truck Tractors, Trailers and Construction Equipment at Certain Hours Prohibited**

a.) It is unlawful to park a truck tractor or trailer or both or any construction equipment on any street within the corporate limits of Delaware City between the hours of 6:00 P.M. and 6:00 A.M.; and the fine for any truck tractor, trailer or construction equipment that is parked in violation of this Section shall be ten dollars (\$10.00). The owner or owners of any truck tractor, trailer or construction equipment shall, for purposes of this Section, be conclusively presumed to have parked said truck tractor or trailer.

b.) The Court of Common Pleas for New Castle County shall have concurrent jurisdiction with Justices of the Peace to issue warrants and try offenses brought pursuant to this Section.

c.) The owner of any truck tractor, trailer or construction equipment charged to have violated the provisions of this Section shall have the following election:

1.) To pay the fine to the Mayor and Council of Delaware within five (5) days after a parking violation ticket has been affixed to the truck tractor or trailer; or

2.) To appear in the Court wherein such traffic violation is to be heard and defend the alleged violation.

d.) The Mayor and Council of Delaware City shall have appropriate parking tickets printed which shall be affixed to any motor vehicle found to be in violation of this Section.

#### **Section 27-40 Parking of Vehicles Incapable of Self-Mobility**

a.) It is unlawful to park, store, maintain or allow to be maintained any motor vehicle which is incapable of self-mobility in the open and outside of garages or other properly maintained storage space for a period in excess of thirty (30) days, except in commercial automobile storage yards properly licensed by the State of Delaware.

b.) This Section shall apply within the corporate limits of Delaware City to both private property and public roads, streets and highways.

c.) Any person convicted of violating the provisions of this Section shall be fined not more than one hundred dollars (\$100.00) nor more than thirty (30) days in jail or both.

d.) The Court of Common Pleas for New Castle County shall have concurrent jurisdiction with Justices of the Peace to issue warrants and try offenses brought pursuant to this Section.

e.) The Mayor and Council of Delaware City may, upon ten (10) days written notice to the owner of such a motor vehicle, or upon ten (10) days written notice to the owner of real estate upon which such a vehicle is parked, stored or maintained, cause the same to be removed, the cost and expense of which may be paid by the Mayor and Council of Delaware City and thereafter entered as a lien upon the property upon which said vehicle was stored or upon the property of the owner of said vehicle.

#### **Section 27-41 Prohibiting of Boat Docking at Certain Hours**

a.) Docking of boats at the Delaware City Floating Docks, located at Canal Street, Delaware City, Delaware, shall be prohibited for a period beginning at 11:00 P.M. each night until 5:00 A.M. the next morning.

b.) The penalty for violation of this Section shall be fifty dollars (\$50.00) per violation, wherein a violation on each night as aforesaid shall be considered a separate offense.

#### **Sections 27-42 to 27-45 Reserved**

## **Article VI Operation of Vehicles and Coaches**

### **Section 27-46 Boulevard or Through Traffic Streets**

a.) The following streets and parts of streets are hereby declared to constitute “Boulevard” or “Through Traffic” streets for the purpose of this section:

Clinton Street between Delaware Avenue and Fifth Street.

Fifth Street between Drain Ditch and bridge over Branch channel of Delaware and Chesapeake Canal.

b.) The driver of a vehicle or coach traveling on a street intersecting a “Boulevard” or “Through Traffic” street shall bring such vehicle or coach to a speed not exceeding ten (10) miles per hour before entering onto or crossing the intersection street.

c.) The driver of a vehicle or coach who has stopped or allowed down as required by these Rules and Regulations at the intersection with a “Boulevard” or “Through Traffic” street, or in obedience to a “Stop” or “Slow” sign at any intersection, shall yield to other vehicles and coaches within the intersection or approaching so closely on the intersection street as to constitute an immediate hazard, but said driver having so yielded may proceed, and other vehicles and coaches approaching the intersection on the intersecting street shall yield to the vehicle or coach so proceeding onto or crossing the intersection street.

### **Section 27-47 One-way Traffic Streets**

The Mayor shall determine upon what streets vehicular and coach traffic shall be restricted to one direction, and shall designate the direction therefore, and shall cause such streets to be marked or signed as “One-Way Streets” with the direction indicated in the marking or on the sign, and all vehicular traffic and coaches thereon shall proceed only as directed by the official markings or signs.

