

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY
BY MAKING CHANGES TO CHAPTER 100 AND ADDING A NEW SECTION TO
ESTABLISH A "QUIET PERIOD" FOR THE TOWN**

ORDINANCE 216-25 (SECOND READING)

(Sponsored by Councilman Shaw)

This ordinance amends chapter 100 to clarify existing provisions and to add the enforcement of a "Quiet Period" of between 11:00 p.m. and 8:00 a.m. daily, and associated prohibited activities during the Quiet Period, in the Town of South Bethany, in the public interest.



ORDINANCE NO. 216-25

AN ORDINANCE TO AMEND the Code of the Town of South Bethany by making changes to Chapter 100 and adding a new Article III to address the establishment of a 'Quiet Period' for the Town.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, Delaware, a majority thereof concurring in Council duly met, that the following ordinance be and hereby is amended as follows:

(additions and modifications are **in red text** and deletions **bolded and marked through**)

ARTICLE I

General Provisions [~~Adopted 6-9-1990 as Ord. No. 27-90~~]

§ 100-1. Authority.

This Article is authorized by § ~~G-4B~~**4.2.22** of the Town Charter.

§ 100-2. Activities prohibited; definitions.

A. It shall be unlawful for any person to engage in, permit or cause disorderly behavior or activities within the corporate limits of the town.

B. For the purposes of this Article, disorderly behavior or activities shall be deemed to constitute a nuisance when such behavior permits or causes any of the following:

(1) Fighting or violent, tumultuous or threatening behavior.

(2) ~~Unreasonable noise or offensively coarse~~ **Threatening or obscene** utterances, gestures ~~displays or the addressing of abusive language~~ **or abusive actions directed at any person.**

(3) Obstructing vehicles or pedestrian traffic.

(4) Creating a hazardous or physically offensive condition which serves no lawful purpose.

(5) Refusing to comply with a lawful order of a police officer to cease and desist any of the aforesaid acts.

§ 100-3. Penalties for offenses.

A. Any person violating the provisions of this Article shall be subject to a **fine penalty** of not less than \$50, nor more than \$100, plus court costs. Each day of continued violation shall be considered as a separate offense.

B. After two or more such offenses involving a rental property, the rental license issued for said property may be suspended or revoked at the discretion of the **Mayor and/or** Town Council. The length of the suspension and revocation shall be determined by the **Mayor or** Town Council.

ARTICLE II

Sleeping

§ 100-4. Authority.

This Article is authorized by § ~~C-4B~~ 4.2.22 of the Town Charter.

§ 100-5. Activities prohibited.

Sleeping shall not be permitted on any beach, on private property, subject to the condition that this shall not apply to the owner of such private property or his/her authorized tenants or guests, or in any type of motor vehicle or watercraft located within the corporate limits of the town, between the hours of 11:00 p.m. and 8:00 a.m.

§ 100-6. Penalties for offenses.

Any person violating the provisions of this Article shall be subject to a **civil penalty** ~~of not less than \$25, nor more than \$100, plus court costs.~~ **of \$50.** Each day of continued violation shall be considered as a separate offense.

ARTICLE III

Quiet Periods

§ 100-7. Authority.

This Article is authorized by § 4.2.22 of the Town Charter.

§ 100-8. Definitions.

For the purposes of this Chapter:

- **Quiet Period:** The hours between 11:00 PM and 8:00 AM every day of the year, during which certain noise-producing activities are prohibited.
- **Noise:** Any sound that is unreasonably loud, excessive, unnecessary, which can be clearly heard, beyond property boundaries, or within adjacent dwellings, and which would disturb, annoy, irritate or inconvenience a reasonable person or which otherwise disturbs the peace.

§ 100-9. Quiet Period Regulations

A Quiet Period shall be observed within the Town limits of South Bethany. The following restrictions shall apply during the Quiet Period in the Town of South Bethany:

- A. No person, group, business, or organization shall produce, cause, or allow to be caused, Noise, within the Town, during the Quiet Period.
- B. In addition to any Noise that would annoy or disturb a reasonable person of normal sensitivities. The following are specifically prohibited during the Quiet Period:
 - 1) The playing of music, operation of any amplifier, speaker or other sound generating device or other machinery, equipment or device that produces Noise.
 - 2) The use of any motor vehicle operated in such a manner as to create Noise.
 - 3) The continued sounding of any horn, alarm or signal device on any vehicle that produces Noise, except as necessary as a warning signal.

§ 100-10. Quiet Period Exemptions

The following activities are exempt from the restrictions during the Quiet Period:

- A. **Emergency Services:** Sounds generated by police, fire, medical emergency, or other public safety officials while performing official duties.
- B. **Public Works and Utilities:** Necessary public works or utility maintenance activities, including trash and recycling collection activities, when performed by government agencies, utilities, or contractors in response to a Town specific request or a contract for services.

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- C. **Special Events:** Events authorized by the Town Council through a special permit. Such permits must include conditions to minimize noise impacts during the quiet period.
- D. **Home Emergency Generators:** Used when essential Utility power is disrupted

§ 100-11. Enforcement

Any resident or visitor may contact the Police Department to make a complaint about Noise.

§ 100-12. Violations and Penalties for offenses.

Where a violation has occurred, a citation shall be served upon the owner or other principal occupant of the dwelling present at that time, or, if the dwelling is occupied by a renter, to the person whose name appears on the lease or other principal occupant of the dwelling present at that time

A person who has been served with a citation for violation of this section may pay the civil penalty, either in person or by mail, at the Town Hall, or request a hearing before a court of competent jurisdiction as provided by Section 1-18 of this Code.

Effective date. This ordinance shall become effective upon the date of adoption.

Ordinance 216-25

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY,
DELAWARE, ON THE 14 OF March 2025.

SEAL:

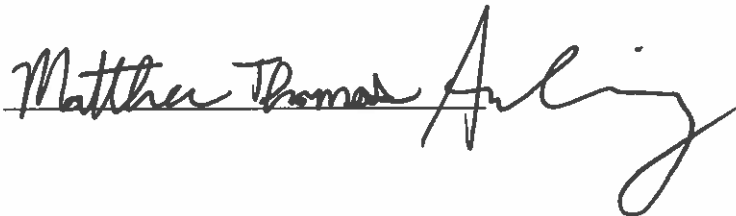




Edith Dondero, Mayor



Robert Biciocchi, Council Secretary

ATTEST: 

Sponsored by Councilman Shaw
Ordinance 216-25
1st Reading: 2/14/2025
2nd Reading: 3/14/2025

