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TOWN OF MORRISTOWN

ORDINANCE O-18-2024

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (POLICE REGULATIONS), SPECIFICALLY CHAPTER SECTION 3-1 (NOISE) OF THE CODE OF THE TOWN OF MORRISTOWN

WHEREAS, excessive sound is a serious hazard to the public health, welfare, and safety of its residents; and

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

WHEREAS, the residents should live in an environment free from excessive sound; and

WHEREAS, the Town of Morristown has an Ordinance regulating noise levels within residential and commercial districts within the Town; and

WHEREAS, this Ordinance was previously amended with the goal of improving enforcement of noise regulations in Town; and

WHEREAS, now that the Ordinance has been in place for multiple years it has proven to not achieve the goals sought by the Governing Body but, rather, have made enforcement complicated and onerous while removing prior policies limiting noise generating activities like garbage collection near residential neighborhoods; and

WHEREAS, the current Ordinance has not had the desired outcome of enabling the reasonable enforcement of noise complaints in Town; and

WHEREAS, the Ordinance in place prior to the most recent amendment was sufficient to meet the needs of the Town and better meets the desired outcome of reasonable enforcement of excessive noise; and

WHEREAS, the Town Council now desires to amend this ordinance to restore the prior policies.

NOW, THEREFORE BE IT ORDAINED, by the Town Council for the Town of

Morristown, County of Morris and State of New Jersey. Being the governing body thereof, that Chapter 3 Noise be and hereby is amended to read as follows:

§ 3-1. NOISE.

§ 3-1.1. Declaration of findings and policy. [1980 Code § 140-1; Ord. No. O-28-2014; 9-14-2021 by Ord. No. O-22-2021]

- a. ~~Whereas excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and~~
- b. ~~Whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and~~
- c. ~~Whereas the people have a right to, and should be ensured of, an environment free from excessive sound;~~
- d. ~~Now therefore, it is the policy of the Town of Morristown to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.~~
- e. ~~This section shall apply to the control of sound originating from sources within the Town of Morristown.~~

§ 3-1.2. Definitions. [1980 Code § 140-2; Ord. No. O-20-82 ; Ord. No. O-39-03 ; Ord. No. O-2-08 ; Ord. No. O-28-2014 ; Ord. No. O-7-2016 ; 9-14-2021 by Ord. No. O-22-2021]

~~The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.~~

~~CONSTRUCTION— Any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.~~

~~dBC— The sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.~~

~~DEMOLITION— Any dismantling, destruction or removal of buildings, structures, or~~

~~roadways. DEPARTMENT— The New Jersey Department of Environmental Protection.~~

~~EMERGENCY WORK— Any work or action necessary at the site of an emergency to restore or deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.~~

~~IMPULSIVE SOUND~~— Either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

~~MINOR VIOLATION~~— A violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

~~MOTOR VEHICLE~~— Any vehicle that is propelled other than by human or animal power on land.

~~MUFFLER~~— A properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

~~MULTI-DWELLING UNIT BUILDING~~— Any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

~~MULTI USE PROPERTY~~— Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- a. ~~A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or~~
- b. ~~A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.~~

~~NOISE CONTROL INVESTIGATOR (NCI)~~— An employee of a municipality, county or regional health commission that has a Department approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A noise control investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

~~NOISE CONTROL OFFICER (NCO)~~— An employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in

~~N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.~~

~~PLAINLY AUDIBLE~~— Any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under

~~investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.~~

~~PRIVATE RIGHT OF WAY—Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a nongovernmental entity.~~

~~PUBLIC RIGHT OF WAY—Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.~~

~~PUBLIC SPACE—Any real property or structures thereon that are owned, leased, or controlled by a governmental entity.~~

~~REAL PROPERTY LINE—Either the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note: this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).~~

~~SOUND PRODUCTION DEVICE—Any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound amplifying equipment.~~

~~SOUND REDUCTION DEVICE—Any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.~~

~~WEEKDAY—Any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.~~

~~WEEKENDS—Beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.~~

~~§ 3-1.3. Applicability. [1980 Code § 140.3; Ord. No. O-2-08 ; Ord. No. O-28-2014 ; 9-14-2021 by Ord. No. O-22-2021]~~

~~a. This model noise ordinance applies to sound from the following property categories:~~

