

**AN ORDINANCE TO AMEND CHAPTER 37 OF THE CITY CODE REGARDING  
THE PASSING OF MUNICIPAL VEHICLES ON CITY STREETS**

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#4459

Sponsor:

Council  
Member  
Williams

WHEREAS, City Council has enacted the provision of Chapter 37 of the City Code setting forth requirements for vehicular traffic in the City of Wilmington; and

WHEREAS, there have been numerous incidents throughout the country wherein municipal workers have been struck and injured by passing motorists, not to mention incidents of vehicular crashes and property damage, including a recent incident in Wilmington; and

WHEREAS, many States have enacted laws pertaining to the safe passing of emergency vehicles carrying out official functions on and along roadways; and

WHEREAS, City Council deems it proper to amend City Code Section 37-195 to expand protections of municipal workers by requiring vehicular traffic to “Slow Down to Get Around” any municipal vehicle actively engaged in carrying out a City function.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 37 of the City Code is hereby amended by amending Section 37-195 thereof by deleting the stricken language and adding the underlined language to read as follows:

**§ 37-195. - Passing of ~~sanitation~~ municipal vehicles on ~~one-way~~ city streets.**

- (a) It shall be unlawful for the driver of any vehicle proceeding on a city street ~~that is restricted to one direction,~~ to pass a sanitation stationary municipal vehicle that is giving a visual signal by displaying flashing amber or amber and white lights ~~without proper authorization from the operator of the sanitation vehicle or sanitation crew, provided that the said vehicle is properly designated as a sanitation vehicle and a sign clearly instructs the driver to await authorization to pass~~ unless the driver:

- (1) Proceeds with caution and yields the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the stationary vehicle; or
  - (2) Proceeds with caution and reduces the speed of the vehicle to a safe speed while passing such stationary vehicle, if changing lanes to a non-adjacent lane would be impossible or unsafe.
- (b) Whoever violates this section shall, for the first offense, be fined not less than that amount established at Level 3 nor more than that amount established at Level 11. For subsequent offenses, the fine shall be that which is provided in section 37-186.

**SECTION 2.** This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... December 7, 2017  
 Second Reading..... December 7, 2017  
 Third Reading.....

Passed by City Council,

\_\_\_\_\_  
 President of City Council

ATTEST: \_\_\_\_\_  
 City Clerk

Approved as to form this \_\_\_\_ day of  
 November, 2017.

\_\_\_\_\_  
 Assistant City Solicitor

Approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Mayor

**SYNOPSIS:** This Ordinance amends Chapter 37 of the City Code by expanding the safety protections afforded to municipal workers by requiring passing motorists to change their lane of travel, if possible, and to reduce their vehicle speed and proceed with caution when approaching a stationary municipal vehicle display flashing amber or amber and white lights.

**FISCAL IMPACT STATEMENT:** This Ordinance has no anticipated fiscal impact.

**POLICY STATEMENT:** This Ordinance proposes extending safety protections to municipal workers engaged in public service from passing motorists, and is similar to “Move Over” laws that many states, including Delaware, have enacted to protect emergency vehicles functioning on the side of roadways. This Ordinance was inspired not only by researching similar laws in other jurisdictions, but also by incidents in Wilmington and elsewhere in which sanitation and municipal workers have been harmed, or their vehicles struck and damaged, by motorists passing without proper care and precautions.