

STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
DOVER, DELAWARE

TR# TRKC 54-23

Date Authorized: 4/26/23

**TRUCK TRAFFIC RESTRICTION  
Town of Kenton**

WHEREAS, Chapter I, Title 17 §134(e), Delaware Code, as amended, states that “Local authorities, on the basis of an engineering study and traffic investigation within their respective jurisdictions, may prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibition and limitations shall be posted as set forth in §4505 of Title 21”; and

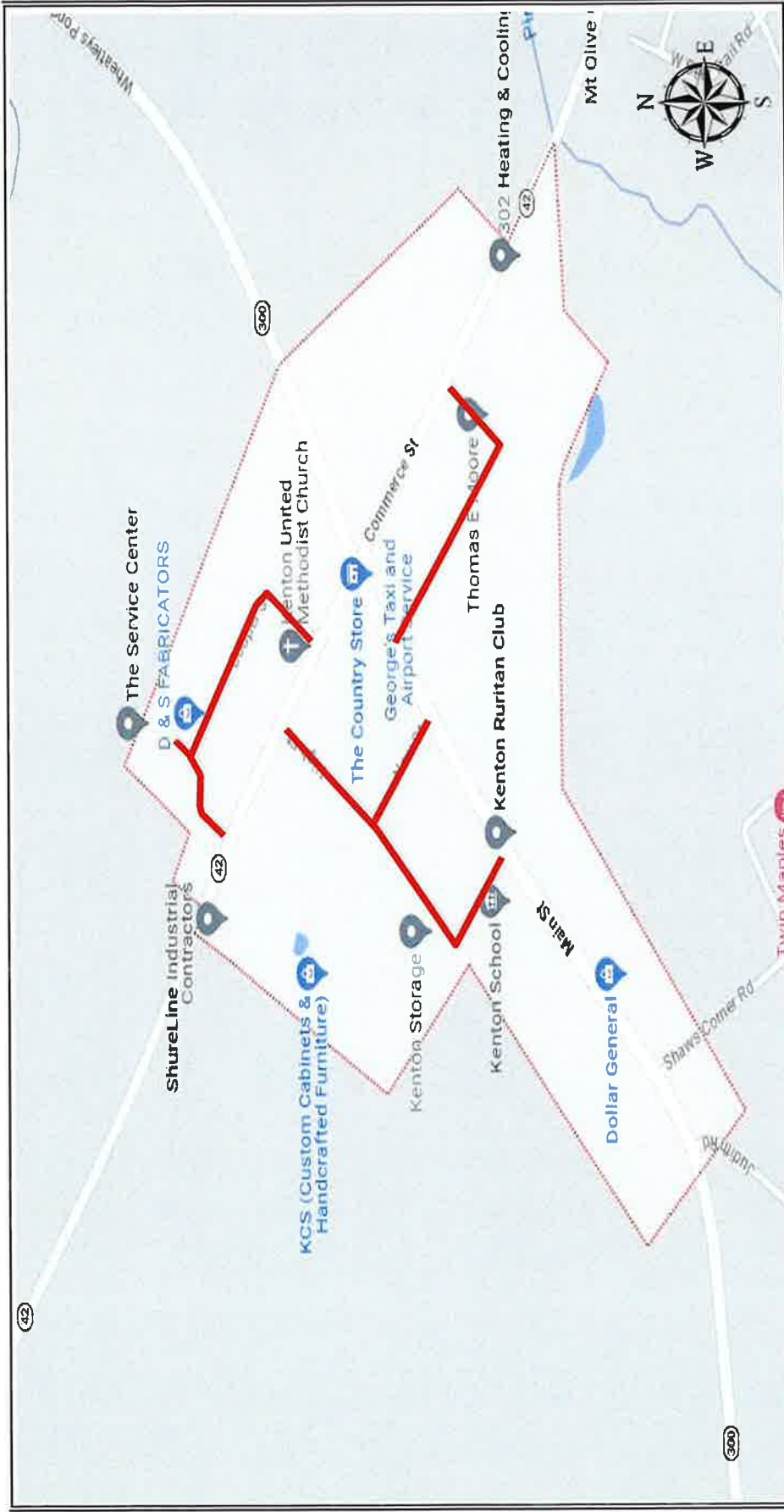
WHEREAS, Town of Kenton Ordinance #01-21 stipulates that trucks with three or more axles should be prohibited from the use of certain streets and highways under the jurisdiction of the Town of Kenton; and

WHEREAS, there are adequate alternative routes available.

NOW, THEREFORE, BE IT RESOLVED, that the Department, in accordance with the authority so vested does hereby declare that it has approved the prohibition of trucks with three or more axles on all roads within the Town of Kenton, with the exception of the designated truck routes of SR42 (K44, Commerce Street), and SR300 (K41, Main Street) within the municipal boundaries of the Town, in accordance with the Town of Kenton Ordinance #01-21, as shown on the attached sketch dated April 25, 2023, to become effective with the posting of appropriate signs; and

BE IT FURTHER RESOLVED, that copies of this resolution and the above-mentioned sketch be forwarded to the proper officials of the Department of Transportation, the Delaware State Police and the Town of Kenton Police Department.

