



2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

ORDINANCE NO _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, BY REPEALING CHAPTER 53 - ALARMS IN ITS ENTIRETY AND RECODIFYING THE PROVISIONS OF §53-5 RELATING TO FALSE ALARM VIOLATIONS, AS A CIVIL OFFENSE IN CHAPTER 80

WHEREAS, Chapter 53 of the municipal code details the requirements, registration, and violations related to exterior alarms; and

WHEREAS, the Town has determined that the provisions in Chapter 53 regarding the registration and fees for exterior alarms are no longer necessary and have become obsolete; and

WHEREAS, the Town seeks to maintain public order and reduce unnecessary emergency responses by continuing to regulate false alarm violations as civil offenses.

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. Chapter 53 of the Code of Ordinances of the Town of Dewey Beach, titled “Alarms,” is hereby repealed in its entirety.

Section 2. Amend Chapter 80 of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

§ 80-13.5 False alarm violations

Any person, firm or corporation who maintains or permits to be maintained an exterior alarm on its premises which has caused three or more false alarms from the exterior alarm system in a one-calendar-year period (January through December) shall have committed a civil offense subject to an assessment consistent with the following schedule:

False Alarm Signal Occurrence	Assessment
3rd	\$25
4th	\$50
5th	\$100
6th	\$400
7th	\$800

Section 3. 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.

38 **Section 4.** This Ordinance shall take effect immediately upon its passage by a majority vote of the
39 Commissioners of the Town of Dewey Beach.

40
41 Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this -- day of --,
42 2025.

43

44

SYNOPSIS

45

46 This Ordinance repeals Chapter 53 – Alarms, of the Municipal Code in its entirety, as its provisions are no
47 longer deemed necessary. It further recodifies the existing penalty provision found in Section 53-5 as a
48 civil offense under the appropriate section of the Code to ensure continuity of enforcement where
49 applicable.

50

51

52

53

Mayor, William Stevens

54

55

56

57

58

Town Manager, Bill Zolper

59

Below is the current Chapter 53 in its entirety. This chapter may be deleted entirely, with provisions from 53-5 moved to Chapter 80, Civil Offenses.

Chapter 53

ALARMS

§ 53-1.	Definitions.	§ 53-4.	Violations for nonregistration.
§ 53-2.	Exterior alarm business license requirements.	§ 53-5.	False alarm violations.
§ 53-3.	Alarm user registration.	§ 53-6.	Limited grandfathering provision.

[HISTORY: Adopted by the Commissioners of the Town of Dewey Beach 5-11-1996 by Ord. No. 351 (§ 1014 of the 1984 Code). Amendments noted where applicable.]

§ 53-1. Definitions.¹

§ 53-2. Exterior alarm business license requirements.

- A. Any person engaged in the installation of exterior alarms in the Town of Dewey Beach must apply for a license to operate as an alarm business. Such application must be signed by either (a) the owner of the business for a sole proprietorship, (b) one partner for a partnership, or (c) a corporate officer for a corporation. The license application must include, but is not limited to:
 - (1) The name, address, fax, and telephone number of the alarm business, its business entity (sole proprietorship, partnership, or corporation), and employer ID number (EIN).
 - (2) The number of active residential and nonresidential alarm customers in Dewey Beach with which the alarm business conducts business.
 - (3) The name, address, and telephone number of the official responsible for the operation of the alarm business in Dewey Beach.
- B. A license fee will be due and payable each year in accordance with the standard business license fee provisions of this Code.
 - (1) An applicant must not conduct business in Dewey Beach until the alarm business license is approved.
 - (2) An applicant must give written notice of any changes to the information contained in the application to the Town Manager within 10 days of the change.

§ 53-3. Alarm user registration.

- A. Every exterior alarm user must register the user's alarm system with the Town of Dewey Beach before the user begins using the system, and must pay the alarm registration fee.
- B. The registration form for the alarm user must contain, but is not limited to, the following information:

1. Editor's Note: Pursuant to Ord. 724, adopted 1-9-2016, all definitions throughout the Code were transferred to Ch. 1, Art. III, Definitions.

ALARM REGISTRATION

Name, address, telephone number and driver's license or social security number, if not licensed, of the alarm user for the alarmed location.

Dangerous or special conditions information at location.

Type of alarm system: burglary and/or fire.

Names, addresses, and telephone numbers of two persons (an alarm business will be acceptable in lieu of one person) who are able to and have agreed to:

- (1) Receive notification of an alarm activation at any time;
- (2) Respond to the alarm site within one hour; and
- (3) Grant access to the alarm site and deactivate the alarm system if such becomes necessary.

The Town Manager may waive, under extraordinary circumstances, the requirement to have two contact persons listed on a residential registration form.

Name, address, telephone number, and business license number(s) of the alarm business that installed and/or monitors the alarm system, if applicable.

- C. When a person or business listed on the registration, or listed on an amendment to the registration, is unable or unwilling to perform required duties, the registrant must file, within 72 hours, and amendment to the registration listing a person or company that is able and willing to perform those duties.
- D. Each registration remains in effect until the registrant relinquishes control of the alarm site or the registration is suspended or revoked.
- E. The registration fee for one alarm user is \$10.
- F. A registration is valid only for the premises registered and is not transferable to another alarm user or premises. A new registration must be applied for in accordance with this regulation.

§ 53-4. Violations for nonregistration. [Amended 12-6-2008 by Ord. No. 636]

No person, firm or corporation shall violate the registration provisions of this chapter. Any violation of this section is declared to be a civil offense pursuant to Chapter 80 of the Municipal Code of the Town of Dewey Beach.

§ 53-5. False alarm violations. [Amended 12-6-2008 by Ord. No. 636]

Any person, firm or corporation who is registered as an alarm user pursuant to the provisions of this chapter who, maintains or permits to be maintained an exterior alarm on its premises which has caused three or more false alarms from the exterior alarm system in a one-calendar-year period (January through December) shall have committed a civil offense pursuant to Chapter 80 of the Municipal Code of the Town of Dewey Beach subject to an assessment consistent with the following schedule:

False Alarm Signal Occurrence	Assessment
3rd	\$25
4th	\$50
5th	\$100
6th	\$200
7th	\$400
8th	\$800

§ 53-6. Limited grandfathering provision.

All exterior alarms existing at the time of adoption of this chapter (May 11, 1996) shall be exempt from the fee provisions of this chapter but shall be subject to the registration provisions of this Code and said alarms shall be registered on or before May 11, 1997.