

ORDINANCE NO. 2024-16

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 16-3,
REGULATION OF NOISE, OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
PROVIDING FOR CERTAIN EXCEPTIONS**

WHEREAS, the Borough Council of the Borough of Belmar has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Borough of Belmar, 1994"; and,

WHEREAS, N.J.A.C. 7:29-1 et seq provides for the regulation of noise in the State of New Jersey and provides for certain exceptions thereto at N.J.A.C. 7:29-1.5; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2 the Borough Council is granted the power to adopt, amend and repeal all ordinances not contrary to State and Federal law as it deems necessary for good government; and,

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to adopt some but not all of the exceptions provided under the State Regulations,

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION I. That Borough Ordinance 16-3.3 "Emergency Exceptions" shall be amended as follows:

§ 16-3.3 ~~Emergency Exception.~~ Exceptions.

The provisions of Chapter 16-3 shall not apply to any of the following noise sources:

a. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this section. Nothing in this section shall be construed to permit law enforcement, ambulance, fire, or other emergency personnel to make excessive noise in the performance of their duties when such noise is clearly unnecessary. The use of stationary emergency signaling devices shall be for emergency use only.

b. Bells, chimes or carillons, which may include electronic devices that imitate the sounds of bells, chimes or carillons, while being used in conjunction with religious services.

c. Emergency energy release devices.

d. National Warning System (NAWAS): Systems used to warn the community of attack or imminent public danger such as flooding or explosion. These systems are controlled by the New Jersey Department of Law and Public Safety.

e. Public celebrations that are government-sponsored or government-permitted events.

f. Surface carriers engaged in commerce by railroad when the noise sources in question are trains in motion, operating retarders, train horns and whistles, or performing locomotive load test cell stands.

g. Emergency electricity generators in use during an electrical outage or during periodic testing.

[Note: underlined wording to be added. ~~Stieken~~ wording to be eliminated and repealed]

SECTION II. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoptions and publication according to law.