

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY
407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

Ordinance No. 13- 0128-01

ORDINANCE TO ESTABLISH AN AD HOC COMMUNITY COURT

Chapter 1 – Administration and General

The City of Delaware City

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter (the "Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-1 of the Charter, the Mayor and the Council of The City of Delaware City (the "City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code; and

WHEREAS, the Mayor and City Council believe that establishing an ad hoc community court (the "Community Court") is in the best interest of the City of Delaware City; and

WHEREAS, to establish the Community Court, the Mayor and City Council desire to adopt Chapter 1, § 1-41 and its subparts as part of the City of Delaware City Code as set forth below (the "Proposed Code Section"); and

WHEREAS, pursuant to Article V, Section 5-02(B) of the Charter, the Proposed Code Section was introduced at a regular meeting, duly read in full or in abstract, and prominently posted for seven (7) days in The City of Delaware City.

NOW, THEREFORE, the Mayor and the City Council of The City of Delaware City hereby ordain:

Section 1. Chapter 1, Article VII, Section 1-41 of the Delaware City Code, upon an affirmative vote of the City Council, is hereby adopted and shall read as follows:

Section 1-41 The Community Court

- a.) **Purpose.** The purpose of the Community Court is to provide eligible offenders with the ability to enter into a pre-trial diversion program where they can agree to seek treatment and complete community service in lieu of taking the traditional court path.
- b.) **Appointments.** The Mayor shall appoint, with the advice and consent of a majority of all members of the Council, all persons to serve on the Community Court. The appointees of the Community Court need not be residents of the City of Delaware City. Members of the Community Court may be removed by the Mayor and three (3) members of Council or four (4) members of Council.
- c.) **Indemnification.** The City of Delaware City shall provide indemnification to appointees of the Community Court for their official actions while serving on the Community Court pursuant to Section 12-07 of the Delaware City Charter, as may be amended from time to time.
- d.) **Term of Ordinance.** The Community Court is an ad hoc court which shall exist so long as there is funding, either by grant or from other funding sources. In the event the Community Court is not funded, or fails to continue for any reason, this Ordinance shall be automatically repealed.

Section 2. Inconsistent Ordinances and Resolutions Repealed. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

Section 3. 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 City 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 City Council's intent.

Section 4. Effective Date. This Ordinance shall become effective in ninety (90) days upon its adoption by a majority vote of the City Council.

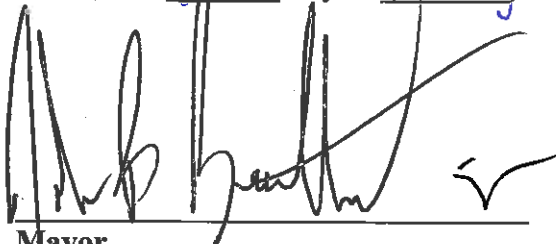
(SIGNATURE PAGE TO FOLLOW)

ADOPTED BY THE MAYOR AND COUNCIL, this 7th day of February 2013.

ATTEST:



City Secretary

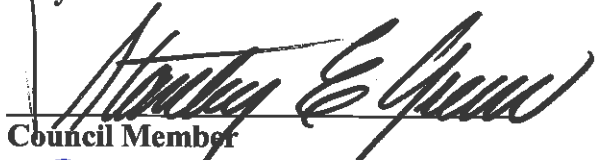


Mayor

APPROVED AS TO FORM:



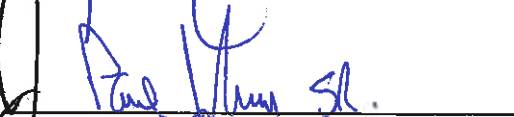
City Solicitor




Council Member




Council Member



Council Member



Council Member



Council Member

First Reading on 1/28/13,

Second Reading on 2/25/13.