

Proposed First Reading: May 27, 2022

AN ORDINANCE TO AMEND CHAPTER 153, VEHICLES AND TRAFFIC OF THE
CODE OF THE TOWN OF FENWICK ISLAND, DELAWARE RELATING TO
DEFINITION OF SHUTTLE SERVICE AND PROHIBITED SHUTTLE

WHEREAS, the Town Council (the "Council") of the Town of Fenwick Island Delaware (the "Town") is authorized to enact ordinances for the purposes of promoting health, safety and general welfare of the inhabitants of the Town; and

WHEREAS, the Council has the inherent authority under its Charter and Code to implement reasonable restrictions related to the operation of motor vehicles on Town streets for safety reasons; and

WHEREAS, in furtherance of such authority, the Council seeks to prohibiting the operation of shuttle services on any Town street;

NOW THEREFORE BE IT ORDAINED by the Town Council, in session met, a quorum pertaining at all times thereto, in the manner following:

PROPOSED ORDINANCE RE: DEFINITION OF SHUTTLE SERVICES AND
PROHIBITION OF SHUTTLE SERVICES (Additions in **BOLD**):

§ 153-7 Definitions

- A. **LOW SPEED VEHICLE (LSV)** shall have the meaning set forth in the Delaware Code, Title 21., that is: a 4- wheeled motor vehicle, other than a truck, whose speed attainable in 1 mile is more than 20 miles per hour but no more than 25 miles per hour on a paved level surface. The low-speed vehicle shall be limited to a gross vehicle weight rating (GVWR) of less than 2,500 pounds.
- B. **SHUTTLE SERVICE** shall mean a transportation service (1) in a motor vehicle designed or used to transport passengers (2) operated by or for the benefit of a commercial enterprise or a residential community, whether for compensation

or not (3) for the purpose of transporting passengers to or from a residential community or a commercial enterprise located outside the jurisdictional limits of Fenwick Island and (4) where at least one drop-off or pickup location is on or along a Town street; provided, however, that the following transportation services are specifically excluded from the definition of "Shuttle Service" herein: licensed taxi services or similar ride-for-hire transportation services (such as Uber and Lyft); any public transportation service (such as DART) operated or regulated by the State of Delaware or any political subdivision thereof; any emergency vehicles; any vehicle owned or operated by the Town of Fenwick Island; and any vehicle used to provide necessary transportation services reasonably necessary to accommodate individuals with physical disabilities or limitations.

§ 153-9. PROHIBITED USE OF SHUTTLE SERVICES

- A. No shuttle shall be permitted to operate, pick-up or discharge passengers on any Town street or beach end parking area.**
- B. Any person who shall violate any provisions of § 153-9 A or B shall be subject to penalties under this section of \$100 for each person being so transported in violation of this section, as well as the Town's cost and expenses, including reasonable attorneys' fees. The Town also reserves the right to seek any other legal remedy available in a Court of appropriate jurisdiction in the State of Delaware. Penalties assessed for a violation of this Article shall be considered civil penalties and any action brought for the recovery phase of the penalties by the Town shall be brought in any civil court of competent jurisdiction.**