

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

**ORDINANCE NO. 13-39**

1st Reading 9-24-13 Date to Mayor 10-9-13

2nd Reading & Public Hearing 10-8-13 Date Returned 10-9-13

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

10-8-13 Approved as to Form of Legality

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

10-28-13

**AN ORDINANCE REGULATING AND PROHIBITING NUISANCES PERTAINING TO NOISE WITHIN THE TOWNSHIP OF EWING**

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
<b>Baxter</b>	<b>X</b>				<b>X</b>	
<b>Keyes-Maloney</b>	<b>X</b>					
<b>Schroth</b>	<b>X</b>					<b>X</b>
<b>Wollert</b>	<b>X</b>					
<b>Hyser</b>	<b>X</b>					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
<b>Baxter</b>	<b>X</b>					
<b>Keyes-Maloney</b>	<b>X</b>					
<b>Schroth</b>	<b>X</b>				<b>X</b>	
<b>Wollert</b>	<b>X</b>					<b>X</b>
<b>Hyser</b>	<b>X</b>					

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

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

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

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

**TOWNSHIP OF EWING  
ORDINANCE NO. 13-39**

**AN ORDINANCE REGULATING AND PROHIBITING NUISANCES PERTAINING TO  
NOISE WITHIN THE TOWNSHIP OF EWING**

**New Section**

**§408 - NUISANCES, NOISE**

**§408-1 Findings of Fact.**

It is hereby found and declared that:

- a. The making and creation of loud, unnecessary or unusual noises within the limits of the Township is a condition which has existed for some time and the extent and volume of noises is increasing;
- b. Making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are detrimental to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the Township.
- c. The necessity in the public interests for the provisions and prohibitions hereinafter contained is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained are in pursuant of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and peace and quiet of the Township and its inhabitants.

**§408-2 Applicability.**

The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of Chapter 240 of this Code, which shall remain in full force and effect.

**§408-3 Definitions.**

As used in this section:

Sound amplifying equipment shall mean any machine or device for the amplification of the human voice, music, or any other sounds, but not be construed as including standard automobile radios when used and heard only by occupants of the vehicles in which they are installed, or warning devices on authorized emergency vehicles, or horns or other devices used only for traffic safety purposes.

Sound truck shall mean any motor vehicle, horse drawn vehicle or any other means of conveyance whatsoever, having mounted thereon, or attached hereto, any sound amplifying equipment.

**§408-4 Noise Prohibited.**

It shall be unlawful for any person to make, continue or use to be made or continued 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. Such noise is 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 fifty (50) feet from the building, structure or vehicle in which noise is emanating shall be prima face evidence of a violation of this section.

**§408-5 Prohibited Acts.**

The following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section: 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 fifty (50) feet from the building, structure or vehicle in which noise is emanating shall be prima face evidence of a violation of this section.

- a. 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.
- b. 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.
- c. 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.
- d. Animals; Birds. Notwithstanding the provisions of §240-8(G), the keeping of any animals or birds 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.

- j. 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.
- k. Hawkers; Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- l. 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 earth moving machinery, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- m. *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.

The above enumeration is only intended to give typical illustrations of prohibited noise and shall not be construed as exclusive.

#### **§408-6 Exceptions.**

Nothing herein contained shall be construed to apply to:

- a. The use of bells, chimes or sound amplifiers by churches in church activities.
- b. Activities of the municipal departments in the performance of their duties, drills or public demonstrations.
- c. Publicly sponsored activities in the public parks, playgrounds or public buildings under the permission or authority of the municipal officials.
- d. The playing of a band or orchestra in a hall or building or in the open air during a publicly sponsored performance.
- e. Any public utility as defined in Title 48 of the New Jersey Statutes, or to any employees of a public utility when the public utility or its employees are engaged in performing work to prevent the threatened interruption of its services, or to terminate the interruption of its service rendered to its customers.
- f. Parades conducted in compliance with Chapter 246 of this Code.

#### **§408-7 Violations and Penalties.**

- a. Violation of any provision of this chapter shall be cause for a Municipal Court summons to be issued by the Police Department, Code Enforcement Official, Health Officer, or any member of the general public who is affected by excessive noise.
- b. Violation of the provisions of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.