



**ORDINANCE NO. 25-02**

**AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE REGARDING SPEED RESTRICTIONS AND INSERTING A NEW CHAPTER 147, ENTITLED “VEHICLES AND TRAFFIC.”**

**WHEREAS**, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants, and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

**WHEREAS**, Section 31(a)(5) of the Town Charter of Millville authorizes the Town Council to “...ascertain, locate, lay out, establish, open, change, alter, widen, abandon, *regulate the use and enjoyment of*, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, gravel, shell, improve, dredge, erect, remove, repair or replace *any new or present street, highway, lane, alley, water course, park, lake, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline or portion thereof...*” (emphasis added); and

**WHEREAS**, Title 22, Section 4168 of the Delaware Code provides, in part, “No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and without having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway, in compliance with legal requirements and the duty of all persons to use due care,” and “The driver of every vehicle shall, consistent with [these] requirements, drive at an appropriate speed..., when approaching and going around a curve,... when traveling upon any narrow or winding roadway and when a special hazard exists with respect to pedestrians or other traffic”; and

**WHEREAS**, Title 22, Section 4169 of the Delaware Code provides, in part, “Where no special hazard exists, the following speeds shall be lawful, but any speed in excess of such limits shall be absolute evidence that the speed is not reasonable or prudent and that it is unlawful [for] all types of vehicles: (1) 25 miles per hour in any business district; [and] (2) 25 miles per hour in any residential district;...” and

**WHEREAS**, Title 22, Section 4170 of the Delaware Code recognizes a local municipality’s regulatory role in speed limits; and

**WHEREAS**, the State of Delaware recently transferred its rights and responsibilities regarding Dukes Drive to the Town; and

**WHEREAS**, the Town Council finds both the district surrounding Dukes Drive and the special hazards presented by Evans Park and its popularity, including among youth, warrant identifying Dukes Drive’s speed limit, to promote the good order, health, safety, morals or the general welfare of the community;

**NOW, BE IT THEREFORE ORDAINED**, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the following amendments are hereby adopted and incorporated into the Town of Millville Code, by inserting a new Chapter 147, entitled “Vehicles and Traffic”:

Section 1. Additions are shown in bold and underlined, and deletions are shown in bold and strike-through as follows:

**Chapter 147. Vehicles and Traffic**

**§ 147-1. Speed Restrictions on Dukes Drive.**

- A. No person shall drive an automobile or other motor vehicle on Dukes Drive in the Town of Millville at a speed greater than 25 miles per hour.**
- B. Notwithstanding Subsection A, no person shall drive a vehicle on Dukes Drive at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.**

Section 2. This Ordinance shall take effect on January 1, 2025.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

SEAL:

\_\_\_\_\_  
MAYOR

ATTESTED:

\_\_\_\_\_  
SECRETARY

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SYNOPSIS

The purpose of this ordinance is to identify the speed limit on Dukes Drive as 25 miles per hour, given its location and proximity to Evan Park.