

**HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
ORDINANCE NO. O:24-4**

ORDINANCE OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 133-1 ENTITLED “PROHIBITED ACTS” OF CHAPTER 133 – ANIMALS – TO PROHIBIT THE CONTINUOUS OR REPETITIVE BARKING OF THE ANIMAL, AND SECTION 315-3 ENTITLED “NUISANCES ENUMERATED” OF CHAPTER 315 – NUISANCES – OF THE TOWNSHIP CODE TO REFERENCE SECTION 133-1 THEREIN

WHEREAS, the Township Committee of the Township of Harmony, County of Warren, State of New Jersey has been made aware that certain dog owners residing in the Township allow their animals to engage in loud, disturbing, continuous or repetitious barking, crying, or whining that is disturbing to the peace and quiet enjoyment of the surrounding property owners; and

WHEREAS, the Township Committee wishes to amend the Township Code to prohibit such repetitive, continuous, and/or loud barking by designating same as a prohibited act and a nuisance; and

WHEREAS, the Township Committee believes that such amendment is in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Harmony, County of Warren, State of New Jersey that Section 133-1 entitled “Prohibited Acts” of Chapter 133 – Animals – is amended to include the prohibition against repetitive, continuous, and/or loud barking of the dog; and that Section 315-3 entitled “Nuisances Enumerated” of Chapter 315 – Nuisances – is amended to reference Section 133-1 therein as follows:

SECTION I:

Additions to this Section shall be delineated as underlined text, thusly.

Deletions to this Section shall be delineated as strikethrough text, ~~thusly~~.

§ 133-1. Prohibited Acts.

A. Any person or persons, firm, corporation or organization owning, keeping, maintaining, harboring or having charge of any dogs, cats, or other animals, including but not limited to horses, cattle, swine, sheep, goats or fowl in the Township shall:

- (1) Prevent such animal from running at large upon any public highway, street, alley, park, sidewalk or other public place within the Township.
- (2) Prevent such animal from running at large upon the lands or premises of any person, other than the person owning, keeping, maintaining, harboring or having charge of such animal, without the consent of the owner or lessee of such private lands and premises.

- (3) Prevent such animal from injuring any other person or animal or damaging any lawns, shrubbery, flowers, grounds or property of any person other than the person owning, harboring or having charge of such animal.
- B. No person or persons, firm, corporation or organization owning, harboring, keeping or in charge of any animal shall cause or allow such animal shall cause, suffer or allow such animal to soil, defile, defecate upon or commit any nuisance upon any private property whatsoever, except with the express authority or permission of the owner of said property.
- C. Any person or persons, firm, corporation or organization owning, harboring, keeping or in charge of any animal shall not cause, suffer or allow such animal to defecate upon any public property without picking up the feces and disposing of the feces in a sanitary manner.
- D. No person or persons, firm, corporation or organization owning or harboring a dog on the premises shall, at any time, suffer or permit such dog to indulge in loud, disturbing, continuous or repetitious barking, crying or whining so as to disturb the health, comfort, sleep or peace of human beings at any time or to unduly annoy the neighborhood or constitute a nuisance therein. Such prohibition shall only be applicable to animals located on the outside of the premise(s)/residence(s).

SECTION II:

Additions to this Section shall be delineated as underlined text, thusly.

Deletions to this Section shall be delineated as strikethrough text, ~~thusly~~.

§ 315-3. Nuisances Enumerated.

The following matters, things, conditions or acts, and each of them, are hereby declared to be a nuisance and injurious to the health, safety, welfare or convenience of the inhabitants of the Township of Harmony:

- A. [. . .]
- D. The making, continuing or causing to be made or continued by any person of any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb or endanger the comfort, repose, health, peace or safety of others. Without intending to limit the generality of § 315-3D, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section:
 - (1) Radios; televisions; phonographs: the playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary

listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of 100 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- (2) Yelling; shouting: yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.
- (3) Animals; birds: the keeping of animals or birds which, by causing frequent or long-continued noise, 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, as provided by Section 133-1D.
- (4) Horns: the sounding of a horn or warning device on an automobile, motorcycle, bus 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 or to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits for an unreasonable period of time.

SECTION III. Repealer.

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Harmony inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV. Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged to be unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall remain in full force and effect.

SECTION V. Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Harmony held on April 11, 2024 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on May 7, 2024 at 6:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 3003 Belvidere Road, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Kelley Smith
Township Clerk

INTRODUCED: April 11, 2024

ADOPTED: May 7, 2024