- ~~1. Industrial facilities;~~
- ~~2. Commercial facilities;~~
- ~~3. Community service facilities;~~
- ~~4. Residential properties;~~

5. — ~~Multi-use properties;~~
 6. — ~~Public and private rights-of-way;~~
 7. — ~~Public spaces; and~~
 8. — ~~Multi-dwelling unit buildings.~~
- b. — ~~This model noise ordinance applies to sound received at the following property categories:~~
1. — ~~Commercial facilities;~~
 2. — ~~Community service facilities (i.e., nonprofits and/or religious facilities);~~
 3. — ~~Residential properties;~~
 4. — ~~Multi-use properties;~~
 5. — ~~Multi-dwelling unit buildings.~~
- c. — ~~Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.~~

~~§ 3-1.4. Exemptions. [1980 Code § 140.4; amended 9-14-2021 by Ord. No. O-22-2021]~~

- a. — ~~Except as provided in §§ 3-1.9 and 3-1.10 below, the provisions of this section shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.~~
- b. — ~~Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.~~
- c. — ~~Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in § 3-1.9 below.~~

~~§ 3-1.5. Enforcement officers. [Amended 9-14-2021 by Ord. No. O-22-2021]~~

- a. — ~~Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.~~
- b. — ~~Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this section that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.~~
- c. — ~~Noise Control Officers and Investigators may cooperate with NCOs and NCIIs of an adjacent municipality in enforcing one another's municipal noise ordinances.~~

~~§ 3-1.6. Measurement protocols. [Added 9-14-2021 by Ord. No. O-22-2021]~~

- a. ~~Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in § 3-1.6b of this section and with the definition of "real property line" as contained herein.~~
- b. ~~When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.~~

§ 3-1.7. Maximum permissible sound levels. [Added 9-14-2021 by Ord. No. O-22-2021]

- a. ~~No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in § 3-1.3a above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in § 3-1.6b.~~
- b. ~~Impulsive sound. Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.~~

~~§ 3-1.7~~ ~~§ 3-1.7~~

Table I Maximum Permissible A-Weighted Sound Levels When Measured Outdoors			
— Receiving Property Category	— Residential Property, or Residential Portion of a Multi-Use Property		Commercial Facility, Nonresidential Portion of a Multi-Use Property, or Community Service Facility
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	
Time	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 Hours
Maximum A-weighted sound level standard, dB	65	50	65

Table II Maximum Permissible A-Weighted Sound Levels When Measured Indoors

Receiving Property Category	Residential Property, or Residential Portion of a Multi-Use Property		Commercial Facility or Nonresidential Portion of a Multi-Use Property
Time	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 Hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

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Table III Maximum Permissible Octave Band Sound Pressure Levels in Decibels

Receiving Property Category	Residential Property, or Residential Portion of a Multi-Use Property - Outdoors		Residential Property, or Residential Portion of a Multi-Use Property - Indoors		Commercial Facility, Nonresidential Portion of a Multi-Use Property, or Community Service Facility - Outdoors	Commercial Facility or Nonresidential Portion of a Multi-Use Property - Indoors
	Octave Band Center Frequency, Hz	Octave Band Sound Pressure Level, dB	Octave Band Center Frequency, Hz	Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

§ 3-1.8. Sound production devices. [Added 9-14-2021 by Ord. No. O-22-2021]

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in § 3-1.6b of this section. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

§ 3-1.8 _____ § 3-1.10

Table IV Maximum Permissible Increase in Total Sound Levels Within a Residential Property

Weeknights 10:00 p.m. to 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	-All other times
3 dB(C)	6 dB(C)

§ 3-1.9. Restricted uses and activities. [Added 9-14-2021 by Ord. No. O-22-2021]

The following standards shall apply to the activities or sources of sound set forth below:

- a. ~~Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.~~
- b. ~~All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five minutes for continuous airborne sound and 15 minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.~~
- c. ~~Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;~~
- d. ~~It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:~~
 - 1. ~~Vocalizing (howling, yelping, barking, squawking etc.) for five minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,~~
 - 2. ~~Vocalizing for 20 minutes intermittently, defined as an average of two vocalizations or more per minute in that period.~~

~~It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.~~

~~§ 3-1.10. Motor vehicles. [Added 9-14-2021 by Ord. No. O-22-2021]~~

~~Violations of each paragraph of this subsection shall be considered purposeful and therefore non-minor violations.~~

