



ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE II, NOISE CONTROL, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO GIVE AUTHORITY TO TOWN STAFF TO OPERATE A SOUND LEVEL METER

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, ongoing monitoring of noise levels throughout the Town has proven to be a necessary task to properly identify and control disturbances to visitors and property owners; and

WHEREAS, current legislation allowing only an ANSI-certified Dewey Beach Police officer to operate a sound-level meter has proven a hindrance to the Town's efforts to continually monitor noise levels.

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 §117-15 of the Municipal Code of Dewey Beach, Delaware by making the highlighted insertions, strikeouts, and substitutions depicted below:

C. The sound levels described hereinabove shall be determined by ~~a Dewey Beach police officer~~ utilizing a sound-level meter properly calibrated pursuant to standards established by the American National Standards Institute (ANSI) ~~and operated by an officer who has been certified by ANSI to operate the sound-level meter.~~ Any trained police officer or Town staff 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.

Section 2. Severability. If any provision 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 approval by the Town Council. Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on September 20, 2024.

SYNOPSIS

This Act gives both the Dewey Beach Police and Town staff the authority to assess and investigate noise disturbances throughout town with a sound-level meter.

46 _____

47 William Stevens, Mayor

48 Bill Zolper, Town Manager