

**AN ORDINANCE TO AMEND CHAPTER 11 OF THE CITY CODE
RELATING TO RELIGIOUS EXEMPTIONS FROM NOISE
ORDINANCES**

#0058

Sponsor:

Council
Member
Darby

WHEREAS, the City of Wilmington recognizes and respects the religious freedoms guaranteed under the First Amendment of the United States Constitution and corresponding provisions of the Delaware Constitution; and

WHEREAS, the City has historically provided limited exemptions under its noise ordinance for certain religious practices; and

WHEREAS, current City noise exemptions allows for “noise created by bells, chimes, [and] carillons while being used between the hours of 6:00 a.m. and 12:00 a.m. for the purpose of or in conjunction with religious services[.]”; and

WHEREAS, the Islamic call to prayer, known as the *Adhan*, is an essential and longstanding religious practice observed by Muslim communities around the world, including residents of Wilmington; and

WHEREAS, the *Adhan* is broadcast five times a day; and

WHEREAS, under the City’s current noise ordinance, several *Adhan* broadcasts, particularly the Fajr (dawn) and Isha (nightfall), may fall outside the current exemptions to the City’s noise ordinance;

WHEREAS, the City seeks to ensure that its ordinances are inclusive and respectful of the diverse religious traditions of its residents; and

WHEREAS, the Wilmington City Council finds it appropriate and necessary to expand existing exemptions to the Noise Ordinance to allow religious services, including the *Adhan*, without regard to time restrictions, while maintaining appropriate sound and duration restrictions;

WHEREAS, City Council deems it necessary and proper to amend Chapter 11 to effectuate this change.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 11, section 11-61 of the City Code is hereby amended by deleting the stricken language and adding the following underlined language:

Sec. 11-61. – Use and activity exemptions.

The following uses and activities shall be exempt from the noise level requirements of this article:

- (1) *Safety signals and warning devices.* Noises of safety signals and warning devices, including testing of the same, when used in a manner and for purposes consistent with sections 11-60(c)(1) and 11-60(c)(13).
- (2) *Emergencies.* Noise created as a result of, or related to, an emergency including:
 - a. The emission of sound for the purpose of alerting persons to the existence of an emergency; or
 - b. The emission of sound in the performance of emergency work.
- (3) *Municipal services.* Noises resulting from the provisions of municipal services including, but not limited to, street cleaning, snow removal, and garbage and trash collection.
- (4) *The unamplified human voice.* Including noises resulting from activities conducted by day care centers, schools, and playgrounds, so long as such noises do not constitute a violation of section 11-60(c)(11).
- (5) *Religious services.* Noise created by bells, chimes, carillons, amplifying equipment, no more than six (6) minutes in any one (1) hour and no more than sixty (60) minutes in a twenty four hour period, while being used between the hours of 6:00 a.m. and 12:00 a.m. for the purpose of or in conjunction with religious services, or for national celebrations or public holidays, and those bells, chimes, and carillons presently installed and in use for any purpose.

- (6) *City-sponsored events* in public parks or public spaces and activities of federal, state, and local governmental agencies.
- (7) *Noncommercial events*, parades, public speaking or public assembly activities, including political rallies and promotions, conducted on any public space or right-of-way, provided that such activities are in compliance with all other applicable provisions of the city and state codes and are conducted only between the hours of 9:00 a.m. and 9:00 p.m.
- (8) *Lawn maintenance equipment*, except between the hours of 9:00 p.m. and 7:00 a.m., so long as it is functioning within manufacturers' specifications and with all mufflers and noise-reducing equipment in use and is in proper operating condition.
- (9) *Recreational, athletic and musical activities*. Noise created by the use of property for the purposes of recreational, athletic or musical activities, including electronically amplified announcements, provided that such exemption is effective only during the specific period of time authorized for the conduct of such activity.

SECTION 2. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval by the Mayor.

First Reading.....June 5, 2025
Second Reading.....June 5, 2025
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this _____ day of _____, 2025

Mayor

SYNOPSIS: This Ordinance amends Section 11-61 of the City Code to expand the City's "religious noise exemption."

FISCAL IMPACT: There is no anticipated fiscal impact.