

Date of 1<sup>st</sup> reading: July 21, 2011

Date of 2<sup>nd</sup> reading and Public Hearing:

8/18/2011

TOWN OF NEWPORT  
DELAWARE  
ORDINANCE # 2011-003

AN ORDINANCE TO ESTABLISH A FORMAL  
DEFERRED PAYMENT ARRANGEMENT FOR  
PAYMENT OF FINES AND COSTS FOR VIOLATIONS  
IN NEWPORT ALDERMAN'S COURT NO. 42.

WHEREAS, The Mayor and Commissioners find that the Town and its residents would benefit from a Deferred Payment Arrangement for fines and fees for such payments.

NOW, THEREFORE, THE COMMISSIONERS OF THE TOWN OF NEWPORT HEREBY ORDAIN:

Section 1: The Alderman of the Town of Newport shall be permitted to take installment payments for all fines and all costs totaling Two Hundred Dollars (\$200.00) or under for one (1) ticket as follows:

- a. Court costs for Deferred Payment Arrangement are Thirty Dollars (\$30.00);
- b. At least one-third ( $\frac{1}{3}$ ) of the total fine and court costs must be paid at the time of entering into the Deferred Payment Arrangement;
- c. The balance of the fine and all court costs may be deferred over a period not to exceed sixty (60) days;
- d. All Deferred Payment Arrangements must be in writing and signed by the Court and the defendant;
- e. An appropriate warning must be placed on all signs in the Court and all Deferred Payment Arrangement documents are to read as follows:

WARNING

IN THE EVENT THAT YOU ENTER INTO A DEFERRED PAYMENT ARRANGEMENT WITH THE NEWPORT ALDERMAN'S COURT NO. 42 AND YOU VIOLATE THE TERMS OF THAT DEFERRED PAYMENT ARRANGEMENT BY **NOT** MAKING A PAYMENT, THEN A WARRANT WILL BE ISSUED FOR YOUR ARREST AND YOU WILL AUTOMATICALLY HAVE YOUR DRIVER'S LICENSE SUSPENDED BY THE DEPARTMENT OF MOTOR VEHICLES.

(f) In the event a Defendant has breached a Deferred Payment Arrangement at any time in the past, then such Defendant shall not be entitled to a Deferred Payment Arrangement.

(g) Deferred Payment Arrangements shall only be available to residents of the State of Delaware.

Section 2: All Deferred Payment Arrangements for all fines and all costs totaling over Two Hundred Dollars (\$200.00) or under shall be at the discretion of the Alderman. The court costs for all Deferred Payment Arrangements shall be Thirty Dollars (\$30.00).

Section 3: Severability: It is hereby declared to be the policy of the Town of Newport that if any section, clause, or phrase of this 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 4: Conflicts. Other ordinances or parts of other ordinances deemed to be in conflict with this Ordinance are hereby repealed and superseded 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 5: 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.

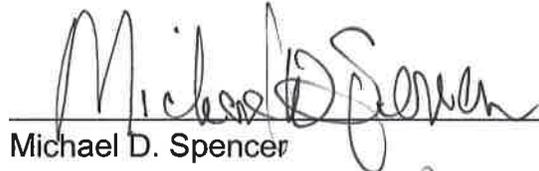
ADOPTED BY THE COMMISSIONERS OF NEWPORT, this 18<sup>th</sup> day of AUGUST, 2011.

  
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Stephen D.M. Robinson, Esquire  
Town Solicitor

  
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Wendy King, Town Manager

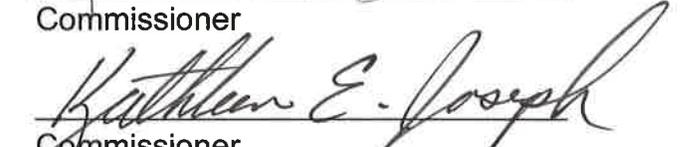
First Reading:  
7/21/2011

Second Reading:  
8/18/2011

  
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Michael D. Spencer  
Mayor

  
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Commissioner

  
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Commissioner

  
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Commissioner

  
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Commissioner

  
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Town Secretary  
8-19-11