~~a. No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.~~

~~§ 3-1.10~~ _____ ~~§ 3-1.11~~

~~b. No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the federal noise regulations under 40 CFR Part 205.~~

~~c. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.~~

~~d. Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.~~

~~§ 3-1.11. Enforcement. [Added 9-14-2021 by Ord. No. O-22-2021]~~

~~a. Violation of any provision of this section shall be cause for a notice of violation (NOV) or a notice of penalty assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.~~

~~b. Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.~~

~~c. Upon identification of a violation of this section the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this section that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.~~

~~d. If the violation is deemed by the Noise Control Officer or Noise Control Investigator to~~

be a minor violation (as defined in § 3-1.2 of this section) a NOV shall be issued to the violator.

1. ~~The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.~~
 2. ~~The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Department of Health for the Town of Morristown. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.~~
- e. ~~If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.~~
- f. ~~The violator may request from the Noise Control Officer or Noise Control Investigator, an extension~~

~~§ 3-1.11~~ _____ ~~§ 3-2.3~~

~~of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed~~

~~180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.~~

- g. ~~The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.~~
- h. ~~The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.~~
- i. ~~Any claim for a civil penalty may be compromised and settled based on the following factors:~~

1. — Mitigating or any other extenuating circumstances;
2. — The timely implementation by the violator of measures which lead to compliance;
3. — The conduct of the violator; and
4. — The compliance history of the violator.

~~§ 3-1.12. Consistency, severability and repealer. [Added 9-14-2021 by Ord. No. O-22-2021]~~

- a. — If any provision or portion of a provision of this section is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the section shall not be invalidated.
- b. — All ordinances or parts of ordinances, which are inconsistent with any provisions of this section, are hereby repealed as to the extent of such inconsistencies.
- e. — No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this section or from other law.

3-1 NOISE.

3-1.1 Prohibited Noise.

It shall be unlawful for a person to make, cause or permit to be made or caused upon any premises owned, occupied or controlled by him, or upon any public street, ally or thoroughfare within the Town, any disturbing or unnecessary noise or sound, by means of a manual, mechanical or electronic device or by any other means or methods which are physically annoying to persons or which are so harsh, prolonged, unnatural or unusual in their use or time or place of their occurrence as to cause a physical discomfort or mental upset or which endanger the lives, health, peace and comfort of the inhabitants of the Town.

3-1.2 Specific Prohibited Noise.

The following acts of themselves are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

a. *Horns, Signaling Devices.* The sounding of a horn or signaling device on an automobile, motorcycle, streetcar or other vehicle on any street or public place of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound and the sounding of such device for an unnecessary and unreasonable period of time; the use of a signaling device except one operated by hand or electricity; the use of a horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

b. *Radios, Televisions, Phonographs.* The using or operating of or permitting to be used or operated any radio receiving set, television, musical instrument, phonograph,

tape player, stereo, hand-carried tape player, hand-carried stereo or other machine or other device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of persons who are in the room, vehicle, chamber or immediate area in which the machine or device is operated and who are voluntary listeners. The operation of any such machine or device in such a manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure, vehicle or immediate area in which it is located shall be prima facie evidence of a violation of this section.

c. *Yelling or 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 so as to annoy or disturb the quiet, comfort or repose of persons in an office or in a dwelling, hotel, motel or other type of residence or of any persons in the vicinity.

d. *Animals and Birds.* The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any persons in the vicinity.

e. *Whistles.* The blowing of any whistle except to give notice of the time to begin or stop work or at the request of the proper Town authorities or as may be required by general law or ordinance.

f. *Exhausts.* 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.

g. *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.

h. *Loading, Unloading, Opening Boxes.* The creation of a loud excessive noise in connection with loading or unloading a vehicle or the opening and destruction of bales, boxes, crates and containers.

