

First reading: 9/30/2008  
Second reading: 10/16/2008

TOWN OF NEWPORT  
DELAWARE

ORDINANCE # 2008- Newport Title 37

AN ORDINANCE RELATING TO THE OPERATION OF MOTOR VEHICLES FOR APPLICATION WITHIN THE BOUNDARIES OF THE TOWN OF NEWPORT.

WHEREAS, the Commissioners of Newport desire to provide its citizens with the assurance of safety upon the municipal highways within the boundaries of the Town of Newport; and

WHEREAS, the Commissioners of Newport desire to employ traffic laws consistent with the State of Delaware while determining penalties for violations within the Town;

NOW, THEREFORE, BE IT ENACTED AND HEREBY ORDAINED BY THE COMMISSIONERS OF NEWPORT THAT:

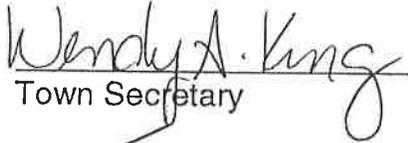
- Section 1: Repeal. Town of Newport Ordinance 385-A is hereby repealed in its entirety.
- Section 2: Newport Traffic Code. "The Newport Traffic Code" (Title 37) is hereby adopted as the law within the boundaries of Newport. The Newport Traffic Code shall include all offenses and language currently or subsequently included in Title 21 of the Delaware Code, with the exception of penalties for offenses, which are defined in Section 3 of this Ordinance.
- Section 3: Penalties. Penalties for specific offenses defined in the *Newport Traffic Code* (Title 37) shall be established in Table 3a, attached hereto and incorporated herewith.
- Section 4: Future Amendments to Title 21. Any subsequent amendments to Title 21 of the Delaware Code shall be recognized as included in Newport Title 37, *The Newport Traffic Code*, and enforceable by the Commissioners of Newport, unless specifically excluded by ordinance.
- Section 5: Jurisdiction of State of Delaware. This ordinance shall not usurp for or convey upon the Commissioners of Newport any responsibilities or duties which, under Title 21 Delaware Code, are the exclusive jurisdiction of the State of Delaware.

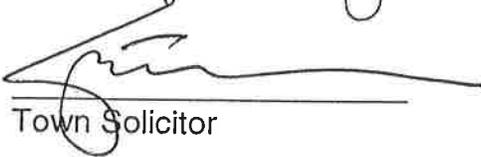
Section 6: Severability. If any section, clause, or phrase of this Ordinance should be declared invalid or unconstitutional by the judgment of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, clauses or phrases of this Ordinance.

Section 7. Conflicts. Other ordinances or parts of other ordinances deemed to be in conflict with this Ordinance are hereby repealed and superceded to the extent that other such ordinances or parts of ordinances are in conflict, provided that such repeal shall not abate a right of action already accrued under any repealed ordinance.

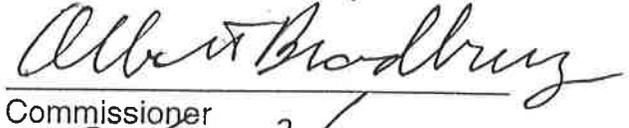
Section 8. Effective Date. The Town Secretary shall certify to the adoption of this Ordinance and this Ordinance shall take full force and effect immediately after the date of final passage and approval.

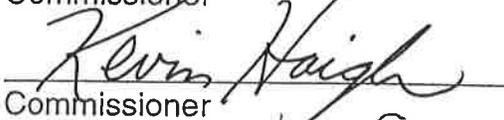
The Commissioners of the Town of Newport hereby adopt this ordinance and its provisions to be held in full effect from this 16<sup>th</sup> day of OCTOBER, 2008.

