I recommend one townwide noise standard, with one set of definitions, measurement procedures, and enforcement rules. Business licensing and residential rental provisions should refer to that standard rather than establish competing rules.

Dewey's immediate problem is not simply whether its decibel limits are high enough or low enough. Several provisions are incomplete, internally inconsistent, or refer to a repealed section.

I reviewed your attachment and checked the published municipal codes. The attachment includes proposed edits and reviewer comments, so I have distinguished those from published requirements.

Comparison with nearby municipalities

Municipality	Current approach	Useful lesson for Dewey
Rehoboth Beach — Chapter 189	Continuous-noise limits are **70 dBA commercial daytime, 65 dBA residential daytime, and 55 dBA nighttime for both**. Daytime is 8 a.m.–11 p.m. Where districts differ, the more restrictive standard applies. Commercial sources use meter measurements; residential sources use a plainly audible standard.	A single chapter can coordinate numerical limits, residential disturbances, measurement rules, and enforcement while addressing different sources.
Lewes — Chapter 132	Combines a general disturbance prohibition with specific restrictions. Its extended outdoor prerecorded-music permit requires inward-facing speakers, operation only from **11:30 a.m.–9:30 p.m.**, and a **65-decibel property-line ceiling**.	Speaker placement, operating hours, and enforceable permit conditions can supplement decibel limits.
Bethany Beach — Chapter 275	Primarily uses a reasonable-person disturbance standard rather than a general decibel table. Lists particular noise sources and exceptions; its lawn-equipment exception does not apply between **9 p.m. and 8 a.m.**	Keep a disturbance standard for situations where a meter alone does not adequately describe the problem.

Sources: Rehoboth §§189-3–189-6; Lewes §§132-3–132-4.1; Bethany §§275-3–275-5. City of Rehoboth Beach, DE

These are different policy choices, not a uniform regional standard. **Rehoboth provides the most useful nearby framework for reorganizing Dewey's provisions**, although I would not copy its language wholesale.

Problems to correct in Dewey's code

Provision	Problem	Recommended correction
§117-15A	Lists 70 dBA daytime and 65 dBA nighttime, followed by a 65 dBA limit regardless of time. As written, the final clause appears to override the daytime allowance at off-property locations.	Replace the sentence with a table specifying the applicable limit, time, and measurement location. Resolve the intended policy explicitly.
§117-15A versus B	The published code uses an all-day **65 dBA** clause in A and **72 dBC** in B. These are materially different standards.	Do not consolidate the subsections until the Town decides whether it intends different district limits and a separate bass standard.
§80-13.4A(3)	Refers to permitted decibel levels and regulated hours "defined in this section," but supplies neither.	Insert an express reference to the new townwide table and measurement procedures.
§1-16, "Noise disturbance"	Refers to §85-1301A, which the attachment identifies as repealed.	Reference the operative noise standard.
§117-14B	Still sends residential noise to Chapter 85 rather than the current dwelling provision in Chapter 80.	Update the reference as part of the consolidation.
§80-13.4C(2)	The eviction provision still cites §85-1301A.	Correct the reference and have the solicitor review the remedy and required process.
§80-13.4A(1)–(3)	Uses different complaint, warning, distance, and meter requirements without clearly explaining their relationship.	State expressly which are independent grounds for a violation and what evidence each requires.

The published code confirms the dBA/dBC distinction, outdated residential reference, and incomplete dwelling provision. These are substantive drafting issues, not just formatting errors. Town of Dewey Beach, DE

Changes I would recommend

1. Establish one controlling noise article.

Place the substantive standards in a dedicated noise chapter or article applicable to all persons and properties. Then:

- Keep business-license consequences in Chapter 117.
- Keep tenant notice and rental-management obligations in the residential provisions.
- Maintain definitions in Chapter 1, consistent with Dewey's existing organization.
- Cross-reference the controlling noise article everywhere else.

Residential rentals should be expressly covered regardless of whether renting is also considered a business activity. Cover yards, decks, patios, pools, vehicles, and outdoor gatherings—not just persons "present within a dwelling unit."

2. Protect the receiving property consistently.

A resident should receive the same protection from excessive sound whether it comes from a business, a rental house, or an owner-occupied house.

My preferred approach is to base the applicable exterior limit on the **receiving property's classification**, with a defined measurement point on its boundary nearest the source. Include a separate rule for adjoining units in the same building.

