

CITY OF MILFORD  
NOTICE OF ORDINANCE ADOPTION

NOTICE IS HEREBY GIVEN that the following ordinance was adopted during a meeting of Milford City Council on July 11, 2022:

ORDINANCE 2022- 25  
CHAPTER 84  
Bicycles, Skateboards and Other Conveyances

WHEREAS, this Ordinance was reviewed by City Council during several Council meetings from May through July 2022; and

WHEREAS, on July 11, 2022, City Council was informed that the items addressed in Chapter 84 of the City of Milford Code are superseded by Statutes in the Delaware Code; and

WHEREAS, on that date, City Council voted to amend the current Chapter 84: Bicycles, Skateboards and Other Conveyances, by rescinding Chapter 84 in its entirety.

NOW THEREFORE BE IT RESOLVED the City of Milford hereby ordains as follows:

Section 1. An ordinance entitled Bicycles was originally adopted by City Council of the City of Milford on June 25, 1963; and

Section 2. Chapter numbers were assigned at the time of the original codification in 1998; and

Section 3. The chapter was renamed Bicycles, Skateboards and Other Conveyances, at the time of later legislative revisions and amendments; and

Section 3. Proposed language for the purpose of amending Chapter 84 is no longer under consideration by City Council; and

Section 4. Chapter number 84 is hereby reserved and available for future uses, considering the alphabetical progression of the subject; and

Section 5. Where a cause of action arises related to the matters outlined in Chapter 84, relevant laws in the Delaware Code shall apply; and

Section 6. Upon the effective date of this Ordinance, Chapter 84 Bicycles, Skateboards and Other Conveyances, is hereby repealed in its entirety.

Chapter 84 ~~BICYCLES, SKATEBOARDS AND OTHER CONVEYANCES~~

~~ARTICLE I Use on Sidewalks~~

~~§ 84-1. Prohibited acts; penalties.~~

~~A. — Any person or persons using, riding, propelling themselves or being propelled upon any bicycle or tricycle or skating upon roller skates or wheeling a wheelbarrow or pushing any pushcart with slop on it upon any of the sidewalks or pavements within the Town of Milford shall forfeit and pay a fine of not less than \$1 nor more than \$10, to be collected as other fines are collected.~~

~~ARTICLE II Bicycle Registration~~

~~§ 84-2. Procedure; fees.~~

~~Beginning August 15, 1974, any bicycle being on the streets or other public places within the City of Milford shall have been registered with the Milford Police Department, as follows:~~

~~A. — The bicycle is to be brought to the Milford Police Department, where a registration form giving pertinent information about the owner and the bicycle will be filled out and kept at the Police Department.~~

B. — A registration tag will be issued each owner, and the registration number thereon will be permanently stamped into the frame of the bicycle for identification purposes.

C. — In the event of change of ownership of a bicycle registered under this article, the new owner shall appear at the Milford Police Department with proof of ownership and have the registration transferred into his name within 10 days.

D. — A fee of \$1 shall be charged by the Police Department for each bicycle registered under this article.

E. — Any bicycle being owned by a resident of the City of Milford and being upon the streets or other public places within the city and not registered as set forth in this article shall be impounded by the Police Department, and an impoundment fee of \$5 will be charged the owner thereof. The five dollar fee is a flat fee.

F. — Upon payment of the impoundment fee the bicycle will be properly registered and released to the owner.

G. — All registration and impoundment fees collected under the terms of this article shall be shown on the monthly police report, as are other miscellaneous sources of income.

### ARTICLE III Skateboards

#### § 84-3. Purpose.

Skateboarding has become an increasingly frequent occurrence in the City of Milford on streets, sidewalks and other public areas used by automobile traffic and pedestrians. The City has determined the following regulation of skateboarding in public areas is necessary in order to protect and preserve the public health, safety and welfare.

#### § 84-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**DESIGNATED SKATEBOARDING FACILITY** — A public area which is designed and operated for skateboarding, approved and designated as such by Milford City Council.

