

Chapter 275

NOISE

§ 275-1.	Findings.	§ 275-4.	Loud and unnecessary noises enumerated.
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[HISTORY: Adopted by the Town Council of the Town of Bethany Beach by Ord. No. 46 (Ch. 168 of the 1992 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Circuses, carnivals and exhibitions — See Ch. 110.

Firearms and weapons — See Ch. 247.

Coin-operated amusement devices — See Ch. 116.

Fireworks — See Ch. 256.

Commercial activities and concessionaires — See Ch. 123.

Peace and good order — See Ch. 282.

Dogs and other animals — See Ch. 240.

§ 275-1. Findings.

It is found and declared as follows:

- A. The making, creation or continuance of loud and unnecessary noises within the limits of the Town is a condition which has existed for some time past. **[Amended 5-15-2009 by Ord. No. 450]**
- B. The volume and extent of such noises continue to increase.
- C. The making, creation or continuance of such noises affects and is detrimental to the health, peace, safety, welfare and good order of the Town and its inhabitants.
- D. The Town Council of the Town of Bethany Beach, as the municipal governing body of the Town, among other things, is vested with the following powers, to be exercised by it in the interest of the safety, health and welfare of the Town, its inhabitants and affairs, which is to say: **[Amended 9-16-1988 by Ord. No. 207; 5-15-2009 by Ord. No. 450]**
 - (1) To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, theatrical exhibitions, circuses or other public performances and exhibitions for money.
 - (2) To abate or remove nuisances of every kind and compel the owner or occupant of any lot, house, building or place wherein may be carried on any business or calling or any matter or thing which is or may be detrimental, in the opinion of the Town Council, to the health, safety, welfare and good order of the Town and its inhabitants.

§ 275-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Includes any natural person, firm, copartnership, association or corporation.

TOWN — The Town of Bethany Beach, in Sussex County, Delaware.

§ 275-3. Loud or unnecessary noise unlawful. [Amended 9-14-1990 by Ord. No. 252; 5-15-2009 by Ord. No. 450]

It shall be unlawful for any person to make or create, or continue or cause to be made, created, or continued, any loud and unnecessary noise which is unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.

§ 275-4. Loud and unnecessary noises enumerated. [Amended 9-14-1990 by Ord. No. 252; 1-16-1998 by Ord. No. 318; 5-15-2009 by Ord. No. 450]

While the same shall not be deemed to be exclusive, the following acts, among others, are declared to be loud and unnecessary noises which are unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public, in violation of this chapter, namely:

- A. The sounding of any horn, siren, whistle bell, buzzer or other signaling device (except as: a warning of danger; as a call to worship; or in the normal course of operating a motor vehicle) or the continued or repeated sounding of any such device for an unnecessary or unreasonable period of time; provided, however, that none of the provisions of this Subsection A shall apply to churches, police, fire departments, civil defense, ambulances or other emergency units or use.
- B. Using, operating or playing or causing to be used, operated, or played any radio, television, phonograph, CD player, digital audio player, portable media player, musical instrument or other machine, instrument or device for producing, reproducing or amplifying sound in such manner as to as to be unreasonably harmful, disturbing or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.
- C. Operating or maintaining or causing to be operated or maintained any amusement park or amusement center which offers to the public rides on carousels, Ferris wheels, roller coasters, whips, miniature vehicles, boats, locomotives or similar amusement devices, unless the same are sufficiently soundproofed or muffled so that the noise or sound produced or created by or in conjunction with the operation or maintenance thereof shall not be unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.
- D. Operating or maintaining or causing to be operated or maintained any public place containing bowling lanes, pinball machines, Skee-Ball alleys or coin-operated devices constituting games of chance, skill or amusement, unless the same are sufficiently soundproofed or muffled so that the noise or sound produced or created by or in conjunction with the operation or manipulation thereof shall not be shall not be unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.
- E. Operating, maintaining or causing to be operated or maintained any shooting gallery where firearms are discharged, unless such firearms are equipped with a device or devices to reduce the sound or noise made by them so that the sound or noise created thereby shall not be unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.

- F. Keeping any dog which, by frequent, habitual or long-continued barking, whining or howling, disturbs any person or neighborhood; provided, however, that in order to constitute a violation hereunder, the person(s) keeping such dog shall have failed to remedy the nuisance after a warning notice from the Town Police Department given within the 30 days previous to the violation charged.

§ 275-5. Exceptions. [Added 6-20-2003 by Ord. No. 374]

The following activities shall be exempt from this chapter:

- A. Safety signals: noise of safety signals and warning devices.
- B. Authorized emergency vehicles: noises resulting from any authorized vehicle, when responding to an emergency.
- C. Municipal services: noises resulting from the provision of municipal services (e.g., trash collection).
- D. Public improvements and public utility construction and repair. Noise resulting from the construction or repair activities of, or equipment operated by or on the authority of the Town or the State of Delaware or any department or agency thereof or by any public utility company, when engaged in construction, repair, or installation of public improvements and public utility service.
- E. Temporary activities: any noise resulting from activities of a temporary duration permitted by law or for which a waiver or permit has been granted by the Town.
- F. Certain unamplified human voices: the unamplified human voice and unamplified crowd noises such as those emanating from day-care centers, schools, government and community groups and persons engaging in normal activities on the boardwalk and sidewalks of the Town or in outdoor commercial facilities. **[Amended 5-15-2009 by Ord. No. 450]**
- G. Parades: parades and public gatherings for which the Town has issued a waiver or permit.
- H. Religious chimes, bells, carillons: bells, chimes, and carillons being used for religious purposes or in conjunction with religious services or for national celebrations or public holidays.
- I. Sponsored events: noise resulting from Town-sponsored events in public parks or public places, including any performance or program authorized by the Town at the public bandstand or on the boardwalk and pavilion at the east end of Garfield Parkway.
- J. Lawn maintenance equipment: noise resulting from the operation of lawn maintenance equipment, except between 9:00 p.m. and 8:00 a.m., so long as such equipment is functioning within manufacturers' specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition.
- K. Amplified announcements: electronically amplified announcements at athletic events.

§ 275-6. Violations and penalties. [Amended 4-18-1997 by Ord. No. 314; 2-17-2006 by Ord. No. 407; 5-15-2009 by Ord. No. 450]

Any person violating any provision of this chapter, upon conviction thereof, shall pay such fines as set out in Chapter 1, General Provisions, Article I, Penalties. In the event of a continuing violation of any of the provisions of this chapter by any person, each day or part of a day during which any such violation continues shall constitute a separate and distinct offense under this chapter.