For discussion, I would start with:

Receiving property	**Daytime: 7 a.m.–10 p.m.**	**Nighttime: 10 p.m.–7 a.m.**
Residential	**65 dBA**	**55 dBA**
Commercial	**70 dBA**	**60 dBA**

These are proposed Dewey policy choices, not current law or a regional consensus. The residential values align numerically with Rehoboth's continuous-noise limits, but use Dewey's existing day/night transition. The proposed commercial nighttime value is a compromise for discussion.

Before adoption, test the proposed limits at representative residential/commercial boundaries. Changing the measurement location or measurement duration can change the practical effect as much as changing the number.

3. Retain two independent enforcement grounds.

Allow enforcement for either:

- **Exceeding a measured limit**, under specified procedures; or
- **Creating an unreasonable noise disturbance**, supported by documented observations.

For the disturbance test, require consideration of time, duration, repetition, intensity, character, location, and interference with sleep or ordinary use of neighboring property.

Compliance with a decibel ceiling should not automatically excuse a separately established disturbance. Conversely, the existence of a complaint alone should not establish a violation.

4. Rework the 50-foot provision.

The current language measures 50 feet **beyond the property boundary**. That can leave a nearby neighbor affected by substantial noise without satisfying that particular test.

I would remove that distance as a necessary condition for unreasonable-disturbance enforcement. If the Town retains a separate plainly audible offense, define exactly:

- What must be identifiable;
- Where the officer must stand;
- When the rule applies; and
- Whether duration or repetition is required.

An overnight rule for amplified music or repetitive bass entering another dwelling is more targeted than treating every audible sound across a boundary as an offense.

5. Do not change dBC to dBA as a clerical correction.

A-weighting and C-weighting are different measurement methods. A-weighting reduces the contribution of low-frequency sound more heavily; C-weighting can help identify excessive low-frequency energy. Neither abbreviation means “average sound level.” Averaging requires a separate measurement descriptor and duration. handbook.ashrae.org

I would retain bass control as an explicit policy objective and obtain an acoustical recommendation for either a supplemental C-weighted limit or frequency-band limits. **Replacing "72 dBC" with "72 dBA" would change the standard, not merely correct its spelling.**

6. Specify how measurements establish a violation.

"Properly calibrated" is insufficient by itself. The ordinance or expressly authorized technical protocol should specify:

- Meter performance requirements and calibration checks;
- Frequency weighting and response setting;
- Whether the limit concerns an average, maximum, or sustained exceedance;
- Observation duration and allowable exceedances;
- Microphone location, height, and treatment of reflective surfaces;
- Wind/weather restrictions and unrelated background sound;
- Records needed to attribute the sound to the cited source.

The substantive measurement criteria should be adopted with the limits, rather than left to vary between officers.

7. Replace vague speaker restrictions with physical requirements.

The attachment's proposed instruction to direct speakers away from "outside patron and public areas" could unintentionally interfere with music intended for lawful outdoor patrons.

A clearer requirement would direct speakers inward toward the premises they serve and away from neighboring residences and public rights-of-way, subject to approved plans and applicable limits.

For recurring outdoor commercial amplification, require a speaker-location plan, responsible contact, operating hours, and authority to impose corrective conditions. Lewes offers a nearby example of inward-facing speaker requirements. City of Lewes, DE

8. Make enforcement and exceptions consistent.

I would expressly provide that:

- Officers may investigate and cite based on their own observations; a resident complaint is not mandatory.

- Warnings are discretionary unless a particular offense expressly requires one.
- Recurrence after an abatement order has a defined consequence.
- Repeat offenses use one clearly stated counting period.
- Liability attaches to the person causing the noise or a person with control who knowingly permits it—not merely anyone present.
- Permit suspension or license action includes notice and an opportunity for review.

Review the existing exceptions as well. Genuine emergencies should remain exempt. Planned events should have written hours, locations, sound conditions, and a responsible contact rather than an unlimited exemption.

Finally, distinguish **noise-limit hours, outdoor-amplification hours, entertainment cutoff hours, and business operating hours**. They serve different purposes. Dewey's published §117-19 separately prohibits commercial live entertainment and recorded music from 1 a.m.–7 a.m.; that rule needs an explicit relationship to the general noise limits. Town of Dewey Beach, DE

My recommended order of action: first correct the broken references and missing standards; then adopt the unified structure and enforcement procedures; then settle the numerical limits and bass controls using field measurements. That produces a code officers can apply consistently and residents and businesses can understand.