

Sponsor: _____
First Reading: 1/21/2025
Second Reading: 2/3/2025
Third Reading: 2/18/2025
Ord. No.: 002-25

AN ORDINANCE AMENDING CHAPTER 66 (TRAFFIC AND VEHICLES) OF THE TOWN CODE OF THE TOWN OF SMYRNA TO INCLUDE A DEFINITION OF SIDEWALK

WHEREAS, the Town Council of the Town of Smyrna is authorized pursuant to section 4.2.7 of the Town Charter to “regulate the use and enjoyment of . . . any new or present sidewalk, curb, or gutter or portion thereof in the Town;”

WHEREAS, the Town Council of the Town of Smyrna is authorized pursuant to section 4.2.25 of the Town Charter to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants;”

WHEREAS, the Town Council has adopted regulations pertaining to the use of sidewalks in the Town of Smyrna, and the Town has determined that it is necessary and in the best interest of the public health, safety, and welfare to update the Town’s regulations to include a definition of sidewalks.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Chapter 66 (Traffic and Vehicles), Article III (Stopping, Standing, and Parking) by making additions as shown by underline and deletions as shown by strike through as follows:

Sec. 66-97. Definitions.

As used in this article, the following terms shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

* * *

(9) Sidewalks: A paved, surfaced, or leveled area paralleling and separated from the travel way of the streets or roadways of the town that is designed for pedestrian traffic, including those areas designed for pedestrian traffic that intersect with or cross over a driveway or other property entrance.

~~(9)~~(10) Recreational vehicle: Includes every other vehicle, self-propelled or capable of being towed by a passenger vehicle, bus, van, station wagon or pickup truck, of such size and weight as not to require any special highway movement permits from the state department of motor vehicles, which is primarily designed or constructed to provide temporary, movable human living quarters for recreational, camping or travel use.

~~(10)~~ (11) *Roadway*: That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

~~(11)~~ (12) *Trailer*: Includes, a mobile home, travel trailer, house trailer, boat trailer, office trailer, camping trailer or any vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

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 the Town 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 Town Council's intent.

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

SYNOPSIS

This ordinance establishes a definition for sidewalks in Chapter 66 (Traffic and Vehicles) in the Town Code.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on February 18th, 2025.

ATTEST:


Council Secretary


Mayor

This shall certify that the title and synopsis of this Ordinance was published in the Delaware State News on January 29th, 2025 and posted at the Town Hall on January, 21st, 2025.

So Certifies:


Town Clerk