TOWN OF BRIDGEVILLE

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ORDINANCE NO. 17-2

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF BRIDGEVILLE BY ADDING A NEW CHAPTER 162 RELATING TO THE CONTROL OF NOISE

WHEREAS, the Commissioners of the Town of Bridgeville are desirous of regulating the use of noise in the Town; and

WHEREAS, the Commissioners of the Town of Bridgeville find it desirable to regulate noise in order to promote the health, safety, and welfare of the citizens of the Town of Bridgeville; and

NOW, THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE HEREBY ORDAIN:

Section 1: Amend Bridgeville Code by adding thereto Chapter 162 "NOISE", the text, as follows:

Chapter 162

NOISE

§ 162-1 Definitions.

For the purposes of this chapter, the terms used herein are defined as follows:

PERSON Any individual, firm, association, corporation, limited liability company or other artificial entity, whether such person is the owner, lessee or character, its servants, agents or employees.

SOUND DEVICE OR APPARATUS Any radio device or apparatus or any device or apparatus for the amplification of sounds from any radio, phonograph, disc player, electronic device, or other sound-making or sound-producing device, or any device or apparatus for the reproduction or amplification of the human voice or other sounds.

TO USE OR OPERATE ANY SOUND DEVICE OR APPARATUS IN, ON, NEAR OR ADJACENT TO ANY PUBLIC STREET, PARK OR PLACE To use or operate or cause to be used or operated any sound device or apparatus in front of or outside of any building, place or premises or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to any public street, park or place, or in or upon any public street, park or place, where the sounds therefrom may be heard upon any public street, park or place, or from any stand, platform or other structure or from

any airplane or other device used for flying, flying over the Town, or anywhere on or in the public street, parks or places.

TOWN Bridgeville, Sussex County, Delaware.

UNNECESSARY That which is not required by the usual circumstances.

USUAL The normal noise range for a particular type of vehicle or mechanism.

§ 162-2. Prohibited Acts.

The following acts, among others, by any person are declared to be loud, disturbing and unnecessary noises, especially between the normal sleeping hours of 11:00 p.m. and 7:00 a.m., in violation of this chapter, but any enumeration herein shall not be deemed to be exclusive:

A. The operation of any sound device, radio apparatus, loudspeaker or amplifier attached thereto, or other device, radio, television, or phonograph or the use of any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, motel or other type of residence.

B. The keeping of any animal, bird, or household pet which, by causing frequent or long-continued noise, shall disturb the comfort and repose of any person in the vicinity.

C. The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or container or the opening and the destruction of bales, boxes, crates and containers.

D. The shouting and crying of peddlers, hawkers, vendors and persons which disturbs the peace and quiet of the neighborhood.

E. The use of any drum, loudspeakers or other instrument or device for the purpose of attracting attention to any sale or display of merchandise by the creation of noise.

F. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle, except as a warning signal pursuant to provisions of law.

G. The use of any sound device, radio apparatus, loudspeaker or amplifier attached thereto, or other device, in such a manner that the device shall cause the sound from such sound device to be projected directly therefrom outside of any building or out of doors, or the use of any sound device radio or television apparatus, loudspeaker or amplifier attached thereto, or other device, which is in any way fastened to or connected with any outside wall or window in any building or structure so that the sound therefrom is projected outside of such outside wall or window. Nothing herein contained shall be construed to prevent the operation of a sound device, radio or television apparatus, loudspeaker or amplifier attached thereto, or other device, used in a reasonable manner by any person within any

building or structure, provided that the said sound device, radio or television apparatus, loudspeaker or amplifier attached thereto, or other device, is not so arranged that such loudspeaker shall project the sound therefrom directly outside of any building or out of doors.

H. The operation of any machinery, equipment, pump, fan, exhaust fan, attic fan, air-conditioner apparatus or similar mechanical device in such a manner as to create any unreasonable and unnecessary noise which shall disturb the comfort and repose of any person in the vicinity.

I. The use and operation of sound devices and apparatus for commercial or business advertising purposes are prohibited. It shall be unlawful for any person to use or operate or cause to be used or operated any sound device or apparatus in, on, near or adjacent to any public street, park or place for commercial or business advertising purposes.

J. The keeping of any dog, which, by frequent, habitual or long-continued barking, whining or howling, disturbs any person or neighborhood; provided, however, that in order to constitute a violation hereunder, the person(s) keeping such dog shall have failed to remedy the nuisance after a warning notice from the Code Enforcement Officer given within the 30 days previous to the violation charged.

§162-3. Exemptions.

The following activities shall be exempt from this chapter:

A. Safety signals: noise of safety signals and warning devices.

B. Authorized emergency vehicles: noises resulting from any authorized vehicle, when responding to an emergency.

C. Municipal services: noises resulting from the provision of municipal services (e.g., trash collection).

D. Public improvements and public utility construction and repair: noise resulting from the construction or repair activities of, or equipment operated by or on the authority of the Town or the State of Delaware or any department or agency thereof or by any public utility company, when engaged in construction, repair, or installation of public improvements and public utility service.

E. Temporary activities: any noise resulting from activities of a temporary duration permitted by law or for which a waiver or permit has been granted by the Town or the State.

F. Certain unamplified human voices: the unamplified human voice and unamplified crowd noise resulting from activities such as those planned by day-care centers, schools, government and community groups.

G. Parades: parades and public gatherings for which the Town has issued a waiver or permit.

H. Religious chimes, bells, carillons: bells, chimes and carillons being used for religious purposes or in conjunction with religious services or for national celebrations or public holidays.

I. Sponsored events: noise resulting from Town-sponsored events in public parks or public places, including any performance.

J. Lawn maintenance equipment: noise resulting from the operation of lawn maintenance equipment, except between 9:00 p.m. and 7:00 a.m., so long as such equipment is functioning within manufacturers' specifications with all mufflers and noise-reducing equipment in use and in proper operating condition.

K. Noise resulting from the operation of agricultural, horticultural, or foresting activities.

§ 162-4. Considerations.

Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

A. The proximity of the sound to sleeping facilities, whether residential or commercial.

B. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived.

C. The time of day or night the sound occurs.

D. The duration of the sound.

E. Whether the sound is recurrent, intermittent, or constant.

§ 162-5. Violations.

Any person violating any provision of this chapter, upon conviction thereof, shall pay such fines as set out in Chapter 1, General Provisions. Article II, Penalties.

Section 2. Effective Date. This ordinance shall become effective upon its adoption by a majority of the members elected to the Commission.

COMMISSIONERS OF BRIDGEVILLE

By: Patricia M. Correll
President

Attest: Secretary

Reading: March 13, 2017

Adopted: April 10, 2017

Synopsis

This ordinance prohibits excessive noise within the municipal limits of the Town of Bridgeville