

**AN ORDINANCE TO AMEND CHAPTER 116,
VEHICLES AND TRAFFIC,
OF THE MUNICIPAL CODE OF THE TOWN
OF HENLOPEN ACRES, DELAWARE, BY AMENDING SECTIONS 116-2 AND 116-5
AND ADDING A NEW ARTICLE III RELATING TO
VIOLATIONS AND PENALTIES AND HAZARDOUS DRIVING**

WHEREAS, the Mayor and Commissioners desire to amend Chapter 116, Vehicles and Traffic, of the Henlopen Acres Municipal Code.

BE IT ORDAINED by the Commissioners of the Town of Henlopen Acres, in session met, a quorum pertaining at all times thereto, in the manner following to-wit:

Section 1. Chapter 116, Section 116-2, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended deleting the following table entries:

Crossways and Pine Reach	Crossways	East
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and by alphabetically inserting the following table entries:

Zwaanendael and Pine Reach	Pine Reach	South
Zwaanendael and Pine Reach	Zwaanendael	East

Section 2. Chapter 116, Section 116-5, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

§ 116-5 Violations and penalties; voluntary assessment.

Any violation of any provision of this article is declared to be a civil offense and is subject to the voluntary assessment and other procedures described in Chapter ~~55~~ of this Code. Any person violating any provision of this chapter shall pay a civil assessment of ~~\$75~~\$100 and shall also pay the Town's court costs and expenses, including its attorneys' fees.

Section 3. Chapter 116 of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by making insertions as shown by underline and deletions as shown by strikethrough as follows:

Article III Hazardous Driving

§ 116-11 Speed limits.

- A. It shall be unlawful for any person or persons to drive a vehicle on a street or right-of-way at a speed greater than is reasonable and prudent under the conditions and without having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, in compliance with legal requirements and the duty of all persons to use due care.
- B. Where no special hazard exists, the following speeds shall be lawful, but any speed in excess of such limits shall be absolute evidence that the speed is not reasonable or prudent and that it is unlawful:
- (1) Speed limits on Town streets shall be 25 mph except as otherwise provided by resolution adopted by the Town Council; provided, however, that no speed limit modified by resolution of the Town Council shall be enforceable until signage indicating the effective speed limit has been properly installed upon such streets.

§116-12 Violations and Penalties.

Any violation of any provision of this article is declared to be a civil offense and is subject to the voluntary assessment and other procedures described in Chapter 55 of this Code. Any person violating any provision of this chapter shall pay a civil assessment of \$100 and shall also pay the Town's court costs and expenses, including its attorneys' fees.

Section 4. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 5. This Ordinance shall take effect immediately upon its adoption by the Commissioners of the Town of Henlopen Acres.

Adopted by the Commissioners
of the Town of Henlopen Acres

January 8, 2021

Betsey R. Richards

Secretary of the Commissioners of
the Town of Henlopen Acres

SYNOPSIS: This Ordinance amends the Town's Municipal Code concerning violations and penalties relating to stop intersections and by adding a new Article relating to Hazardous Driving.