### **Section 27-48 General Operating Directions**

a.) Upon all two-way streets, the driver of a vehicle or coach shall drive the same upon the right half of the street and shall drive a vehicle or coach moving slowly or a heavily laden vehicle as closely as possible to the right hand edge or curb of such street, unless it is impracticable to travel on such side of the street, and except when turning or when overtaking and passing another vehicle or coach, subject to the limitations applicable in turning, overtaking and passing hereinafter set forth. In crossing street intersections or the intersection of a street by a

railroad right of way, the driver of a vehicle or coach shall at all times cause such vehicle or coach to travel on the right half of the street, unless such right half is obstructed or impassable.

b.) Drivers of vehicles and/or coaches proceeding in opposite directions shall pass each other to the right, each giving to the other, as nearly as possible, at least one-half of the main traveled portion of the street.

c.) The driver of a vehicle or coach overtaking another vehicle or coach proceeding in the same direction and desiring to pass the same shall be subject to the following provisions and limitations:

1.) He shall pass at a safe distance to the left of the overtaken vehicle or coach, but shall not drive to the left side of the center of the street unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

2.) He shall not again drive to the right side of the street until safely clear of the overtaken vehicle or coach.

3.) He shall not overtake and pass another vehicle or coach upon the crest of a grade, or upon a curve in the street where his view along the street is obstructed, or at any railroad grade crossing, not at any street intersection, except one where traffic is regulated by a traffic control signal.

4.) The driver of a vehicle or coach about to be overtaken and passed by another vehicle or coach approaching from the rear shall give way to the right in favor of the overtaking vehicle or coach on suitable and audible signal being given by the driver of the overtaking vehicle or coach and shall not increase the speed of his vehicle or coach until completely passed by the overtaking vehicle or coach.

5.) He may pass to the right at a safe slow speed an overtaken vehicle or coach about to make a left turn, or where lanes are established or where intersections are regulated by signal lights.

d.) The driver of a motor vehicle or coach shall not follow another vehicle or coach more closely than its reasonable and prudent, having due regard to the speed of such vehicle and coaches and the traffic upon and condition of the roadway.

e.) The driver of a vehicle or coach shall keep to the right of the division on any street divided longitudinally by a parkway, walk, sunken way, viaduct, or island, or any official marking.

f.) The driver of a vehicle or coach approaching an intersection not controlled by traffic signs or signals shall yield the right of way to a vehicle or coach which has entered the

intersection. When two vehicles or a vehicle and coach, or two coaches enter an intersection at the same time, the driver of the vehicle or coach on the left shall yield the right of way to the vehicle or coach on the right.

g.) It shall be unlawful for any person to drive any vehicle so constructed, loaded, or in such condition as to be liable to cause delay to traffic or accident or injury to man, beast or property.

h.) It shall be unlawful for the driver of a motor vehicle to operate such vehicle with the muffler cut-out open, or in any manner so as to cause an excessive or annoying emission of smoke, or noise level exceeding normal use of standard (silent) mufflers.

i.) The driver of a vehicle before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian may be affected by such movement, shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle or coach may be affected by such movement, shall give signal as required in this Section plainly visible to the driver of such other vehicle or coach of the intention to make such movement, and the signal shall be regarded and obeyed by drivers of vehicles or coaches following.

j.) The signal herein required shall be given either by means of the hand and arm in the manner herein specified or by an approved mechanical or electrical device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear, the signal shall be given by a device of a type which have been approved by the Motor Vehicle Department of the State of Delaware. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

k.) It shall be unlawful for the driver of a vehicle or coach at any time to drive his vehicle or coach on, over or through a safety zone.

#### **Section 27-49 The Making of Right or Left Turns**

a.) Except where otherwise indicated by buttons, markers or other directional signs placed within an intersection, the driver of a vehicle or coach intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right hand side of the street, and in turning shall keep as closely as practicable to the right hand curb or edge of the street; and when intending to turn to the left shall approach such intersection upon the extreme left portion of that part of the street allocated to traffic in the direction such vehicle or

coach is proceeding, and in turning shall approach as closely as practicable and to the left of the center of the intersection before turning such vehicle or coach to the left.

b.) The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle or coach approaching for the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver having so yielded and having given a signal as required by Section 27-48 of these Rules and Regulations may make such left turn, and drivers of other vehicles or coaches approaching the intersection from said opposite direction shall yield to the driver making the left turn.

c.) The Mayor shall determine those intersections at which drivers of vehicles shall not make a right or left turn, and shall place and maintain or cause to be placed and maintained the proper signs necessary at the intersection as designated.