**POSTED AREAS** — Areas that contain "no skateboarding" signs.

**PUBLIC AREAS** — Any place which is open and available to public use, occupation, passage or traffic, whether owned by a public or private entity, and including all streets, lanes, ways, alleys, sidewalks, parking lots, parks, plazas, tennis courts, basketball courts, playgrounds and school yards. In addition to its ordinary meaning, "public place" shall also include the City's benches, plaques, memorials, steps and railings.

**SKATEBOARD** — A single platform mounted on wheels, having no mechanism device with which to power, steer, or control direction of movement while being used, operated or ridden.

**SKATEBOARDING** — The act of pushing, propelling or riding a skateboard.

#### § 84-5. Use in public areas prohibited.

No person shall operate, or cause to be operated, a skateboard on a public area except:

A. — In a designated skateboarding facility.

B. — In a privately owned public parking lot, if the owner has provided express written permission.

#### § 84-6. Enforcement; rules and regulations.

A. — This article may be enforced by any law enforcement officer.

B. — The River Park Skating Committee shall adopt written rules and regulations governing the use of skateboards and operation of a skateboarding facility or designated area.

#### § 84-7. Violations and penalties.

A. — Any person found in violation of this article shall be penalized as follows:

(1) — First offense: written warning.

(2) — Second offense: fine of \$10.

(3) — Third offense: fine of \$25.

(4) — Fourth offense: fine of \$50.

(5) — Fifth offense: fine of \$100.

B. — Fines may be doubled in areas where signs are posted.

C. — In the case of any violator 16 years or younger, the parents will be subject to a court summons if the fine is not paid. If not paid within 30 days, the offender is subject to a court summons, with a fine up to \$150.

### ARTICLE IV Motorized Scooters and Wheelchairs

#### § 84-8. Definitions.

~~MOTORIZED SCOOTERS AND WHEELCHAIRS—Any self-propelled device, regardless of the number of wheels, powered by any style motor, which is designed and intended primarily for use by individuals with mobility disabilities.~~

~~PUBLIC STREETS—For purposes of this Article IV shall mean roads, highways, sidewalks or any other thoroughfare dedicated, constructed or maintained by the City of Milford or the State of Delaware within the municipal limits.~~

~~§ 84-9. Safety equipment.~~

~~A.—Daytime Operation. All Motorized Scooters and Wheelchairs operating on Public Streets during daylight hours shall be equipped with at least one of the following:~~

- ~~(1) — Slow moving vehicle fluorescent triangle on the rear of the device; or~~
- ~~(2) — Red safety flag.~~

~~B.—Nighttime Operation. All Motorized Scooters and Wheelchairs operating on Public Streets at night or any other time when lighted lamps are required under 21 Del. C. § 4331 shall be equipped, at a minimum, with all of the following:~~

- ~~(1) — A lamp emitting a white light which, while the device is on the Public Street, illuminates the Public Street in front of the operator and is visible from a distance of 300 feet in front and from the sides of the motorized scooter or wheelchair.~~
- ~~(2) — A red reflector on the rear of the device of the type approved by the Department of Transportation for bicycles, as defined under 21 Del. C. § 4198F(b).~~
- ~~(3) — A white, yellow, or red reflector on each side of the device that is visible from a distance of at least 200 feet.~~

~~C.—Every Motorized Scooter and Wheelchair operating on Public Streets shall be equipped with a braking system which enables its operator to stop the device within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.~~

~~§ 84-10. Enforcement.~~

~~This article shall be enforced by the City of Milford Police Department.~~

~~§ 84-11. Fines and penalties.~~

~~A.—Any person found in violation of this article shall be penalized as follows:~~

- ~~(1) — First offense: Written Warning.~~
- ~~(2) — Second offense: \$10 fine.~~
- ~~(3) — Third offense: \$25 fine.~~
- ~~(4) — Fourth offense: \$50 fine.~~
- ~~(5) — Fifth and subsequent offenses: \$100 fine.~~

Section 7. Dates.

City Council Introduction: Monday, May 9, 2022

City Council Public Comment: June 27, 2022

City Council Adoption: July 11, 2022

Effective: July 21, 2022

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office at [cityclerk@milford-de.gov](mailto:cityclerk@milford-de.gov) or by accessing the city website at [www.cityofmilford.com](http://www.cityofmilford.com).

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