



TITLE #: 42

Ordinance #: 05-17-19-052

Date: March 16, 2019

ORDINANCE for POLICE SERVICE FEES

DESCRIPTION: This Ordinance shall be known as the “Town of Cheswold Police Service Fee Ordinance”, as it establishes the procedure for the Town of Cheswold to collect “service fees” for activities or events that generate costs above and beyond normal law enforcement and shall apply to and include the entire corporate limits of the Town of Cheswold, Delaware, Kent County – State of Delaware.

Section 1. PURPOSE:

It is the intent of the Town Council by the adoption of this Ordinance to impose on and collect from the person or persons in charge of or responsible for any nuisance event or activity that generates extraordinary cost or costs to the Town that over and above the cost of providing normal law enforcement services and police protection to the Town of Cheswold.

Section 2. DEFINITIONS

For the purpose of this chapter, the terms defined in this section shall have the meanings ascribed to them:

LAST KNOWN ADDRESS

The address shown on the records of the Kent County Recorder of Deeds Taxation or a more recent address known to the Police Department. In the case of parties not listed in these records, the last known address shall be that address obtained by the Police Department after a reasonable search.

NUISANCE EVENTS

One requiring special security assignment in order to protect the public peace, health, safety and welfare. A nuisance event includes, but is not limited to, the following:

- loud and boisterous conduct;
- noises and activities disturbing the peace;
- congregation of two or more persons in intoxicated conditions or under the influence of drugs or alcohol;
- fighting or use of obscene or inflammatory language;
- loud music constituting a nuisance or disturbing the peace;
- activities causing excessive pedestrian or vehicular traffic and parking problems and congestions;
- events occurring after 11:00 p.m. to sunrise of the following day which disturb the peace and tranquility of the neighborhood;
- use and display of narcotics,
- illegal drugs and controlled substances and paraphernalia for its use;



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Section 2. DEFINITIONS – “continued”

- congregating in a tumultuous, noisy or rowdy crowd;
- indecent exposure and lewd conduct;
- excessive 911 calls for non-criminal service

OWNER

A person or persons shown to be owner or owners of property on the records of the Kent County Recorder of Deeds.

PERSONAL SERVICE

Service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

POLICE SERVICES FEE

The fee to be imposed for law enforcement services associated with a special security assignment. Such fee may be either a flat fee of \$250 or an additional amount of up to a total of \$1,000 based on, but not limited to, salaries of police officers while responding to or remaining at the nuisance event, the pro rata cost of equipment, the cost of repairing Town equipment and property, and the cost of any medical treatment of injured police officers.

RESPONSIBLE PERSON

A person who owns the property where the nuisance event takes place, and/or a person in charge of the premises, and/or a person who organized or served as a host of the nuisance event. If the responsible person is a minor, then the parents or guardians of that minor will be considered responsible persons.

SERVICE BY MAIL

Depositing the item with the United States Postal Service addressed to the intended recipient at his or her last known address with certified postage prepaid thereon requiring signature of addressee.

SERVICE OF NOTICE

By personal service shall constitute the delivery of the warning letter to the responsible person or by mailing it to the last known address of the responsible person(s).

SPECIAL SECURITY ASSIGNMENT

The assignment of police officers, services and/or equipment during a second or subsequent response to the nuisance event after the service of a written notice to the responsible persons that a police services fee may be imposed or costs incurred by the Town for any subsequent police response.



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Section 3. INITIAL POLICE RESPONSES TO NUISANCE EVENT.

When any police officer responds to any nuisance event and determines that there is a threat to the public peace, health, safety or general welfare, the Chief of Police, or his/her designee may serve a written notice to the responsible person or persons that any subsequent police response to that same location or address within a thirty-day period shall be deemed a special security assignment and that the responsible person or persons may be liable for a police services fee.

Section 4. SUBSEQUENT POLICE RESPONSES; LIABILITY.

- 4.1.** If, after a written notice is served pursuant to this chapter, a subsequent police response or responses are necessary to the same location or address within a thirty-day period, then each subsequent response or responses shall be deemed a special security assignment. Responsible persons who had previously received a notice of warning shall be jointly and severally liable for a police services fee for a special security assignment.
- 4.2** The amount of the police services fee shall be a debt owed to the Town by the responsible person or persons.
- 4.3** The Town reserves its rights to seek reimbursement for actual costs and damages exceeding \$1,000 through other legal remedies or procedures.
- 4.4.** The police response or responses to a nuisance event may also result in the arrest and/or citation for violations of state or local laws or ordinances.

Section 5. COST; COLLECTION.

The Chief of Police shall notify the Town Treasurer or his/her designee in writing of the performance of each special security assignment, of the name and address of the responsible person or persons, the date and time of the incident, the services performed, and the amount of the police services fee. If the police services fee is in excess of \$250, the Chief of Police shall provide documentation to support the additional amount. The Town Treasurer or his/her designee shall thereafter cause appropriate billings to be made and be responsible for the collection of the police services fee.

Section 6. ADMINISTRATIVE APPEAL.

An administrative appeal of a police services fee may be made to the Chief of Police or designee within 10 days from the date of mailing of the billing. The request for a hearing shall be in writing and addressed to the Chief of Police and shall include a copy of the billing and grounds for the appeal. The Chief of Police or his/her designee may modify the service fee upon a finding that the responsible person or persons had made a good faith effort to remedy the situation or that the nuisance event was not the fault of the person or persons filing the appeal.



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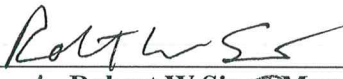
Date: 03-16-19

Section 7 - EFFECTIVE DATE


This ordinance and the rules, regulations, provisions, requirements, orders, administration and management and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

Ordinance No. 05-17-19-052, entitled, **POLICE FEES ORDINANCE** was posted for public notice on September 9, 2019, as required and the Public Hearing was held at 6:00 pm on October 7, 2019.

I, Robert W. Sine, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of **Ordinance No. 05-17-19-052**, entitled, **POLICE FEES ORDINANCE**, passed by affirmative vote of all elected Members of the Cheswold Town Council at a regularly scheduled Town Council Meeting, (or Special Meeting), held on October 7, 2019, at which a quorum was present and voting throughout, and that the same is still in force and effect.

Certified: 
Robert W Sine - Mayor

Date: October 7, 2019

ATTEST: 
Theon E. Callender - Secretary/Treasurer

Date: October 7, 2019

Agreed: 
Lawrence Kirby Vice-Mayor

Date: October 7, 2019

Agreed: 
Judith Johnson - Councilperson


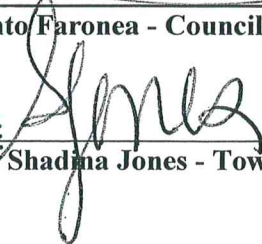
Date: October 7, 2019

Agreed: 
Mark Moxley - Councilperson

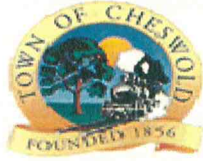
Date: October 7, 2019

Agreed: 
Santo Faronea - Councilperson

Date: October 7, 2019



Shadina Jones - Town Clerk

Date: October 7, 2019



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Sponsored by: Chief Christopher Workman– Chief of Police

Introduction:

Co-Sponsor: Councilperson Theon Callender – Secretary/Treasurer

READINGS & REVIEWS:

Attorney Review – Gary Junge, Esquire
1st. Council Reading
2nd Council Reading
Public Hearing

May 17, 2019
September 3, 2019
October 7, 2019
October 7, 2019