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## ORDINANCE NO.

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### AN ORDINANCE TO AMEND CHAPTER 117-16 OF THE MUNICIPAL CODE OF THE TOWN OF 4 DEWEY BEACH RELATING TO NOISE CONTROL AND AMPLIFIED SOUND

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6 **WHEREAS**, the Town desires to clarify the permit requirements, application procedures,  
7 and standards governing the use of sound-amplifying equipment to promote consistent  
8 administration and enforcement; and

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9 **WHEREAS**, the Mayor and Commissioners find that establishing clear permit conditions  
10 and revocation provisions will help minimize unreasonable disturbances to residents, businesses,  
11 and visitors while preserving opportunities for permitted activities.

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12 **NOW THEREFORE, BE IT ENACTED AND ORDAINED**, by the Commissioners of the Town of  
13 Dewey Beach, Sussex County, Delaware, in session met, as follows:

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15 **Section 1.** Amend Section 16 of Chapter 117 of the Dewey Beach Code of Ordinances as depicted  
16 by strikeouts and substitutions provided below:

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§ 117-16 Specific acts restricted.

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

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

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24 B. No person shall operate or use any sound-amplifying equipment without first obtaining  
a permit from the Town Manager.

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26 1) Each applicant for a permit to use sound-amplifying equipment shall, in writing and  
27 on forms required by the Town Manager, submit to the Town Manager the following  
information:

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i. Name and address of the applicant.

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ii. Name and address of the person having direct charge of the sound-  
30 amplifying equipment.

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31 iii. Purpose for which the sound-amplifying equipment shall be used.

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33 iv. General statement as to the areas of the Town in which the sound-  
34 amplifying equipment shall be used. Equipment shall not be used within 50  
35 feet of any business.

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36 v. General statement as to the times the sound-amplifying equipment shall be  
37 used. Permits shall not be issued for amplification of sound prior to **xx** am or  
after **yy** pm.

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- 38 vi. General description of the sound-amplifying equipment that shall be used.  
39 vii. Any other information which the Town Manager may require in order to  
40 reasonably enforce the provision of this article relating to sound-amplifying  
41 equipment.  
42 viii. Applicant shall agree that sound amplification equipment shall not make,  
43 cause, or emit any noise in excess of 65 dbA outside a radius of 50 feet.  
44 ix. Applicant shall acknowledge that operation of sound-amplifying equipment  
45 in violation of the sound amplifying provisions of this section shall result in  
46 revocation of permit.

47 2) The provisions of this subsection B shall not be construed to apply to:

- 48 a. On-site usage of sound amplifying equipment by licensed business  
49 establishments that remain subject to regulations imposing maximum noise  
50 limits; or  
51 b. Usage of sound amplifying equipment by individuals on private property who  
52 remain subject to regulations on noise.

53 **Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or  
54 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect  
55 any other provision of this Ordinance which may be given effect without such invalid or  
56 unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to  
57 be severable.  
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59 **Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the  
60 Commissioners of the Town of Dewey Beach.  
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62 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 17<sup>th</sup> day of  
63 July, 2026.  
64

65 SYNOPSIS  
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67 This ordinance amends Chapter 117 of the Town Code to clarify the requirements for obtaining and  
68 administering permits for the use of sound-amplifying equipment. The ordinance expands the  
69 permit requirements to apply to both businesses and individuals, establishes application  
70 requirements, authorizes the Town Manager to issue permits subject to specified conditions, and  
71 provides for permit revocation when the provisions of the chapter are violated.  
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Mayor, William Stevens

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Town Manager, Bill Zolper