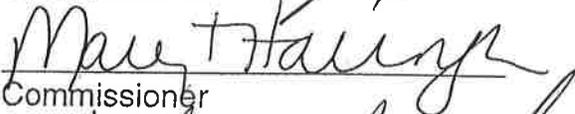
  
Town Secretary

  
Town Solicitor

  
Mayor

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

# TOWN OF NEWPORT TRAFFIC CODE

## SPEEDING FINES

Speed over	FINE	VCF	DELJIS	Video	Court Costs	Court Sec.	TOTAL
1 to 9	\$75.00	\$13.50	\$1.00	\$1.00	\$40.00	\$10.00	\$140.50
10 to 14	\$100.00	\$18.00	\$1.00	\$1.00	\$40.00	\$10.00	\$170.00
15 to 19	\$125.00	\$22.50	\$1.00	\$1.00	\$40.00	\$10.00	\$199.50
20 to 29	\$200.00	\$36.00	\$1.00	\$1.00	\$40.00	\$10.00	\$315.00
30 or more	\$300.00	\$54.00	\$1.00	\$1.00	\$40.00	\$10.00	\$406.00

*State / LL*  
~~\$100.00~~  
 \$15.00

SECTION	OFFENSE	BASE FINE
<b>REGISTRATION VIOLATIONS</b>		
2101 a	Unregistered motor vehicle	\$25.00
2102	New resident registration in 60 days	\$25.00
2108	Possession of Registration Card	\$15.00
2115 (1)	Expired Registration	\$50.00
2115 (2)	Display fictitious, cancelled altered reg	\$75.00
2115 (3)	Unsafe Vehicle	\$50.00
2126 a	Fail to Display Tag	\$40.00
2126 b	Fail to secure tag to rear of vehicle	\$40.00
2126 c	Plate cover tinted / other than clear	\$50.00
2133 a 1	Temp Tag contains false information	\$50.00
2133 a 3	Expired Temporary Tag	\$50.00
2503 a	Fail to transfer title	\$100.00
<b>INSURANCE VIOLATIONS</b>		
2118 a	Uninsured motor vehicle	Mandatory
2118 a	False / fictitious proof of insurance	\$500.00
2118 b	No proof of insurance (out of state)	Mandatory
2118 p	No proof of insurance DE vehicle	Mandatory
<b>DRIVER'S LICENSE VIOLATIONS</b>		
2701 a	Driving without a license	Mandatory
2701 b	Fail to reinstate license	Mandatory
2701 c	Drive improper class vehicle	\$25.00
2701 d	Drive with Expired License	Mandatory
2703 a	Operate motorcycle w/o endorsement	\$25.00
2704 a	Fail to transfer driver's license -- 60 days	\$25.00
2721 b	No license in possession	\$25.00
2733 1	Violate Occupational License	\$25.00
2753	Permit unlicensed minor to drive	\$25.00
2756 a	Drive while suspended or revoked	Mandatory
2756 a	Drive while suspended / revoked DUI	Mandatory
2810	Habitual offender	Mandatory
<b>ACCIDENT REPORTING REQUIREMENTS</b>		
4201 a	Leave scene of PD Accident	Mandatory
4201 b	Fail to identify self at accident	Mandatory
4202 a	Leave scene of injury / fatal accident	Mandatory
4203 a 1	Fail to report injury/fatal accident	Mandatory
4203 a 2	Fail to report PD accident	Mandatory
4208 a 3	Fail to report DUI-related accident	Mandatory
<b>RULES OF THE ROAD</b>		
4103 a	Fail to follow direction of PO	Mandatory
4103 b	Fail to stop on command / pursuit	Mandatory
4107	Fail to obey traffic control device	\$25.00
4108 a 3 a	Red light violation	\$100.00
4114	Drive on wrong side of road	\$50.00
4117 a	Unsafe passing on right	\$25.00
4118	Unsafe passing on left	\$25.00

