

**THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO. 23-18**

1st Reading 7-25-23 Date to Mayor 8-9-23

2nd Reading & Public Hearing 8-8-23 Date Returned 8-9-23

Date Adopted: Date Resubmitted to Council \_\_\_\_\_

8-8-23 Approved as to Form of Legality

Effective Date: \_\_\_\_\_ Township Attorney \_\_\_\_\_

9-3-23

**AN ORDINANCE AMENDING CHAPTER 407 NUISANCES, PUBLIC HEALTH, SECTION 3, NUISANCES DEFINED AND PROHIBITED, AND CHAPTER 408 NUISANCES, NOISE, SECTION 5, PROHIBITED ACTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER**

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Baxter</b>	X				X	
<b>Keyes-Maloney</b>	X					X
<b>Schroth</b>	X					
<b>Steward</b>	X					
<b>Wollert</b>	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
<b>Baxter</b>	X					X
<b>Keyes-Maloney</b>	X					
<b>Schroth</b>	X				X	
<b>Steward</b>	X					
<b>Wollert</b>	X					

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
Mayor

Reconsidered  
By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Municipal Clerk

**TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE NO 23-18**

**AN ORDINANCE AMENDING CHAPTER 407 NUISANCES, PUBLIC HEALTH, SECTION 3, NUISANCES DEFINED AND PROHIBITED, AND CHAPTER 408 NUISANCES, NOISE, SECTION 5, PROHIBITED ACTS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER.**

**WHEREAS**, Township of Ewing (the “Township”) is charged with promoting the health and wellbeing of residents; and

**WHEREAS**, excessive sound and improperly keeping animals are a serious hazard to the public health, welfare, safety, and the quality of life; and

**WHEREAS**, a substantial body of science and technology exists by which excessive sound may be substantially abated;

**WHEREAS**, the people have a right to quiet enjoyment of their property and residence and should be free from any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township and be free from foulness, odors, and the breeding of vermin; and

**WHEREAS**, the Council of the Township of Ewing is empowered to “declare and define what shall constitute a nuisance” pursuant to *N.J.S.A. 26:3-45 et seq.*; and

**WHEREAS**, the Township is desirous of amending Chapter 407, Section 3 and Chapter 408, Section 5 of the Revised General Ordinances of the Township of Ewing in order to promote and preserve the public health, welfare, safety, and the quality of life in Ewing; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

**Section 1** Chapter 407, NUISANCES, PUBLIC HEALTH, Section 3 NUISANCES DEFINED AND PROHIBITED, is hereby added as follows:

**§ 407-3 Nuisances Defined and Prohibited.**

- A. Any matter, thing, condition or act which, after investigation by the Health Officer or other enforcing official, is deemed to be injurious, detrimental or a menace to the public health or environment or is deemed to be an annoyance or to interfere with the comfort or wellbeing of the inhabitants of the Township is hereby declared to be a nuisance and shall include but not be limited to the following:
- (1) Pollution or the existence of a condition or discharge or release which causes or threatens pollution of any surface water or subsurface water of the Township.
  - (2) The escape or entrance into open air/outdoor environment from any stack, vent, chimney, process or from any fire such quantities and duration of smoke, fly ash, dust, fumes, vapors, mists, or gases that tend to be injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property throughout the Township.
  - (3) The growth, existence or presence of ragweed of six inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties or be a public health concern, on any plot of land, lot, highway, street, sidewalk, right-of-way or any other public or private place within 200 feet of an occupied dwelling.

- (4) The growth, existence or presence of poison ivy, of six inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties or, or be a public health concern, within 20 feet of an adjoining property line of an occupied residential or commercial property, sidewalk or right-of-way.
- (5) The growth, existence or presence of any weeds or noxious weeds, of six inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties or be a public health concern, on any residential or commercial property, with the exception of state, county or local designated conservation areas or other restricted use areas.
- (6) All residential and commercial lawn areas are to be maintained and mowed and may not exceed six inches in height. Areas allowed to return to natural conditions must be approved by the Health Department as provided herein.
- (7) The existence or presence of dead and dying trees or limbs on any land within 50 feet of an adjoining dwelling or within 20 feet of an adjoining residential property line.
- (8) Any dead or dying tree that harbors insects or rodents.
- (9) The presence on any plot of land, highway, street, right-of-way or any other public or private place of any solid waste, but excluding usable materials properly stored. The practice of composting shall not fall within the meaning of this subsection, provided that such compost pile, mound or area is maintained on one's own private property and is properly maintained so as not to present offensive odors, the breeding or harborage of flies or other insects, rodents, vermin or any other public health nuisance.
- (10) Depositing, dumping, accumulating, maintaining or otherwise allowing any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects, rodents or pigeons of a public health significance in or on any land, premises, building or other place.
- (11) The existence or presence of any accumulation of solid waste which may attract insects, rodents or other vermin and to which insects, rodents or other vermin may have access, or in which they may breed or dwell.
- (12) The existence or presence of any water or other liquid in which mosquito eggs, larvae or pupae exist or of any condition which allows water to lie, pond, stand or otherwise accumulate so as to provide a breeding environment for mosquitoes. The meaning of this subsection shall not apply to ponds where fish are adequately maintained so as to preclude the breeding of mosquitoes. This section shall not apply to fountains or swimming pools which maintain adequate circulation to preclude the breeding of mosquitoes.
- (13) The keeping of any animal or animals in such a manner as to cause or present a source of foulness, odors or breeding of insects, rodents or other vermin. The keeping of poultry is specifically prohibited except on parcels of five (5) acres or more in accordance with §215-8 of the Ewing Code.
- (14) The existence or maintenance of any condition which may reasonably constitute a safety hazard, an attractive nuisance or otherwise present a threat to the safety and well-being of the inhabitants of the Township or of the public at large, including but not limited to the following:
  - (a) Any vacant building which is not adequately sealed, boarded up or otherwise secured so as to preclude the entry of inquisitive minors or others.
  - (b) Any excavation, depression, hole, shaft, abandoned or unused well which is of such depth or dimension so as to present a hazard in terms of one

falling into or being entrapped therein and which has not been adequately fenced or sealed so as to prevent injury or harm.

