

Deletions shown by ~~deletion~~; additions shown by underline.

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

ORDINANCE NO. 24-13

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT
CHAPTER THREE OF THE BOROUGH CODE, ENTITLED
“POLICE REGULATIONS,” MORE SPECIFICALLY BY
AMENDING, REVISING AND SUPPLEMENTING § 3-7 OF THE
BOROUGH CODE, ENTITLED “DISORDERLY CONDUCT”.**

WHEREAS, pursuant to *N.J.S.A. 40:48-1* and *N.J.S.A. 40:48-2*, the governing body of a municipality may make, amend, repeal and enforce such ordinances, regulations, rules and by-laws not contrary to the laws of this State and/or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants and, as may be necessary, to carry into effect the powers and duties conferred and imposed by this subtitle, or by any other law; and,

WHEREAS, this grant of authority includes the power to adopt reasonable ordinances for the regulation of any noise which annoys and/or disturbs humans and/or which causes or tends to cause an adverse psychological or physiological effect on humans of the Borough of North Plainfield; and,

WHEREAS, the Borough Council has received complaints by email, telephone and at public meetings of late night and excessively loud and disturbing music coming from parties, events, vehicles or other occurrences within the Borough; and,

WHEREAS, the Borough Council finds it necessary and appropriate for the regulation of any such noise to amend, revise and supplement Chapter Three of the Borough Code, entitled “Police Regulations,” more specifically by amending, revising and supplementing § 3-7 of the Borough Code, entitled “Disorderly Conduct,” in the Borough of North Plainfield.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield be amended, revised and supplemented as to Chapter 3 of the Borough Code, entitled “Police Regulations,” more specifically by amending, revising and supplementing § 3-7 of the Borough Code, entitled “Disorderly Conduct,” as follows:

§ 3-7 **DISORDERLY CONDUCT.**

§ 3-7.1 **Definitions.**

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As used in this section:

AUDIBLE, CLEARLY AUDIBLE OR PLAINLY AUDIBLE

Shall mean any sound that can be detected by a person using his or her unaided hearing faculties of normal acuity. The detection of a rhythmic bass component of any music is sufficient to verify an audible, clearly audible or plainly audible sound, but a person detecting such sound need not determine a title, specific words or the artist performing the music for such to be audible, clearly audible or plainly audible.

NOISE

Shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

SOUND

Shall mean an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.

§ 3-7.2 Loud, Unnecessary or Unusual Noise Prohibited.

- a. It shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. It shall be unlawful for a person to cause to be made or continued from any mechanical source, including but not limited to any motor vehicle or system thereof, any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, except as set forth in this Section.
- b. Radios; Televisions; Phonographs; Instruments. It shall be unlawful for a person to make, continue or cause to be made or continued the playing, use or operation of any radio receiving set, television, amplified or unamplified 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 neighboring inhabitants or the public. The operation of such a machine or device so that it is clearly audible at a distance of ~~400~~ 50 (fifty) feet from the building in which it is located, or outdoor space in which it is operated, shall be prima facie evidence of a violation of this section. The operation of a nuisance vehicle under Borough Code § 3-19 and/or N.J.S.A. 39:3C-35 so that its sound system is clearly audible at a distance

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of fifty (50) feet from the location of any person, or in outdoor space in which it is operated, shall be prima facie evidence of a violation of this section.

- c. Portable Powered Tools, Machines and Devices. It shall be unlawful for a person to make, continue or cause to be made or continued the operation of any portable powered saw, hammer, compressor or other tool, machine or device, whether powered by internal combustion, compressed air or electrical or other power source, in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or the public except between the hours of 8:00 a.m. to 8:00 p.m. Monday through Thursday, 8:00 a.m. to 8:00 p.m. on Friday and Saturday, and 10:00 a.m. to 8:00 p.m. on Sunday. The operation of such a tool, machine or device so that it is clearly audible at a distance of fifty (50) ~~100~~ feet from the building in which it is located, or outdoor space in which it is operated, shall be prima facie evidence of a violation of this section.
- d. Nothing herein contained shall be construed to prohibit playing ~~by a band or orchestra of~~ music by a band or orchestra, DJ, amplified or unamplified musical instrument, phonograph or other machine or device for the producing or reproducing of sound, in a hall, building or in the open air by any non-profit organization, Board of Education or Borough of North Plainfield for an organized or sponsored program, activity or event, or ~~by~~ any other public program, activity or event, provided, however, that prior written approval therefor has been obtained from the Borough of North Plainfield. Events of the North Plainfield Board of Education and the Borough of North Plainfield, its Boards, Commissions or Committees, are exempt from this Section.
- e. No program, activity or event for which a prior approval under section (d) above has been granted by the Borough of North Plainfield shall commence before 12 noon or end after 9:00pm on Sunday through Saturday, including holidays.
- f. A first violation of Borough Code § 3-7.2(a) where the noise is made or continued from any mechanical source, including but not limited to any motor vehicle or system thereof, shall be subject to a fine of no less than \$250.00 or more than \$500.00. A second or subsequent violation where the noise is made or continued from any mechanical source, including but not limited to any motor vehicle or system thereof, shall be subject to a fine of \$500.00. All other of this Section of the Borough Code shall be subject to the general penalties set forth in Borough Code § 1-5, General Penalty.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication

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in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: June 10, 2024
PASSED: June 10, 2024
PUBLISHED: June 28, 2024
ADOPTED: July 8, 2024
ROLL CALL: AYES: Corzo, Given, McIntyre, Merrill, Stabile
NAYS: Schaefer
ABSTAIN:
ABSENT: Miller

APPROVED BY THE MAYOR: Yes No

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on July 8, 2024

ATTEST:

Michele Irby Garry
Michele Irby Garry
Acting Borough Clerk
Borough of North Plainfield

BOROUGH OF NORTH PLAINFIELD

Frank A. "Skip" Stabile, Jr.
Frank A. "Skip" Stabile, Jr., Council President

Date signed: July 8, 2024

Date signed: July 8, 2024

Lawrence LaRonde
Lawrence LaRonde, Mayor

Date signed: July 8, 2024