

Sponsor: Mayor Rife
First Reading: 9/10/18
Second Reading: 10/1/18

ORDINANCE #49-18

AN ORDINANCE TO AMEND ORD. #17-11 “AN ORDINANCE AUTHORIZING THE TOWN TO EMPLOY VOLUNTARY ASSESSMENT PROCEDURES” TO REQUIRE THE PAYMENT OF ALL COURT COSTS AND ADMINISTRATIVE FEES ESTABLISHED BY THE STATE OF DELAWARE AS PART OF THE VOLUNTARY ASSESSMENT PROCESS

WHEREAS, the Town of Wyoming is authorized under section 18.23 of the Wyoming Town Charter to enact voluntary assessment procedures to allow individuals to voluntarily waive their right to trial and pay fines for ordinance violations without going to Court;

WHEREAS, the Town of Wyoming adopted “An Ordinance Authorizing the Town to Employ Voluntary Assessment Procedures” on December 5, 2011;

WHEREAS, court costs and administrative fees imposed by the State of Delaware in conjunction with the issuance of citations cannot be waived by the Town, even if voluntary assessment procedures are used; and

WHEREAS, the Town Council has determined it to be in the best interest of the public health, safety, and welfare of the town to continue to provide voluntary assessment procedures and to amend the voluntary assessment procedures to bring the procedures into alignment with the State of Delaware requirements.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance #17-11 “An Ordinance Authorizing the Town to Employ Voluntary Assessment Procedures” be and hereby is amended, as follows to wit:

Section 1. Amend Section 6 of Ordinance #17-11 by making insertions as shown by underline and deletions and shown by ~~strike through~~ as follows:

Section 6. Penalty; administrative costs; payment. If an alleged violator elects the option of accepting a voluntary assessment in accordance with subsection 4 of this section, the penalty for violation of an ordinance subject to voluntary assessment shall be the minimum monetary amount established for each specific violation charged, and penalties shall be cumulative if more than one violation is charged. ~~In lieu of any other court costs, and provided the offense is not subject to other proceedings under this section, each penalty for a violation under this section shall be subject to an assessment for administrative costs of \$2.50.~~ The court costs and administrative fees, including the victims’ compensation fund fees, shall be the minimum imposed by the State of Delaware. Payment of the prescribed penalty and court costs and administrative costs, including the victims’ compensation fund fees, shall be a complete satisfaction of the

violation.

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 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 amends the voluntary assessment procedure to bring it into alignment with the requirements of the State of Delaware by requiring an individual who takes advantage of the voluntary assessment procedure to pay the courts costs and administrative fees, including the victims' compensation fund fees, imposed by the State of Delaware.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on October 1st, 2018.

Attest: *Aimee Comer*
Town Clerk

So Certifies:
Frankie Dale Reff
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on Oct 2, 2018.

10/2/18
Date

So Certifies:
Aimee Comer