

ORDINANCE 3-2001  
NOISE CONTROL ORDINANCE OF THE  
BOROUGH OF NATIONAL PARK

*WHEREAS*, the Mayor and Council of the Borough of National Park find that excessive sound is a serious hazard to the health, safety, general welfare and quality of life of the citizens of the Borough. Since a substantial body of science and technology exists by which excessive sound may be substantially abated and the people have a right to and should be assured of an environment free from excessive sound, it is the policy of the Borough of National Park to prevent excessive sound that may jeopardize the health and welfare or safety of the citizens or degrade the quality of life; and

*WHEREAS*, the Borough of National Park desires to define the boundaries as to sounds or noise originating from sources within the Borough.

*NOW, THEREFORE, BE IT ORDAINED* by the Borough of National Park that the following acts, among others, shall be declared as a violation, but the enumeration shall not be deemed to be exclusive.

1. **Loud or unnecessary noise prohibited.** It shall be unlawful for any persons to make, continue or cause to be made or continued, any loud, unnecessary or unusual noise which endangers the health, safety or welfare of the community or which annoys, disturbs, injures or endangers the comfort, rest, health, peace or safety of others within the Borough.

2. The using, operating or permitting to be played, used or operated of any radio television, stereo, phonograph or other machine or devise for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of any persons in the vicinity, or which annoys, injures, or endangers the comfort, repose, health or safety of others. The operation of any such machine or devise between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, device or vehicle in which it is located shall be prima facie evidence of a violation of this section. Any person who causes the production of said sound through the operation of the machines or devices enumerated herein may be deemed a violator.

3. Yelling, shouting, hooting, whistling, singing or the making of loud and disturbing noises by the use of clappers, bells, horns, musical instruments or similar

devices at any time or place so as to unreasonably annoy or disturb the quiet, comfort or rest of any person in any residence, hospital, school, place of business, street or public place.

4. The owning, possessing or harboring any pet animal or bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line. For the purpose of this Ordinance, a "noise disturbance" from a barking dog shall be defined as that created by a dog barking continually for 10 minutes or intermittently for 30 minutes.

5. The use of any automobile, motorcycle, truck or vehicle so out of repair, loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

6. The creation of loud and excessive noises in connection with the loading or unloading, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects or the compacting of refuse.

7. The operation or use of any power lawn mower, chain saw, fence post driller or the like (motor/engine powered devices) or any tools or equipment between the hours of 9:00 p.m. and 7:00 a.m.

8. Any of the following activities when occurring in close proximity to residences between 9:00 p.m. and 7:00 a.m. (a) the warming up or idling of buses, trucks or tractors, and (b) the unnecessary or unreasonable or repeated idling, acceleration and deceleration or starting and stopping of automobiles and motorcycles.

9. The using, operating or permitting to be played, used or operated of any receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, tape recorder or other machine or device for the producing or reproducing of sound which is left upon the public streets for the purpose of commercial advertising or for an other purpose, except as authorized by government or public emergencies provided that such devices may be employed in connection with nonprofit charitable, educational, civic, religious or recreational activities in accordance with permits first obtained from the Borough Clerk/Administrator.

10. The performance of outdoor concerts except in accordance with permits first obtained.

11. *Construction and demolition.* The excavation, grading, paving, erection, demolition, construction, alteration or repair of any premises, street, building or structure

at any time on Sundays or other than between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays or between the hours of 7:00 a.m. and 6:00 p.m. on all other days, except in cases of urgent necessity in the interest of public health and safety; and, unless an emergency as determined by the Borough Administrator/Construction Official and then only in accordance with a permit first obtained from the Borough Administrator or Construction Official. Such a permit may be granted for a period not to exceed three (3) days or less while the emergency continues. The provisions of this subsection shall not apply to interior repairs or alterations, the work for which is actually performed by a homeowner or lessor between the hours of 7:00 a.m. and 10:00 p.m. upon residential premises that are owned by such occupant, provided the work shall be done without undue noise or disturbance of the peace and quiet of the neighborhood.

12. *Loudspeakers/public address systems.* Using or operating of any loudspeaker, public address system or similar device, other than as permitted by the Code of the Borough of National Park and/or State of New Jersey.

13. *Mobile sources.*

a) No person shall cause, suffer, allow or permit the operation of any motor vehicle or motorcycle not equipped with original muffler or equivalent replacement in good working order and in constant operation.

b) No person shall remove or render inoperative or cause to be removed or rendered inoperative other than for purposes of maintenance, repair or replacement, any muffler on a motor vehicle or motorcycle.

c) The sounding of any horn or other auditory signaling device that is excessively loud, unnecessary, or which endangers the health, safety or welfare of the residents of the Borough.

d) No person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period longer than three (3) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within 150 feet (46 meters) of a residential area between the hours of 8:00 p.m. and 7:00 a.m. the following day.

14. The creation of any excessive noise on any street or property adjacent to any school, institution of learning, church or court while the same is in use, which unreasonably interferes with the working of such institution.

15. Permits.

a) The Borough Administrator or appropriate Construction Official shall issue permits for such activities if such officer shall find that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, that the activities will not violate any other ordinance or law or create a public nuisance and that the public health and safety will not be endangered thereby.

b) Permits shall specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 9:00 p.m. and 7:00 a.m. unless the issuing officer shall determine that it is in the best interest of the community that the activities take place wholly or partially during such hours.

c) The permit-issuing Official is authorized to adopt and use such forms of applications and permits as may be reasonably required in the performance of his duties. Each application for a permit shall be accompanied by a fee of *twenty-five dollars* (\$25.00), which shall be payable to the Borough of National Park.

16. *Exemptions.* The herein and above acts and terms shall not be construed to apply to church bells or chimes, nor to the playing of bands or orchestras in a hall or building in a manner which will not annoy the peace, comfort and quiet of the neighboring inhabitants, nor to municipal, county, state or federal government agencies in connection with any emergency, nor to normal working activities of or activities sponsored by the Borough, nor to warning devices on other vehicles used only for traffic safety purposes.

17. *Enforcement.* In addition to the public, law enforcement officers, Borough Clerk, and others who by the law are entitled to enforce or bring complaints under this Ordinance, the officers who are designated hereunder for the issuance of permits shall have the power to enforce and bring complaints under this Ordinance.

18. *Violations and penalties.*

a. Any person, entity or corporation who or which violates any provision of this Ordinance shall, upon conviction thereof, be punishable by one or more of the following: (1) imprisonment in the County jail or any place provided by the municipality for the detention of prisoners for a term up to but not exceeding ninety (90) days; (2) by a fine of not more than one thousand dollars (\$1,000.00); and/or (3) by a period of community service up to but not exceeding ninety (90) days, or any combination of the above.

b. Each day that violation continues, exists or occurs, shall constitute a separate, additional and distinct offense for the purpose of imposing the penalties referred to above.

19. *Other remedies.* No provision of this Ordinance shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this chapter or from other law.


20. *Effective.* This Ordinance shall take effect upon final passage and publication as provided by law. This Ordinance shall also supersede and repeal any other Ordinance previously passed by the Borough Council of the Borough of National Park pertaining to noise.

*INTRODUCED* for first reading at a meeting of the Borough Council of the Borough of National Park held on *November 7<sup>th</sup>, 2001*, and will be taken up for final consideration and passage after public hearing at a meeting to be held on *December 6<sup>th</sup>, 2001*.

BOROUGH OF NATIONAL PARK

  
By: Patricia Koloski, Mayor

Attest:

  
Robert Dougherty, Jr., Clerk