

## Ordinance # 9 Mini Bikes

Ordinance # 9 regulates the operation of “minibikes,” treating them as does Delaware state law as motorcycles and incorporating state law requirements for registration, operation by a state licensed driver, used with proper safety equipment and proper seats and seating.

Ordinance # 9 also incorporates two provisions of other Arden ordinances: Ordinance # 4 prohibiting operation of any motor vehicle on Arden’s greens, forests and pedestrian paths; and Ordinance # 5 relating to excessive noise.

There appears to be little or no value to an ordinance that merely incorporates state laws or other Arden ordinances.

Section 5 of Ordinance # 9 does include a provision, not found in State law, for impoundment of minibikes driven without registration, by an unlicensed driver or in a manner that creates a “clear and present danger to the driver or others.” Section 5 refers to Ordinance # 1 for the proper procedure for impoundment. Unfortunately, the text of the referenced section of Ordinance # 1 cannot be found. Arden has no resources for impoundment of minibikes. The fines imposed under state law should be a sufficient deterrent for violations.

*Recommendation: Repeal Ordinance # 9.*