### **Section 27-50 Operation of Vehicles on Approach of Authorized Emergency Vehicles**

Upon the approach of any authorized emergency vehicle or vehicles giving audible signal by bell, siren or exhaust whistle, the driver of every other vehicle or coach shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by a police officer. This provision shall not operate to relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right of way.

### **Section 27-51 Following Fire Apparatus Prohibited**

It shall be unlawful for the driver of a vehicle, other than one on official business, to follow closer than a city block, any fire apparatus traveling in response to a fire alarm, or to drive into or stop a vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

### **Section 27-52 Crossing Fire Hose**

No coach or vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway without the consent of the Fire Department official in command, or without the use of mechanical devices for protecting fire hose as have been approved by the Bureau of Fire.

**Section 27-53 Unlawful to Drive Through Procession**

It shall be unlawful for the driver of any vehicle or coach to drive between the vehicles comprising a funeral or other authorized procession while they are in motion, provided that said vehicles are conspicuously so designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

**Section 27-54 Emerging from Alley or Private Driveway**

a.) The driver of a vehicle or coach emerging from an alley, driveway or building shall stop such vehicle or coach immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.

b.) The driver of a vehicle or coach entering a public street from a private road or drive shall yield the right of way to all vehicles or coaches approaching on such public street.

**Section 27-55 Limitations on Turning Around**

It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing or otherwise interfering with other traffic, but shall go around the block or to a street intersection sufficiently wide in which to turn without backing; provided, however, that the driver of a vehicle shall not make a “U” turn on Clinton or Fifth Street, except at an intersection.

**Section 27-56 Limitation on Backing**

The driver of a vehicle or coach shall not back the same unless such movement can be made in safety and shall give ample warning before and during such movement, taking continual care not to injure those in the rear.

**Section 27-57 Obstruction of Driver’s View or Driving Mechanism**

a.) It shall be unlawful for the driver of a vehicle or coach to drive same when such vehicle or coach is so loaded as to obstruct the view of the driver to the front or sides, or to interfere with the driver’s control over the driving mechanism of the vehicle or coach.

b.) It shall be unlawful for any passenger in a vehicle or coach to ride in such position as to interfere with the driver’s view ahead or to the sides, or to interfere with the driver’s control over the driving mechanism of the vehicle or coach.



**Section 27-58 Unlawful Riding**

It shall be unlawful for any person to ride upon any portion of any coach, vehicle or bicycle not designed or intended for the use of passengers when the same is in motion. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

**Section 27-59 Riding on Vehicle or Coach without Consent of Driver Prohibited**

It shall be unlawful for any person to ride upon a vehicle or coach without the driver's consent.

**Section 27-60 Clinging to Moving Vehicles or Coaches Prohibited**

It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle or coach upon roadway.

**Section 27-61 Use of Wheels with Metal Treads Restricted**

It shall be unlawful for any person to drive, operate or propel on any street, a traction engine, road roller, trailer or other implement or machine, equipped with metal wheels, or with wheels having metal tires, unless the treads of the wheels are smooth.

**Section 27-62 Duty to Stop in Event of Accident**

a.) The driver of any vehicle or coach involved in an accident resulting in injury or death to any person shall immediately stop such vehicle or coach at the scene of such accident and any person violating this provision shall upon conviction be punished as provided in Section 144 of the Motor Vehicle Laws of the State of Delaware.

b.) The driver of any vehicle or coach involved in an accident resulting in apparent damage to property shall immediately stop such vehicle or coach at the scene of such accident and any such person violating this provision shall upon conviction be punished as provided in Section 144 of the Motor Vehicle Laws of the State of Delaware.

c.) The driver of any vehicle or coach involved in any accident resulting in injury or death to any person or damage to property shall also give his name, address and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle or coach collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or making provision for the carrying

of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person; and any person violating this provision shall upon conviction be punished as provided in Section 144 of the Motor Vehicle Laws of the State of Delaware.

#### **Section 27-63 Use of Anti-Skidding Devices**

a.) It shall be unlawful for any person to use any anti-skidding device on the wheels of vehicles or coaches if the same is so constructed as to be destructive to street pavements; all anti-skidding devices shall be of designs which have been approved in writing by the Mayor such approval being filed in the office of the Secretary of the Town Council.

b.) Each and every day's violation of this Section shall constitute a separate offense.

