

ORDINANCE NO. 2016 –29-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, AMENDING CHAPTER IV, ENTITLED "POLICE REGULATIONS" SO AS TO AMEND SECTION 4-14.10, ENTITLED "SPECIFIC NOISE PROHIBITIONS"

November 14, 2016

BE IT ORDAINED by the Township Council of the Township of Berkeley, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Chapter IV of the Township Code of the Township of Berkeley, entitled "Police Regulations," is hereby amended so as to amend § 4-14.10, entitled "Specific Noise Prohibitions," which shall read in its entirety as follows:

4-14.10 Specific Noise Prohibitions.

Unless exempted under the provisions of this section, no person shall cause to be made, directly or indirectly, any of the following noises which have been deemed to be unnecessary and in violation of this section. The enumeration shall not be deemed to be exclusive:

- a. *Horns and Signaling Devices.* The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the Township, except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh sound and the sounding of any such device for an unnecessary and unreasonable period of time.
- b. *Sound-Reproducing Devices.* The using, operating or permitting to be played of any radio receiving set, musical instrument, phonograph, live band, speaker system 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 the neighboring inhabitants or, at any time, with louder volume than is necessary for the convenient hearing of the person or persons who are in the room, vehicle or chamber in which such machine or devices operate and who are voluntary listeners thereto. The operation of any such instrument as enumerated heretofore between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of one hundred (100) feet or more from the vehicle or structure within which the same is located shall be prima facie evidence of a violation of this section.
- c. *Yelling and Shouting.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or to disturb the quiet, comfort or repose of persons in any office or in any dwelling or other type of residence or of any persons in the vicinity.
- d. *Animals, Birds, etc.* The keeping of any animal or bird which, by causing frequent or loud, continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- e. *Exhaust.* The discharge into the open air of any exhaust of any steam engine, stationary internal-combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- f. *Construction or Repair.* Operating or use of any pile driver, steam shovel, pneumatic hammer,

derrick, steam or electric hoist or any tools or equipment which shall make any loud or disturbing noise on any **weekday between the hours of 9:00 p.m. and 7:00 a.m. or on any weekend day or legal holiday between the hours of 8:00 p.m. and 9:00 a.m.** in conducting any excavation, demolition, erection, alteration, repair or other building operation within one thousand (1,000) feet of any dwelling or business property, except in the case of urgent necessity in the interest of public safety and then only upon obtaining the consent of the proper authority of the Township or the Police Department of the Township, as the case may be, which permission must be renewed every three (3) days.

g. *Hawkers and Peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.

h. *Blowers.* The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is multiple and such engine is equipped with a muffler device sufficient to deaden such noise.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Carmen F. Amato, Jr., Mayor

John A. Bacchione, Council President
Sophia Gingrich, Council Vice President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on **November 14, 2016**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **5th** day of **December, 2016**, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

BEVERLY CARLE, RMC
Township Clerk, Township of Berkeley