



## ORDINANCE NO \_\_\_\_\_

### AN ORDINANCE TO AMEND CHAPTER 65, ARTICLE 1, OCEAN BEACH USE AND ACTIVITIES, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO GRANT THE POLICE CHIEF THE AUTHORITY TO CLOSE THE BEACH

**WHEREAS**, the maintenance of peace and order, and the health, safety, and well-being of the population and visitors of Dewey Beach is of outmost importance to Town officials; and

**WHEREAS**, the management of large crowds often present in Dewey Beach presents a challenge to the police force, particularly in an emergency situation; and

**WHEREAS**, the Town Commissioners acknowledge that during a public safety emergency, the authority of the Police Chief to limit access to certain public areas may expedite the response efforts by law enforcement, or altogether mitigate a threat to our community; and

**WHEREAS**, the Chief of Police of the Town of Dewey Beach is responsible by Section 19(b)(3)(b) of the Charter of the Town of Dewey Beach, 83 Delaware laws, Chapter 156, for “the proper administration of all of the affairs of the Police Force and for all matters related to the preservation of peace and order and other duties prescribed by the Town Council;”

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

**Section 1.** Amend §65-10 of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

§ 65-10 Authority of ~~captain of beach patrol~~ to declare beach closed.

A. The captain of the Dewey Beach patrol is hereby authorized to exercise reasonable discretion to determine and declare the beach and surf area within the Town of Dewey Beach closed for reasons of unsafe weather, tide, surf, or any other hazard or unsafe condition determined by the captain. The term “captain” as used herein shall also include a deputy or acting captain as determined by the captain of the Dewey Beach Patrol.

**B. The Chief of the Dewey Beach Police is hereby authorized to exercise reasonable discretion to determine and declare the beach and surf area within the Town of Dewey Beach closed for reasons of criminal activity, criminal investigation, or to lessen or avert a threat to public health and safety.**

**B.C.** No person or persons shall be permitted on the beach or within the waters of the Atlantic Ocean contiguous to the beach declared unsafe for use.

**Section 2.** If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Section 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 21st day of July, 2023.

SYNOPSIS

This Act extends the authority to close the beach to include the Chief of the Dewey Beach Police, when a closure is deemed necessary for reasons of public safety or criminal activity.

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Mayor, William Stevens

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Town Manager, Bill Zolper