i. *Construction or Repairing of Buildings, Streets and Highways.* The exterior use of motorized or mechanical construction equipment for the purpose of the erection, including excavating, demolition, alteration or repair, of any buildings or grounds other than between the hours of 8:00 a.m. and 8:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 6:00 p.m. on the weekends. In case of urgent necessity in the interest of public health and safety, the Construction Official may issue a permit allowing such activities during other hours for a period not to exceed three (3) days while the emergency continues. The said permit may be renewed for periods of three (3) days or less while the emergency continues. Additionally, if the Construction Official determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of a building or the excavation of streets between the hours of 8:00 p.m. to 8:00 a.m. on weekdays, and between the hours of 6:00 p.m. and 9:00 a.m. on the weekends, if he further

determines that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done between the hours of 8:00 p.m. and 8:00 a.m. on weekdays, and 6:00 p.m. and 9:00 a.m. on weekends upon applications being made at the time the permit for the work is issued or during the progress of the work . Any such permission granted by the Construction Official to work between the hours of 8:00 p.m. and 8:00 a.m. on weekdays, and 6:00 p.m. and 9:00 a.m. on weekends shall require a noise mitigation plan, for approval by the Construction Official, and available for viewing by the public.

j. *Schools, Courts, Churches, Hospitals.* The creation of an excessive noise on a street adjacent to a school, institution of learning, church or court while the same is in use, or adjacent to a hospital which unreasonably interferes with the workings of such hospital, provided conspicuous signs are displayed in such streets, indicating that it is a school, hospital or court street.

k. *Drums.* The use of a drum or other instrument or device for the purpose of attracting attention by creation of noise to a performance, show or sale.

l. *Hawkers, Peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

m. *Railroad Cars and Buses.* The causing, permitting or continuing of any excessive, unnecessary and avoidable noise in the operation of railroad cars, locomotives and buses.

n. *Pile Drivers, Hammers.* The operation, other than between the hours of 8:00 a.m. and 8:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 6:00 p.m. on weekends, and 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.

o. *Blowers.* The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and the engine is equipped with a muffler device sufficient to deaden such noise.

p. *Landscape Equipment.* The operation of any noise creating landscaping equipment, including but not limited to leaf blowers, lawn mowers, weed-whackers, etc. other than between the hours of 8:00 a.m. and 8:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on weekends.

q. *Bullhorns and other amplification devices generally.*

r. *Garbage/Recycling Collection and Deliveries.* Pursuant to N.J. S.A. 40:66-1.6, no person or entity shall engage in the active collection of garbage, refuse or recyclable materials, utilizing specialized vehicles, trucks or other equipment, or allow for deliveries by trucks or other equipment between the hours of 10:00 p.m. and 6:00 a.m. when such collection or delivery occurs at a commercial location within two

hundred feet (200ft) (in any direction) of the property line of any residence or residential building. This does not apply to the driving of such vehicles or equipment during prohibited hours, to emergency situations, or to operations on the premises of licensed landfills and/or resource recycling facilities.

3-1.3 Exceptions.

a. Nothing in this section shall prohibit the owner or occupant of a dwelling from cleaning the property with a leaf blower or mowing the lawn around such dwelling with a power mower or from making other minor repairs necessary for normal maintenance of the dwelling between the hours of 8:00 a.m. and 8:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on weekends, provided that the making of such minor repairs is not accompanied by any loud, unnecessary or unusual noises and is in compliance with other local ordinances regarding the use of leaf blowers.

b. Nothing in this section shall prohibit the owner or occupant of a dwelling from removing snow from the property at any time.

c. Nothing in this section shall apply to a public utility as defined in Title 48 of the Revised Statutes of New Jersey or to any employees of such public utility when the public utility or its employees shall engaged in performing work to prevent the threatened interruption of its service or to terminate the interruption of its service rendered to its customers.

d. This section shall not be construed to apply to municipally authorized activities in public parks, school grounds, playgrounds or public building or to the activities of municipal departments in the performance of their duties, drills or public demonstrations or to the use of bells, chimes or sound amplifiers by churches engaged in church activities.

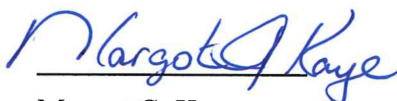
BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

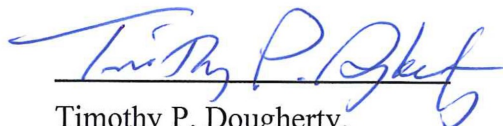
BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage and publication.

ATTEST:

ADOPTED:



Margot G. Kaye,
Town Clerk



Timothy P. Dougherty,
Mayor

Date: 6/25/2024