



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

**AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE II, NOISE CONTROL, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO REVISE THE PENALTIES FOR COMMERCIAL ESTABLISHMENTS IN VIOLATION OF THE NOISE ORDINANCE**

**WHEREAS**, the Town of Dewey Beach recognizes excessive noise from businesses as a serious concern affecting the quality of life for residents and visitors; and

**WHEREAS**, current legislation classifies a violation of the noise ordinance as a criminal offense, specifically a Class B misdemeanor; and

**WHEREAS**, the Dewey Beach Police has recommended that, while noise ordinance violations should be addressed with the appropriate civil penalty, such violations should not constitute a criminal offense.

**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 §117-20 of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

§ 117-20 Violations and penalties.

Violation of this article is a ~~Class B misdemeanor~~ **civil offense**. Any person, partnership, business entity, or corporation found guilty of violating this article shall be subject to a fine ~~in the maximum amount permitted by law and the imposition of costs of not less than \$250~~ **\$500**, together with an order of abatement of the unlawful noise.

**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 -- day of --, 2025.

SYNOPSIS

This Act reduces the penalty for violation of the noise ordinance by businesses from a Class B misdemeanor to a civil offense, punishable by a fine of \$500.

---

Mayor, William Stevens

---

Town Manager, Bill Zolper