

Sponsor: Mayor Frankie Dale Rife

First Reading: ___ 9/12/11 ___

Second Reading: ___ 10/3/11 ___

ORDINANCE #2-11

AN ORDINANCE REGULATING EXCESS NOISE IN THE TOWN OF WYOMING

WHEREAS, the making, creation or continuance of such noises affects and is detrimental to the health, peace, safety, welfare and good order of the Town and its inhabitants;

WHEREAS, the Town Council of the Town of Wyoming, as the municipal governing body of the Town, among other things, is vested with the power, to be exercised by it in the interest of the safety, health and welfare of the Town, its inhabitants and affairs, to define, prevent, and abate nuisances; and

WHEREAS, the Town Council of the Town of Wyoming repealed “Ordinance #18-07, An Ordinance Prohibiting Excessive Noise Within the Town of Wyoming and Providing Penalties for Violations Thereof” in anticipation of adopting this ordinance;

BE IT HEREBY ENACTED by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, Ordinance #2-11 “An Ordinance Regulating Excess Noise in the Town of Wyoming” be and hereby is enacted, as follows to wit:

AN ORDINANCE REGULATING EXCESS NOISE IN THE TOWN OF WYOMING

Section 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated:

- A. *Person* includes any natural person, firm, copartnership, association or corporation.
- B. *Town* means the Town of Wyoming, in Kent County, Delaware.

Section 2. Loud or unnecessary noise unlawful.

It shall be unlawful for any person to make or create, or continue or cause to be made, created, or continued, any loud and unnecessary noise which is unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.

Section 3. Loud and unnecessary noises enumerated.

While the same shall not be deemed to be exclusive, the following acts, among others, are declared to be loud and unnecessary noises which are unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public, in violation of this ordinance, namely:

A. The sounding of any horn, siren, whistle bell, buzzer or other signaling device (except as: a warning of danger; as a call to worship; or in the normal course of operating a motor vehicle) or the continued or repeated sounding of any such device for an unnecessary or unreasonable period of time; provided, however, that none of the provisions of this Subsection A shall apply to churches, police, fire departments, civil defense, ambulances or other emergency units or use.

B. Using, operating or playing or causing to be used, operated, or played any radio, television, phonograph, CD player, digital audio player, portable media player, musical instrument or other machine, instrument or device for producing, reproducing or amplifying sound in such manner as to as to be unreasonably harmful, disturbing or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.

C. Operating or maintaining or causing to be operated or maintained any amusement park or amusement center which offers to the public rides on carousels, Ferris wheels, roller coasters, whips, miniature vehicles, boats, locomotives or similar amusement devices, unless the same are sufficiently soundproofed or muffled so that the noise or sound produced or created by or in conjunction with the operation or maintenance thereof shall not be unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.

D. Operating or maintaining or causing to be operated or maintained any public place containing bowling lanes, pinball machines, Skee-Ball alleys or coin-operated devices constituting games of chance, skill or amusement, unless the same are sufficiently soundproofed or muffled so that the noise or sound produced or created by or in conjunction with the operation or manipulation thereof shall not be unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.

E. Operating, maintaining or causing to be operated or maintained any shooting gallery where firearms are discharged, unless such firearms are equipped with a device or devices to reduce the sound or noise made by them so that the sound or noise created thereby shall not be unreasonably harmful, disturbing, or annoying to reasonable persons of normal sensitivities such as to endanger the comfort, repose, health, peace, safety or welfare of the public.

F. Keeping 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 Town Police Department given within the 30 days previous to the violation charged.

Section 4. Exceptions. The following activities shall be exempt from this ordinance:

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.

F. Certain unamplified human voices: the unamplified human voice and unamplified crowd noises such as those emanating from day-care centers, schools, government and community groups and persons engaging in normal activities on the sidewalks, streets, or parks of the Town or in outdoor commercial facilities.

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.

J. Lawn maintenance equipment: noise resulting from the operation of lawn maintenance equipment, except between 9:00 p.m. and 8:00 a.m., so long as such equipment is functioning within manufacturers' specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition.

K. Amplified announcements: electronically amplified announcements at athletic events.

Section 5. Violations and penalties. Any person violating any provision of this ordinance, upon conviction thereof, shall pay a fine of not less than \$25 and not more than \$50. In the event of a continuing violation of any of the provisions of this ordinance by any person, each day or part of a day during which any such violation continues shall constitute a separate and distinct offense under this ordinance.

Synopsis

This ordinance enacts a new ordinance titled, "An Ordinance Regulating Excess Noise in the Town of Wyoming." This ordinance generally prohibits loud or unnecessary noises that are harmful to a reasonable person of normal sensitivities and specifically enumerates examples of prohibited noises. This ordinance provides exceptions to the noise regulations. Some examples of these exceptions include noises associated with emergency vehicles, religious chimes, parades, etc. Any individual violating this ordinance shall pay a fine of not less than \$25 and not more than \$50.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on October 3, 2011.

Attest: Parrela B. Haddick
Town Clerk

So Certifies:
Tranter Dale Ruff
Mayor

This shall certify that a copy of this Ordinance was posted at the Town Hall on Oct. 4, 2011.

10/4/11
Date

So Certifies:
Parrela B. Haddick