

Chapter 117 – Licensing of Businesses

Article II – Noise Control

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

- 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 dBA~~ 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 utilizing a sound-level meter properly calibrated pursuant to standards established by the American National Standards Institute (ANSI). Any trained police officer or Town staff trained in the use of the sound-level meter is authorized to operate the sound-level meter and investigate for the purposes of enforcing this provision upon suspecting or being notified that a noise disturbance is occurring.

§ 117-16 Specific acts restricted.

Notwithstanding the other provisions of this article regarding allowed noise levels, the following specific acts are 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. No amplifier, loudspeaker, or other device for amplifying sound shall be used for advertising purposes or to attract the attention of the public.~~
- B. ~~Amplified sound shall be solely for the benefit of business patrons, and any loudspeakers shall be directed away from outside patron and public areas.~~
- C. ~~Any amplifier, loudspeaker, or other device for amplifying sound that is attached to any vehicle shall not be used for advertising purposes or to attract the attention of the public, and sound shall be maintained at levels appropriate only for patrons in or in close proximity to the vehicle.~~

Commented [KB1]: These are the same maximum noise levels as the following subsection B. Do they need to be separated out, or can we condense into one subsection?

Commented [GP2R1]: I think the intent of paragraphs A and B was to set limits for average sound levels (dBA) and a general limit for bass levels (dBC) that you feel as well as hear. We exchanged emails about this in August. I suggested that the 65 dBA limit throughout the day in paragraph A should have been dBC as I think was intended. You shared the email from the audio guy who said assessments by the liquor board use dBA only. I like the intent of measuring bass levels, but maybe that's not feasible. Why not explore it? If the decision becomes use dBA only, then the two paragraphs could be combined.

Commented [KB3]: What does this mean and is it necessary? If you already have maximums set for certain times, do you need an overarching maximum level?

Commented [KB4]: Will correct dBC to dBA, as dBA is the correct measurement.

Commented [GP5R4]: I think dBC was intended and should be expored.

Commented [KB6]: These are GP's suggestions to 117-16.

§ 80-13.4 Disorderly use of a dwelling

[Added 7-18-2025 by Ord. No. 862]

- A. Any person or persons, acknowledging responsibility as the owner, occupant, renter, tenant, resident, leaseholder, lessee, or other person having responsibility and present within a dwelling unit shall be guilty of disorderly use of a dwelling if:
- 1) Any person makes or generates or continues to make or generate any noise disturbance as defined in this section, or any loud and raucous sound, so as to cause unreasonable annoyances and/or disturbance to other persons of normal sensitivities living or located on adjacent parcels or in adjacent dwelling units, upon receipt of a registered police complaint, once being warned to cease and desist such noise disturbance.
 - 2) Any person makes or generates or continues to make or generate any noise disturbance, as defined in this section, or any loud and raucous sound, so as to cause unreasonable annoyances and/or disturbance to other persons of normal sensitivities and audible from 50 feet or more from the property boundary of the dwelling unit, with or without a complaint if the noise disturbance, loud and raucous sound or unreasonable annoyances and/or disturbance is committed within the presence of a police officer.
 - 3) Any person makes or generates or continues to make or generate any noise disturbance, as defined in this section, or operates a sound amplifier, or any electronic equipment which emanates sound, so as to be audible from any location, upon an adjacent parcel or an adjacent dwelling unit or from any location beyond the property boundary, at a sound level higher than the permitted decibel levels, as defined in this section, between the regulated hours of the day, as herein defined in this section. The sound level described hereinabove shall be determined by utilizing a properly calibrated sound-level meter, calibrated pursuant to standards established by the American National Standards Institute. Any trained police officer or Town staff trained in the use of the sound-level meter is authorized to operate the sound-level meter and investigate for the purposes of enforcing this provision upon suspecting or being notified that a noise disturbance is occurring.
 - 4) Any person present within a dwelling unit creates a substantial risk of physical injury to himself and/or other persons either directly or indirectly while occupying a dwelling unit or upon the balconies, decks, stairs, porches and roof(s) thereof.
- B. Copies of this section to be provided to tenants. Owners and agents of rented or leased dwelling units shall provide a copy of this section to the tenant or tenants of each dwelling unit located within the Town of Dewey Beach at the time of executing a lease for said unit.
- C. Violations and penalties.
- 1) Violation of this section is a civil offense. Any person found in violation of this section shall be subject to a fine of \$250.
 - 2) The Town may elect, at its option, to take action to evict any person forthwith, having committed a second offense in violation of § 85-1301A, within any one summer season.

Commented [KB7]: I don't see permitted decibel levels provided in this section, which refers to Civil Offenses. Previous decibel levels are under Ch. 117 which is licensing of businesses - it does not pertain to individuals in private homes. Should decibel levels be uniform across town and provided in civil offenses?

Commented [GP8R7]: We could add the same limits as for businesses or eliminate references to limits and leave residential as complaint based. Up for discussion.

§ 1-16 Definitions.

NOISE DISTURBANCE

- A. Any sound that annoys or disturbs a reasonable person of normal sensibilities; or
- B. Any sound which is created by the human voice, including but not limited to yelling, shouting, hooting, whistling or singing, at any time so as to annoy or disturb a reasonable person of normal sensibilities; or
- C. Any sound which is in excess of the allowable noise levels established in § 85-1301A.

Chapter 85, Article III Offenses

§ 85-1301A(Reserved) [1]

[1] Editor's Note: Former § 85-1301A, Disorderly use of a dwelling, was repealed 7-18-2025 by [Ord. No. 862](#).

Commented [KB9]: There are no decibel levels provided in 85-1301.