

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2738-24

AN ORDINANCE TO AMEND AND SUPPLEMENT PART IV "GENERAL ORDINANCES," CHAPTER 295 "NOISE" OF THE CODE OF THE BOROUGH OF ROSELLE

WHEREAS, the Borough of Roselle (hereinafter "the Borough") is experiencing an increase in loud, unnecessary noise, which has annoyed and otherwise disturbed the comfort, repose, health, and peace of residents; and

WHEREAS, the Borough seeks to protect residents from loud and unnecessary noise in order to ensure the private enjoyment of residents' property; and

WHEREAS, the Borough deems it necessary to amend and supplement the Code of the Borough to clarify the level of noise that is acceptable and the level of noise that constitutes a violation of this Code.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle, that the Code of the Borough of Roselle, Part IV, Chapter 295 "Noise", is hereby amended as follows (additions in **bold**, deletions removed):

SECTION I. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION II. The Code of the Borough of Roselle, Part IV, General Ordinances, Chapter 295 Noise, Article II Prohibited Acts, Section 9, entitled "Prohibited noise enumerated," is hereby amended and supplemented to include the following (additions in **bold**, deletions removed):

§ 295-9. Prohibited noises enumerated.

- A. The playing, use, or operation of any radio receiving set, television, musical instrument, phonograph, stereo, 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 devices so that the **sound emitted exceeds 65 decibels from the site of the complaint.**

Notwithstanding the foregoing, on Fridays from 2:00 p.m. to 11:00 p.m.; Saturdays from 12:00 p.m. to 12:00 a.m.; Sundays from 12:00 p.m. to 11:00 p.m.; and on federal holidays from 12:00 p.m. to 12:00 a.m., the sound level

may reach up to, but shall not exceed 80 decibels at the location of the complaint.

For a detailed representation of the permissible sound levels during these specified times, refer to the chart below:

Day	Decibel Level	Time Start	Time End
Friday	80	2:00pm	11:00pm
Saturday	80	12:00pm	12:00am
Sunday	80	12:00pm	11:00pm
Federal Holidays	80	12:00pm	12:00am
All times not set forth above	65		

B. A violation of this shall be prima facie evidence of a violation of § 295-1.

§ 295-10: Removed in its Entirety and left blank.

SECTION III. The Code of the Borough of Roselle, Part IV, General Ordinances, Chapter 295 Noise, Article III Enforcement, Section 17, entitled “Violations and penalties” is hereby amended and supplemented to include the following (additions in bold, deletions removed):

§ 295-17 Violations and penalties.

- A. Violation of any provision of this ordinance 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 Office or Noise Control Investigator. Once a (NOPA) has been issued at a property, the immediate next violation shall be considered a first offense of this chapter B.**
- B. Any person who violates the provisions contained in Article I of this chapter shall be fined \$250 for the first offense, \$500 for the second offense, and \$750 for the third and subsequent offenses, upon conviction.**

SECTION IV. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable.

SECTION V. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby replaced and/or repealed to the extent of such inconsistency.

SECTION VI. This Ordinance shall take effect at the time and in the manner provided by law.

Recorded Vote on Introduction Ordinance No. 2738-24 – May 22, 2024

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Sousa			X			
Councilman Bernier				X		
Councilwoman Johnson			X			
Councilman Fortuna					X	
Councilwoman Wilkerson		X	X			
Council President Thomas	X		X			
X Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

Recorded Vote on Final Passage Ordinance No. 2738-24 – June 12, 2024

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Sousa			X			
Councilman Bernier				X		
Councilwoman Johnson				X		
Councilman Fortuna				X		
Councilwoman Wilkerson		X	X			
Council President Thomas	X		X			
Mayor Donald Shaw			X			
X Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

___ Approved

___ Vetoed and returned to the Municipal Clerk with the following statement and objections:

Donald Shaw, Mayor DATE:

NOTICE is hereby given that Ordinance Number 2738-24 was passed and adopted on second and final reading at a Workshop meeting of the Mayor and Council on June 12, 2024 after 6:30 P.M., 210 Chestnut St., Roselle, NJ.

Lisette Sanchez, Municipal Clerk

