

EXPLANATION: This Ordinance amends Chapter 211 of the Code of the Township of Hillsborough, titled “Noise”.

ORDINANCE NO. 2006-15

AN ORDINANCE AMENDING CHAPTER 211 OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, TITLED “NOISE”.

WHEREAS, it is the desire of the Township Committee of the Township of Hillsborough to amend Chapter 211 of the Code of the Township of Hillsborough, titled “Noise”.

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. Section 211-2 of the Code of the Township of Hillsborough, titled “Enumeration of prohibited noises” is amended by adding the following:

G. Off-Road Vehicles. The operation of an Off-Road Vehicle in violation of Ordinance 2006-14 within the Township of Hillsborough that results in noise which is harsh, objectionable or unreasonable so as to disturb or interfere with the peace and quiet of other persons.

H. Engine Exhausts - The exhaust of any stationary or portable internal combustion engine (ICE) or motor vehicle, whether registered or not, including but not limited to cars, trucks, motorcycles, snowmobiles, and off road vehicles, except through a muffler or other device which will effectively prevent excessive noise therefrom.

(1) Exemptions:

- a. Motor vehicles or ICE used in or related to agricultural/farm, gardening, yard work activities and for snow removal.
- b. Necessary limited operational testing of motor vehicles or ICE in conjunction with maintenance and repair activities between the hours of 8am and 8 pm.
- c. Motor vehicles or ICE during transit to or from public roadways. Loading and unloading of motor vehicles.
- d. Motor vehicles or ICE operated on public roadways legally registered and/or permitted to do so.

I . Real and Personal Property Alarms -The use of any device whose purpose it is to protect an owner's home, buildings, or other real or personal property through the creation of sound (e.g. burglar, fire, flood, theft, auto alarm etc.) which is not terminated within fifteen (15) minutes shall have created excessive noise.

J. Animal Control - Any animal which produces excessive noise. Persistent barking of dogs on or off the owner's premises shall create excessive noise. Persistent barking is defined as continuous or intermittent barking of a dog for more than thirty (30) minutes in any 24 hour period shall be evidence of a violation of this section.

(1) Exemptions:

- a. Animals used in or related to agricultural/farm activities.

Section 2. Section 211-4 of the Code of the Township of Hillsborough, titled "Violations and Penalties" is amended by replacing the title with "Evidence of Violation" and by adding the following:

Reports of the prohibited acts from two (2) or more residents who are in general agreement as to the times and duration of the prohibited acts and who reside in separate residences, including apartments and condominiums located within 200 feet of a property line (boundary) from the property on which the source of prohibited acts occur, shall be evidence of a violation.

- A . Nothing in this Ordinance shall preclude a single individual from registering a complaint for any violation of this Ordinance

Section 3. A new Section 211-5 of the Code of the Township of Hillsborough, titled "Violations and Penalties" will be added and will include the following:

A. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection or of any order issued pursuant to this Ordinance. Each day of violation shall constitute an additional, separate and distinct offense.

B. The first violation any section of this Ordinance shall be deemed a Class A offense as it is defined in Section 1-15 of the Code of the Township of Hillsborough. For a first offense, the enforcement officer may give a verbal warning in lieu of citing the offender for violation of this Ordinance, except:

- (1) In cases where a minor is involved, a written first warning and copy of this Ordinance shall be provided to both the minor and the parent or legal guardian.

C. A second violation of this Ordinance within any thirty (30) day period shall be deemed a Class B offense as it is defined in Section 1-15 of the Code of the Township of Hillsborough.

D. A third violation of this ordinance within any sixty (60) day period shall be deemed a Class C offense as it is defined in the Hillsborough Code, § 1-15.

Section 4. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Effective Date.

This Ordinance shall take effect as provided by law.

Introduced: 4/25/06
Intro. Notice: 5/4/06
Public Hearing: 5/23/06
Adopted: 5/23/06
Adoption Notice: 6/1/06

ATTEST:

HILLSBOROUGH TOWNSHIP COMMITTEE

Kevin P. Davis, Clerk

Carl Suraci, Mayor