#### **Section 27-64 Flag or Light at End of Load**

Whenever the load of any vehicle shall extend more than four feet (4') beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load, a red flag not less than twelve inches in length and width, except that between one-half hour after sunset and one-half hour before sunrise, there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle.

#### **Section 27-65 Speed of Motor Vehicles and Coaches**

a.) It shall be unlawful for any person to drive a motor vehicle or coach upon any street of Delaware City recklessly, or at a rate of speed greater than is reasonable and proper – not more than twenty-five (25) miles per hour except on Clinton Street between Delaware and Second Street where the speed limit is twenty (20) miles per hour and on Fifth Street between Adams and the drain ditch where the speed limit is thirty-five (35) miles per hour – having due regard to the width, traffic and use of the street, the intersection of streets and weather conditions, the weight of the vehicle or coach and the condition of its brakes, or so as to have caused a collision with the person or property of another or so as to endanger the life or limb of another.

b.) The fact that the speed of a vehicle or coach is lower than the foregoing limits shall not relieve the driver from the duty to decrease speed when approaching a hillcrest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, coach or other

conveyance or on entering the highway in compliance with legal requirements and the duty of all persons to use due care.

### **Section 27-66 Persons Under Influence of Intoxicating Substances Operating Vehicles**

Any person operating a vehicle under the influence of intoxicating liquor or narcotic drugs will be subject to fine or penalty provided for such offenses under Article VIII.

### **Section 27-67 Drag Racing**

a.) It shall be unlawful for any persons to drive motor vehicles upon any street of Delaware City at a rate of speed fifteen (15) miles per hour, or more, greater than the posted speed limit (i.e., greater than fifty (50) miles per hour in a thirty-five (35) mile per hour zone) when two (2) or more cars are proceeding in the same direction, either parallel, or in close proximity to each other, for a distance exceeding one-quarter (1/4) mile. This violation is defined as “drag racing”.

b.) The penalty for violations of this Section is a fine of one hundred dollars (\$100.00) and a mandatory imprisonment sentence of not less than seven (7) days and not more than thirty (30) days for each offense. This penalty is specific to Section 27-67.

### **Section 27-68 Operation and Regulation of Powered River Craft**

a.) It shall be unlawful for any person to operate a powered river craft within that portion of the Branch Channel of the Chesapeake and Delaware Canal that is located within the limits of Delaware City at a rate of speed greater than is reasonable and proper, having due regard to the safety of other craft.

b.) The penalty for violation of this Section is a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and/or imprisonment for not less than seven days nor more than thirty (30) days, for each violation thereof.

### **Section 27-69 Storage Fees for Impounded Vehicles**

(a) Whenever any vehicle, as defined in this section, has been used in, or in connection with, the commission of any felony or in connection with the flight or escape of any person who has committed any felony, or is used or intended for use to transport or in any manner to facilitate the transportation of any controlled substance in violation of applicable local, state or federal law, it shall forthwith be seized and taken into custody by the peace officer or officers having knowledge of the facts of such use and disposed of in accordance with Title 11, Chapter 23 of the

Delaware Code, or any similar state or federal statute. As used in this ordinance, the word “vehicle” shall include all motor-propelled vehicles, wagons, carts, carriages, bicycles, boats, vessels and aircraft.

(b) No vehicle so seized and impounded shall be released to the lawful owner or any party holding a valid security interest therein unless the costs of towing and storage related to the seizure and impoundment, and any administrative charges authorized by law, shall have been paid to the City of Delaware City. All such charges shall be the obligation of the registered owner of the vehicle. The City Manager shall have authority to adopt a schedule of fees, costs and administrative charges associated with the towing and storage of seized and impounded vehicles and to revise same from time to time.

(c) Notwithstanding the provisions of §27-69(b), no towing, storage or administrative charges or fees shall be assessed or collected in connection with the seizure and impoundment of vehicles under the following circumstances:

(i) The impounded vehicle had been stolen and reported as such to law enforcement agencies by the lawful owner;

(ii) The impounded vehicle is owned by an entity in the business of renting vehicles for profit and, at the time of seizure, the vehicle in question was under the control of a party who had rented the vehicle from such entity; or

(iii) The criminal charges providing the grounds for seizure and impoundment of the vehicle have been dismissed.<sup>3</sup>

**Sections 27-70 to 27-75 Reserved**

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<sup>3</sup> Section 27-69 Adopted February 23, 2009 by Ordinance 09-0126-01

## **Article VII Size and Weight of Motor Vehicles and Loads**

### **Section 27-76 In General**

No person shall drive or move, or being the owner, cause or knowingly permit to be driven or moved, on any highway, street or road within the corporate limits of Delaware City any vehicle or vehicles of a size or weight exceeding the limitations stated in this Article.

