

Article II Noise Control

[Adopted 3-20-1993 by Ord. No. 259; amended in its entirety 12-10-2005 by Ord. No. 553 (§ 632 of the 1984 Code)]

§ 117-14 Prohibited conduct; applicability.

[Amended 6-29-2012 by Ord. No. 695; 5-11-2013 by Ord. No. 703]

- A. Prohibited generally. It shall be unlawful for any person, persons, business entity, partnership or corporation which conducts or engages in any trade, business, or occupation within the Town of Dewey Beach to make, cause or emit any noise or sound which exceeds the sound levels set forth in § 117-15 of this article, according to the daily hours as set forth in that section, and according to the zoning districts as delineated in that section.
- B. The provisions of this section shall not apply to noise emanating from dwelling units and residential properly rentals of dwelling units, which are restricted by the provisions of Chapter 85^[1] concerning disorderly use of a dwelling.
- [1] *Editor's Note: See Ch. 85, Crimes, Conduct and Disposition of Offenders.*

§ 117-15 Maximum noise limits as measured by sound-level meter.

[Amended 5-11-2007 by Ord. No. 594^[1]; 5-12-2012 by Ord. No. 694; 6-29-2012 by Ord. No. 695; 5-11-2013 by Ord. No. 703]

- A. It shall be unlawful for any person, persons or business entity, partnership or corporation which conducts or engages in any trade, business, or occupation within Zoning District RB-1 (Resort Business-1) or Zoning District RB-3 (Resort Business-3) of the Town of Dewey Beach to make, cause or emit any noise or sound which emanates a sound level in excess of 70 dBA during the daily hours from 7:00 a.m. to 10:00 p.m., or 65 dBA during the daily hours of 10:00 p.m. to 7:00 a.m., or 65 dBA without regard for time of day as audible from any location beyond the property boundary of the establishment.
- B. It shall be unlawful for any person, persons or business entity, partnership or corporation which conducts or engages in any trade, business, or occupation within any zoning district of the Town of Dewey Beach, other than Zoning Districts RB-1 and RB-3, to make, cause or emit any noise or sound which emanates a sound level in excess of 70 dBA during the daily hours from 7:00 a.m. to 10:00 p.m., or 65 dBA during the daily hours of 10:00 p.m. to 7:00 a.m., or 72 dBC without regard for time of day as audible from any location beyond the property boundary of the establishment.
- C. The sound levels described hereinabove shall be determined by a Dewey Beach police officer utilizing a sound-level meter properly calibrated pursuant to standards established by the American National Standards Institute (ANSI) and operated by an officer who has been certified by ANSI to operate the sound-level meter.
- [1] *Editor's Note: This ordinance also provided that the revised noise level limits enacted by it are to be reassessed by the Noise Committee after 1-1-2008 as part of a review of the 2007 season and noise issues. No penalty shall be assessed for violations in 2007.*

§ 117-16 Specific acts restricted.

[Amended 5-11-2013 by Ord. No. 703]

Notwithstanding the other provisions of this article regarding allowed noise levels, the following specific act is prohibited by any commercial business regardless of the sound level emitted, subject to the exceptions provided in § 117-18.

- A. Sound trucks. No amplifier or loud speaker in, upon or attached to a sound truck or other device for amplifying sound shall be operated or permitted to operate within the Town of Dewey Beach for advertising purposes or to attract the attention of the public.

§ 117-17 Persons responsible.

[Amended 6-29-2012 by Ord. No. 695]

Any person, owner, manager, agent, supervisor, employee in charge of operation, ordering, directing or allowing the operation or maintenance of the device or machine creating a noise as prohibited by this article shall be deemed responsible for violating this article. Additionally, the persons, partnership, business entity, or corporation which is the owner of the business which has created a noise as prohibited by this article shall be deemed responsible for violating this article.

§ 117-18 Exceptions.

Unlawful noise does not include noise or sound generated by the following:

- A. Cries for emergency assistance and warning calls.
- B. Radios, sirens, horns and bells on marine navigation equipment, police, fire, and other emergency vehicles.
- C. Parades, fireworks displays and other special events for which a permit has been obtained from the Town within such hours as may be imposed as a condition for the issuance of the permit.
- D. Activities on or in a municipal and school athletic facilities and on or in publicly owned property, beaches and facilities, provided that such activities have been authorized by the owner of such property or facilities or its agents.
- E. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
- F. Religious worship activities, including, but not limited to, bells and organs.

§ 117-19 Hours of live entertainment and recorded music.

[Amended 5-11-2013 by Ord. No. 703]

It shall be unlawful for any commercial establishment to permit any live entertainment or recorded music on its business premises between the hours of 1:00 a.m. and 7:00 a.m.

§ 117-20 Violations and penalties.

[Amended 6-29-2012 by Ord. No. 695; 5-11-2013 by Ord. No. 703]

Violation of this article is a Class B misdemeanor. Any person, partnership, business entity, or corporation found guilty of violating this article shall be subject to a fine in the maximum amount permitted by law and the imposition of costs of not less than \$250, together with an order of abatement of the unlawful noise.

§ 117-21 Effect of violations upon business license. ^[1]

[Added 5-11-2013 by Ord. No. 703]

If the business license of any person, partnership, business entity, or corporation is revoked pursuant to § 117-9 of Article I of this chapter for multiple violations of Article II of this chapter within the same calendar year, the Town may deny said person, partnership, business entity, or corporation a business license for the following calendar year.

[1] *Editor's Note: Former § 117-21, Civil sanctions, was repealed 7-27-2012 by Ord. No. 697; and former § 117-22, Suspension of penalties and/or civil sanctions for violations of § **117-15**, which immediately followed former § 117-21, expired 1-1-2007 and has been removed from the Code at the direction of the Town.*

§ 117-22 through § 117-29. (Reserved)