4120 b	No passing zone	
4121 a	Wrong way - 1-way road or divided	\$50.00
4122 1	Unsafe lane change	\$50.00
4130	Obstruct traffic at intersection	\$25.00
4132	Fail to yield making a left turn	\$25.00
4133	Fail to yield entering roadway	\$25.00
4133 a	Following too closely	\$25.00
4152	Turning movements at intersections	\$25.00
4153 b	Unsafe U-turn	\$25.00
4154	Starting parked vehicles	\$25.00
4155 a	Fail to signal lane change	\$25.00
4155 c	Stopping / slowing in roadway	\$25.00
4164 a	Fail to stop for stop sign	\$50.00
4164 b	Fail to remain stopped at stop sign	\$50.00
4164 c	Fail to yield for yield sign	\$25.00
4165	Entering roadway from drive driveway	\$25.00
4166 d	Passing stopped school bus	\$115.00
4168	General speed / unsafe speed	\$50.00
4169 b	Speeding 1 to 9 over limit	\$75.00
	Speeding 10 to 14 over limit	\$100.00
	Speeding 15 to 19 over limit	\$125.00
	Speeding 20 to 29 over	\$200.00
	Speeding 30 or more over	\$300.00
4172 a	Speed exhibition - drag racing	\$100.00
4172 b	Speed exhibition - spinning tires	\$100.00
4175 a	Reckless driving	Mandatory
4176 a	Careless driving	\$50.00
4176 b	Inattentive driving	\$25.00
4184	Unsafe backing	\$25.00
4185 b	One motorcycle helmet per rider	\$25.00
4185	Motorcycle helmets required to 19	\$25.00
4188 a	Follow fire apparatus too closely	\$28.7
4189 a	Littering, less than 5 pounds	\$115.00
4190	Opening vehicle doors	\$25.00
4371 a	Trucks losing load onto roadway	\$40.00
<b>DUI-RELATED VIOLATIONS</b>		
4177 a	DUI - Alcohol or drugs	Mandatory
4177 j	Drinking while driving / open container	\$25.00
4177 l	Zero tolerance -- limit .02	Mandatory
<b>BICYCLE VIOLATIONS</b>		
4193	Bicycles must obey all traffic laws	\$25.00
4196	Position on roadway - right side	\$25.00
4198 F	Lights required at night - bicycles	\$11.5
4198 H	No earplugs or headsets on bikes	\$25.00
4198 K	DUI on a bicycle	Mandatory
4198 L	Bicycle helmets req. for under 16 yoa	\$25.00
<b>PEDESTRIAN VIOLATIONS</b>		
4146	General pedestrian violations	\$11.5
4147 a	Hitchhiking	\$25.00

# TOWN OF NEWPORT TRAFFIC CODE

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4147 a	Hitchhiking	\$25.00

## TOWN OF NEWPORT TRAFFIC CODE

4148 a	Pedestrians must carry light at night	\$2.30
4149	Drunk on the highway	\$25.00
4195	Clinging to vehicles	\$25.00
<b>PARKING VIOLATIONS</b>		
4178	Parking restrictions	\$11.50
4179 a 1	Parking on a sidewalk	\$11.50
4179 a 2	Blocking a driveway	\$11.50
4179 a 3	Parking within an intersection	\$11.50
4179 a 4	Parking within 15' of a fire hydrant	\$11.50
4179 a 5	Parking on a crosswalk	\$11.50
4179 a 15	Parking where prohibited sign /marking	\$11.50
4182	Unattended motor vehicle	\$25.00
4180 b	School bus prohibited in residential	\$11.50
4183 a	Handicapped parking violation	\$50.00
7001 a	Parking in fire lane	\$11.50
<b>EQUIPMENT VIOLATIONS</b>		
4203 b	Studded tires prohib. 04-16 to 10-14	\$25.00
4303 a	Unsafe brakes	\$25.00
4306 b	Unreasonable use of horn	\$11.50
4308	Rearview mirror required	\$11.50
4309	Unauthorized material on windows	\$11.50
4310	Wipers required	\$11.50
4311 a	Loud muffler	\$11.50
4312 a	Safety glass required	\$11.50
4313 c	Tinted window	\$28.75
4318 a	Bumper height -- 22" cars	\$50.00
4318 b	Bumper height -- 30 " trucks	\$50.00
4331	Headlights required at night	\$11.50
4333 a	Two headlamps required	\$11.50
4334 a	Two tail lights required	\$11.50
4334 c	White tag light required	\$11.50
4339 a	Front lights, white or amber only	\$11.50
4339 c	Rear lights, red or amber only	\$11.50
4350-1	Fail to dim high beams, 500 ft. front	\$11.50
4350-2	Fail to dim high beams, 200 ft. rear	\$11.50
4353 c	Flashing lights other than turn signal	\$11.50
4802 (a) 1	Seat belt required, driver	\$50.00
4802 (a) 2	Seat belt required, passenger	\$50.00
4802 c	Officer's option - Seat belt w other citation	\$25.00

