

#3385

Sponsor:

Councilmember Freel

ORDINANCE NO. 10-047

AN ORDINANCE TO AMEND §37-95 OF THE CITY OF WILMINGTON CODE RELATING TO PENALTIES APPLICABLE TO TRAFFIC LIGHT SIGNAL VIOLATION MONITORING PROGRAM.

WHEREAS, the General Assembly of the State of Delaware recently adopted House Bill No. 189, amending 21 *Del. C.* §4101 (d)(2) to increase the maximum administrative assessment that may be imposed for red light camera violations from \$75 to \$110; and

WHEREAS, the City Council wishes to make the administrative assessments provided in Chapter 37 of the City Code for violations of the City's traffic light signal monitoring program consistent with those now established under State law.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 37 of the City Code is hereby amended by amending §37-95 by deleting the language within brackets and by adding the underlined language to read as follows:

Sec. 37-95. Failure to stop for a red traffic signal; traffic light signal violation monitoring program; penalties.

...

(b) Traffic Light Signal Violation Monitoring Program. Such failure to stop for a red traffic signal may be recorded by a traffic signal violation monitoring system in accordance with a program or authorization approved by city council and the city government, pursuant to the provisions of 21 *Del. C.* §4101 and this section. The administration and enforcement of the provisions of this section shall be done in accordance with the provisions of 21 *Del. C.* §4101, as amended by S.B. 262 and H.B. 189, which shall prevail in the event of any conflict with the provisions of this subsection.

(1) The owner of the vehicle shall be liable for a civil or administrative monetary assessment not to exceed [\$75.00] \$110.00, provided, however, that the city may provide for an additional assessment not to exceed \$10.00 if the civil or administrative assessment is not paid within 14 days; which assessment may be increased to an amount not to exceed \$20.00 if the assessment is not paid within 45 days; and may be increased to an amount not to exceed \$30.00 if the assessment is not paid within 90 days; if such vehicle is found, as evidenced by information obtained by a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal. Court costs or similar administrative fees not to exceed [\$30.00] \$35.00 may also be assessed if the owner requests a hearing to contest the violation, and is ultimately found to be in violation or fails to pay or contest the violation in a timely manner. Enforcement procedures for this section shall be governed in the same manner as any parking violations under article II of Chapter 37.

...

SECTION 2. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First ReadingJune 17, 2010
Second ReadingJune 17, 2010
Third ReadingJuly 1, 2010

Passed by City Council, July 1, 2010

/s/ Stephanie T. Bolden
Pro-Tem President of City Council

Attest: /s/ Maribel Ruiz
City Clerk

Approved as to form this
11th day of June, 2010

/s/ John R. Sheridan
City Solicitor

Approved this 6th day of July, 2010

/s/ James M. Baker
Mayor

SYNOPSIS: This Ordinance amends Chapter 37 of the City Code to increase the maximum administrative assessment for violations of the traffic signal violation monitoring system program from \$75 to \$110 and increases the fee for court costs from \$30 to \$35, to bring that fee into conformity with State law and the amount currently being charged by the Justice of the Peace Courts.