### **Section 27-77 Exceptions**

a.) No vehicle shall exceed a total outside width, including any load thereon, of eight (8) feet, except that the width of a farm tractor shall not exceed nine (9) feet.

b.) No vehicle, unladen or with load, shall exceed a height of twelve (12) feet six (6) inches. The liability for damage to any structure caused by any vehicle having a height in excess of twelve (12) feet six (6) inches shall be borne by the owner of the vehicle.

c.) No vehicle except buses shall exceed a length of forty (40) feet and no tractor-semitrailer shall exceed a length of fifty-five (55) feet except auto transporters shall not exceed sixty-five (65) feet and no other combination of vehicles coupled together shall exceed a length of seventy (70) feet. Buses shall not exceed a length of forty-two (42) feet.

d.) No train of vehicles or vehicle operated alone shall carry any load extending more than three (3) feet beyond the front thereof.

e.) No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fender on the right side thereof.

### **Section 27-78 Weights of Vehicles and Loads**

a.) No motor vehicle, equipped with solid rubber tires, shall have a gross weight, including vehicle and load, of more than twenty-two thousand (22,000) pounds, or shall any two-axle motor vehicle equipped with pneumatic tires have a gross weight, including vehicle and load, of more than twenty-six thousand (26,000) pounds, or a gross weight of more than thirty-six thousand (36,000) pounds for a three-axle vehicle.

b.) No vehicle with solid tires shall have an axle load of more than sixteen thousand (16,000) pounds.

c.) No motor vehicle or physically conned combination of vehicles, mounted on pneumatic tires, shall have an axle load in excess of seven hundred (700) pounds per inch of the

aggregate width of its tires, measured at the point of greatest width of each tire, or more than twenty thousand (20,000) pounds in any event.

d.) The gross weight of a trailer and load together shall not exceed twenty-two thousand (22,000) pounds.

e.) No trailer equipped with metal tires bearing a gross load in excess of six thousand (6,000) pounds shall be allowed on highways, streets or roads in Delaware City.

f.) No motor vehicle or combination of vehicles, the gross weight of which is in excess of thirty-six thousand (36,000) pounds, shall be operated on the highways, streets or roads of Delaware City unless such vehicle or combination of vehicles is equipped with power brakes.

g.) It shall be lawful to operate a vehicle equipped with two (2) axles, with a power brake on each rear hub provided that the gross weight including vehicle and load does not exceed thirty thousand (30,000) pounds.

h.) It shall be lawful to operate a vehicle equipped with three (3) axles, having each of the rear axles equipped with two (2) hubs, with a power brake on each rear hub provided that the gross weight including vehicle and load, does not exceed sixty-five thousand (65,000) pounds.

i.) It shall be lawful to operate a semi-trailer with one (1) axle, equipped with a power brake on each hub, provided that the gross weight of the combination of tractor and semi-trailer does not exceed forty-eight thousand (48,000) pounds.

j.) It shall be lawful to operate a semi-trailer, equipped with coupled axles spaced forty-eight (48) inches or more apart measured horizontally, with a power brake on each hub, provided that the axle weight does not exceed eighteen thousand (18,000) pounds per axle, and provided that the gross weight of the combination tractor and couple axle semi-trailer, does not exceed the gross weight give for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the table in subsection l; and also provided that in the case of a lowbed trailer, such as is commonly used in moving heavy equipment, coupled axles may be spaced thirty-six (36) inches or more apart.

k.) With respect to any vehicle containing coupled axles spaced less than forty-eight (48) inches apart measured horizontally between their center lines, the load for each of such coupled axles shall not exceed ten thousand (10,000) pounds, the load for axels spaced forty-eight (48) inches or more apart center to center of axles shall be governed by the table for maximum gross weights.

l.) The total gross weight imposed on the highway, street or road by any group of two (2) or more consecutive axles of a vehicle or of any combination of vehicles shall not exceed that given in the following table for the respective distance between the centers of the first and last

axles of said two (2) or more consecutive axles; provided, however, that none of the provisions of this Subsection shall apply to, or govern the total or maximum gross weight of any vehicle described or defined in subsection h of this Section:

Table for Maximum Gross Weights

Distance in Feet Between First and Last Axles of Any Group	Maximum Load in Pounds Carried on Any Group	Distance in Feet Between First and Last Axles of Any Group	Maximum Load in Pounds Carried on Any Group
Less than 4	20,000	24	47,470
4	36,000	25	48,350
5	36,000	26	49,220
6	36,000	27	60,000
7	36,000	28	60,000
8	36,000	29	60,000
9	36,000	30	60,500
10	36,000	31	61,500
11	36,000	32	62,500
12	36,470	33	63,400
13	37,420	34	64,400
14	38,360	35	65,300
15	39,300	36	66,200
16	40,230	37	67,200
17	41,160	38	68,100
18	42,080	39	69,000
19	42,990	40	70,000
20	43,900	41	70,800
21	44,800	42	71,700
22	45,700	43	72,600
23	46,590	44 or more	73,280

**Section 27-79 Permits for Excessive Size and Weight**

The Mayor and Council of Delaware City may, upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move vehicle of a size or weight exceeding the maximum specified in this Article, upon any

highway, road or street within the corporate limits of Delaware City. Such permit shall designate the route to be traversed, the date and time when the permit is valid, the specific vehicle for which the permit is issued and such other restrictions and conditions as are deemed necessary by the Mayor and Council of Delaware City for the preservation and protection of both municipal and private property, including streets, sewers, telephone and electric lines, water and gas lines, curbs, lawns and private automobiles. Such permit shall be prominently displayed on the vehicle while in motion and shall be exhibited to any peace officer upon demand.

#### **Section 27-80 Police Officers' Authority to Weigh Vehicles**

Any uniformed police officer, having reason to believe that the weight of a vehicle and load is unlawful, may weigh the same either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales in the event such scales are within three (3) miles. The officer may then require the driver to unload immediately such portion of the load as is necessary to decrease the gross weight of such vehicle to the maximum therefore specified in this Article or for which it is registered. All such material shall be unloaded and cared for by the owner or operator of the truck at the risk of such owner or operator.

#### **Section 27-81 Penalties**

Whoever violates any provision of this Article shall, for the first offense, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or imprisoned not more than thirty (30) days, or both. Each day shall constitute a separate offense.

#### **Section 27-82 Jurisdiction**

The Court of Common Pleas for New Castle County shall have concurrent jurisdiction with Justices of the Peace to issue warrants and try offenses brought pursuant to this Article.

#### **Sections 27-83 to 27-85 Reserved**



## **Article VIII Penalties and Miscellaneous**

### **Section 27-86 Penalties**

Except as herein before set forth, any person or persons violating any of the foregoing rules and regulations shall, upon conviction thereof before any magistrate of the Mayor of Delaware City be subject to a fine of not less than three dollars (\$3.00) nor more than maximum fine and imprisonment permitted by the Delaware City Charter.

### **Section 27-87 Owner Prima Facie Responsible for Illegal Parking**

If any vehicle is found upon a street or highway in violation of any provision of these Rules and Regulations concerning the stopping, standing or parking of vehicles and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

### **Section 27-88 Public Employees To Obey Traffic Regulations**

The provisions of these Rules and Regulations shall apply to the driver of any vehicle owned by or used in the service of the U.S. Government, this State, County or City, and it shall be unlawful for any such driver to violate any of the provisions of these Rules and Regulations, except as otherwise permitted in these Rules and Regulations.

### **Section 27-89 Exceptions to Authorized Emergency Vehicles**

The provisions of these Rules and Regulations regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles, as herein defined, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

### **Section 27-90 Persons Propelling Push Carts or Riding Bicycles or Animals to Obey Traffic Regulations**

Every person propelling any push cart or riding a bicycle or an animal upon a roadway, and every person driving any animal, shall be subject to the provisions of these Rules and Regulations applicable to the driver of any vehicle, except those provisions with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

**Section 27-91 Other Violations**

All laws and regulations pertaining to registration, licenses, size and weight of vehicles, trailers and towed vehicles, speed, brakes, horn, mirror, windshield and lighting equipment, duties of drivers involved in accidents, etc., etc., see “Motor Vehicle Laws of the State of Delaware,” issued by the Secretary of State of the State of Delaware (adopted January 27, 1941 and approved February 10, 1941) and additions thereto which supplement the previous Articles of this Chapter are included by this Section. This Section can be cited for such violations.

**Sections 27-92 to 27-95 Reserved**