### COMMON FINES AND COSTS

Fine	Victim C	Deljis	Video	Court	Court Sec	Total
\$2.30	\$0.41	\$1	\$1	\$40.00	\$10.00	\$54.71
\$11.50	\$2.07	\$1	\$1	\$40.00	\$10.00	\$65.57
\$15.00	\$2.70	\$1	\$1	\$40.00	\$10.00	\$69.70
\$25.00	\$4.50	\$1	\$1	\$40.00	\$10.00	\$81.50
\$28.75	\$5.18	\$1	\$1	\$40.00	\$10.00	\$85.93
\$40.00	\$7.20	\$1	\$1	\$40.00	\$10.00	\$97.20
\$50.00	\$9.00	\$1	\$1	\$40.00	\$10.00	\$111.00
\$75.00	\$13.50	\$1	\$1	\$40.00	\$10.00	\$140.50
\$100.00	\$18.00	\$1	\$1	\$40.00	\$10.00	\$170.00
\$115.00	\$20.70	\$1	\$1	\$40.00	\$10.00	\$187.70
\$125.00	\$22.50	\$1	\$1	\$40.00	\$10.00	\$199.50
\$200.00	\$36.00	\$1	\$1	\$40.00	\$10.00	\$288.00
\$300.00	\$54.00	\$1	\$1	\$40.00	\$10.00	\$406.00

TABLE 3 A  
*Penalties for Offenses*

Any person violating the provisions of the Newport Traffic Code (Title 37) shall be fined according to the penalty sections of Title 21 of the Delaware Code, with the following exceptions:

**REGISTRATION VIOLATIONS**

37 / 2101 a	Unregistered motor vehicle	\$25.00
37 / 2102	New resident fail to register in DE	\$25.00
37 / 2108	Possession of Registration Card	\$15.00
37 / 2115 (1)	Expired registration	\$50.00
37 / 2115 (2)	Fictitious, cancelled, altered reg	\$75.00
37 / 2115 (3)	Unsafe Vehicle	\$50.00
37 / 2126 a	Fail to display tag	\$40.00
37 / 2126 b	Fail to secure tag on rear of veh	\$40.00
37 / 2126 c	Tinted plate cover	\$50.00
37 / 2133 a 1	False information on temp tag	\$50.00
37 / 2133 a 3	Expired temporary tag	\$50.00
37 / 2503 a	Fail to transfer title	\$100.00

**RULES OF THE ROAD**

37 / 4108 A 3 a	Red light violation	\$100.00
37 / 4114	Drive on wrong side of road	\$50.00
37 / 4121 a	Wrong way – 1-way road or divided hwy	\$50.00
37 / 4122 1	Unsafe lane change	\$50.00
37 / 4164 a	Fail to stop at stop sign	\$50.00
37 / 4164 b	Fail to remain stopped / yield after stop	\$50.00
37 / 4168	General speed restrictions	\$50.00
37 / 4169	Speeding (Specific speeds)	
	1 to 9 over limit	\$75.00
	10 to 14 over limit	\$100.00
	15 to 19 over limit	\$125.00
	20 to 29 over limit	\$200.00
	30 or more	\$300.00
37 / 4172 a	Speed Exhibition / drag racing	\$100.00
37 / 4172 b	Speed Exhibition / spin tires	\$50.00
37 / 4176 a	Careless driving	\$50.00
37 / 4802	Seatbelt Violation	
“ g(2)a	Secondary Offense(with 2 <sup>nd</sup> violation)	\$25.00 civil penalty
“ g(2)c	Primary Offense	\$50.00 civil penalty