

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE TO PROHIBIT RESISTING, IMPEDING, OR INTERFERING WITH A CITY EMPLOYEE'S OFFICIAL JOB DUTIES

#0074

Sponsor:

Council
Member
Oliver

Co-Sponsor(s):

Council
Member
Johnson

WHEREAS, currently, the City Code delineates between police officers and public works employees and other City employees; and

WHEREAS, this discrepancy left some City employees whose jobs involve enforcing the City's laws unprotected; and

WHEREAS, license and inspections inspectors have reported an increase in verbal abuse, interference, and threatened and/or actual physical violence while attempting to discharge their duties; and

WHEREAS, threatened and/or actual violent incidents against City employees are referred to the Delaware Attorney General's Office for investigation and prosecution; and

WHEREAS, City Council believes that no employee should be intimidated, threatened, or interfered with in discharging their official duties.

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

SECTION 1. Chapter 36 of the City Code is hereby amended by amending Section 36-194 by deleting the stricken language and adding the underlined language to read as follows:

Sec. 36-194. – ~~Officers or employees of the city—interference with, etc.~~ Officers or employees of the city—resistance, intimidation of, interference with, etc.

- (a) It shall be unlawful for any person, by threats or force, to resist, intimidate, or impede, or attempt to resist, intimidate, or impede, officers or employees of the city in making arrests or in the discharge of their duties.
- (b) Whoever shall resist, intimidate, or impede any officer or employee in the discharge or performance of their official duties, by physical acts or by abusive, indecent, profane, or vulgar language which by its very utterance tends to incite an immediate breach of the peace, or shall offer or endeavor so to do, shall be guilty of a misdemeanor.
- (c) A conviction of this section shall be punishable by a fine not to exceed the amount of \$1,000.00.

SECTION 2. Chapter 36 of the City Code is hereby amended by deleting Section 36-195 in its entirety and renumbering the Reserved sections by deleting the stricken language and adding the underlined language to read as follows:

Sec. 36-195. -- Same -- Resisting police officers, or employees of the department of public works, etc.

~~Whoever shall resist any police officer, or any other person duly authorized to perform police duty, specifically including, for purposes of this section, parking regulation enforcement officers of the city department of public works, in the discharge of his duties, or shall, in any way, interfere with or hinder him in the discharge of his duty as such member of the police department or of the department of public works, or in the performance of such police duty or parking regulation enforcement, by physical acts or by abusive, indecent, profane or vulgar language which by its very utterance tends to incite an immediate breach of the peace, or shall offer or endeavor so to do, shall be guilty of a misdemeanor. A conviction of this section shall be punishable by a fine not to exceed the amount of \$1,000.00.~~

Secs. 36-195~~6~~ – 36-220. – Reserved.

SECTION 3. This Ordinance shall be deemed effective as of its date of passage by City Council and approval by the Mayor.

First Reading June 18, 2025
Second Reading June 18, 2025
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2025.

Mayor

SYNOPSIS: This Ordinance combines Sections 36-194 and 36-195 to reinforce that any impeding a City employee's performing their official job duties constitutes a misdemeanor offense.

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

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