(c) Any discarded refrigerator, cabinet, automobile or other piece of equipment, machinery, device or material which may offer or present an enclosure and a hazardous attraction to children or others which has not been properly sealed or discarded.

(d) Any dead or dying trees or limbs in such proximity to a dwelling, building, street, sidewalk, pathway, right-of-way, thoroughfare, driveway, park, playground or other frequented area where the falling of the tree or part thereof would endanger life or threaten injury or damage property.

(15) The willful abandonment of any domestic animal within the boundaries of the Township.

(16) Accumulation and storage of solid waste on any private or commercial property, unless properly contained or stacked for disposal, for 10 days or more.

(17) Placement of solid wastes at curb for more than one day prior to the scheduled pick-up date. All items must be removed after the day of collection if not collected for any reason.

(18) Any sidewalk, walkway, driveway, parking spaces or similar area containing cracks, potholes, or other defect which creates a hazardous condition or which is obstructed by plant growth or other natural or artificial barrier.

(19) The runoff, sump pump discharge or drainage of water from any premises or building which results in the accumulation of ice, stagnant water or discharges on public roadways or onto an adjoining property in an uncontrolled (via pipe or swale) manner without permission of adjoining property owner or Township if a public roadway. This subsection shall not apply to water detention/retention areas approved by the Township when properly maintained and cleaned of silt and debris.

(20) Public restrooms shall be kept in good repair; all surfaces of fixtures, walls and floors are to be cleaned on a regular schedule and must be provided with running hot and cold water of adequate pressure per the Plumbing Code. A supply of toilet paper, soap and hand drying supplies or equipment shall be provided at all times. Hand washing signs shall be posted.

B. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance, as declared and described in this section.

**Section 2** Chapter 408, NUISANCES, NOISE, Section 5, PROHIBITED ACTS, is hereby added as follows:

**§ 408-5 Prohibited Acts.**

A. The following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section, and are prohibited between the hours of 10:00 p.m. and 7:00 a.m., on Sunday, Monday, Tuesday, Wednesday and Thursday; and the hours of 11:00 p.m. and 7:00 a.m. on the days of Friday and Saturday, in a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which noise is emanating shall be prima facie evidence of a violation of this section.

(1) Radios; televisions; phonographs. The using, operating, or permitting to be played, used or operated, of any radio-receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or with louder volume than is

necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine or devices is operated and who are voluntary listeners.

- (2) Loudspeakers; amplifiers for advertising. The using, operating, or permitting to be played, used or operated, of any radio-receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purposes of commercial advertising, or attracting the attention of the public to any building or structure.
- (3) Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., on Sunday, Monday, Tuesday, Wednesday and Thursday; and the hours of 11:00 p.m. and 7:00 a.m. on the days of Friday and Saturday, or at any other time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, apartment or other type of residence or of any persons in the vicinity.
- (4) Animals; ~~girds~~ birds. Notwithstanding the provisions of § 240-8G, the keeping of any animals or birds, including poultry, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity, but nothing herein contained is intended to apply to a dog pound or kennel licensed in accordance with this Code.
- (5) Horns; signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, bus, streetcar or other vehicle, except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger to persons driving other vehicles, or of persons upon the street: the creation by means of any signaling device of any unreasonably loud or harsh sound, or for any unnecessary period of time; the use of any signaling device except one operated by hand or electrically; the use of any horn, whistle or other device operated by engine exhaust; and the use of any signaling device when traffic is held up for any reason.
- (6) Steam whistles. The blowing of any locomotive steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of danger, or as a signal or warning in connection with civil defense, fire or ambulance calls, or upon request of the proper municipal authorities.
- (7) Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (9) Schools; courts; churches; hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital which unreasonably interferes with the working of the institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.
- (10) Drums. The use of any drums or other instrument or device for the purpose of attracting attention by creation of noise of any performance, show or sale.
- (11) Hawkers; peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturb the peace and quiet of the neighborhood.

- (12) Pile drivers; hammers. The operation other than between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday, of any pile driver, steam shovel, bulldozer or other earthmoving machinery, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
  - (13) Miscellaneous night noises. The "warming up" of diesel motors of motor vehicles; creation of loud or excessive noise in connection with loading or unloading of any vehicle; the repair, erection or demolition of any building, the operation of any lawn mower, weed-cutting device or other lawn equipment or the creation of any other loud or raucous sound or noise between the hours of 9:00 p.m. and 7:00 a.m. in proximity of any dwelling, residence or other inhabited buildings.
- B. The above enumeration is only intended to give typical illustrations of prohibited noise and shall not be construed as exclusive.

**Section 3** Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

**Section 4** Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

**Section 5** Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.