  
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Chief of Traffic Engineering



DELAWARE DEPARTMENT OF TRANSPORTATION	
<b>TRAFFIC SECTION</b>	
SMYRNA	DELAWARE
DESCRIPTION	
<b>Town of Kenton</b>	
DRAWN BY: W. Carpenter	DATE: 4/25/2023
INVESTIGATION FOR: Truck Restriction	
SCALE: None	

Trucks will be restricted on Town of Kenton streets, highlighted in red, shown above.

Sponsor: P Caple  
First Reading: March 1<sup>st</sup> 2021  
Second Reading: April 5<sup>th</sup> 2021

**ORDINANCE #01-21**

**AN ORDINANCE REGULATING COMMERCIAL VEHICLES ON CERTAIN STREETS, SQUARES, ALLEYS, AND LANES OF THE TOWN OF KENTON**

**WHEREAS**, pursuant to Title 17, Section 134 of the Delaware Code, the Town of Kenton has authority to regulate the operation of trucks and commercial vehicles on roads within the Town of Kenton that are not maintained by the State of Delaware;

**WHEREAS**, in the opinion of the Town Council of the Town of Kenton, traffic from trucks and commercial vehicles on side streets within the Town of Kenton cause damage to the streets and increase the potential for traffic accidents on these smaller streets that are not well equipped to handle such traffic; and

**WHEREAS**, in the opinion of the Town Council of the Town of Kenton, it is in the best interest of the health, safety, and welfare of the town to restrict truck and commercial vehicle traffic to only those roads in Kenton that are maintained by the State of Delaware and which are designed to handle such traffic.

**NOW THEREFORE, BE IT HEREBY ENACTED** by the Town Council of the Town of Kenton, a majority thereof concurring in council duly met, that the following ordinance be and hereby is enacted, as follows, to wit:

**Section 1.** Except as hereafter provided, it shall be unlawful for any person, firm, or corporation to drive or otherwise operate any truck or commercial vehicle with three or more axles on any street, lane, alley, or square in the Town of Kenton that is not designated as a truck route.

**Section 2.** The truck route in the Town of Kenton consists of all portions of the following streets located within the municipal boundaries of the Town of Kenton:

- (a) State Route 42 – Commerce St.; and
- (b) State Route 300 – Main St.

**Section 3.** This section shall not apply to any truck or commercial vehicle with three or more axles that is:

(a) Engaged in a local delivery or a pickup from a place within the Town of Kenton that is not accessible from a designated truck route. The driver must have available proof of intended place of delivery or pickup and shall use the most direct route between the designated truck route and the delivery or pickup location.

(b) Owned by or leased to the town or any volunteer fire company or emergency response

organization when engaged in official business, including, by way of example, those vehicles of any fire department, or any police department or agency, or to any town or state public works department or agency.

(c) Owned by, leased to, or operated by any public utility company (or its subcontractor) while engaged in public utility operations.

(d) Engaged in the collection of garbage, solid waste, recyclables, or yard waste, when the same are performing their business operations.

**Section 4.** Any person, firm, or corporation violating any provision of this ordinance shall, in addition to other enforcement remedies and/or sanctions available to the Town, pay, upon conviction, a fine of not less than \$100 for a first offense and \$200 for each succeeding offense within a twelve-month period. Provided, however, that with the written consent of the person, firm, or corporation charged with violating this ordinance, the Town is authorized to accept and receive, without a hearing, \$50 if such violation is paid within thirty days from the date of the violation or \$75 as a penalty for such violation if such violation is paid more than 30 days of the violation but prior to the date of the court hearing.

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### Synopsis

This ordinance outlines the truck route through the Town of Kenton and prohibits commercial vehicles with three or more axles from traveling through the Town of Kenton on streets, roads, or lanes not designated as the truck route. Exceptions to this prohibition apply to local deliveries, emergency vehicles, refuse collection vehicles, and when an official detour is imposed. The penalty for violating this ordinance once is \$100.00, and the penalty for subsequent violations is up to \$200.00.

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This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Kenton at a duly-noticed and convened meeting at which a quorum was present on April 5<sup>th</sup>, 2021.

So Certifies:

Attest: Christine Letterman  
Town Clerk

Paul Caple  
Mayor



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. Box 778  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

**MEMORANDUM**

**TO:** Peter R. Haag, P.E., PTOE  
Chief of Traffic Engineering

**VIA:** Sonya M. LaGrand, P.E. *SML*  
Traffic Studies Manager

**FROM:** Wendy J. Carpenter, P.E., PTOE *WJC*  
Traffic Studies Engineer

**DATE:** April 25, 2023

**SUBJECT: TRUCK RESTRICTION RESOLUTION**  
**Town of Kenton**

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Attached is a resolution for the establishment of a Truck Traffic Restriction within the Town of Kenton. This restriction will affect trucks having three or more axles with the exception of: 1) local deliveries, 2) vehicles owned or leased by any governmental agency or volunteer fire company engaged in official business, 3) vehicles operated by public utilities or their subcontractors when engaged in public utility operations, and 4) garbage and solid waste haulers in the course of their business operations, in accordance with Town of Kenton Ordinance #01-21. Trucks having three or more axles will be limited to designated truck routes of SR42 (Commerce Street) and SR300 (Main Street) within the municipal boundaries of the Town.

This resolution is the results of a request from the Town of Kenton. The Town has supplied the Department with a copy of their approved Town Ordinance.

Approval of this resolution is recommended.

SML:wjc

Attachment: Resolution, Resolution Sketch, Town of Kenton Ordinance #01-21