

ORDINANCE NO. ____

**AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES
ENTITLED "REGULATION OF NOISE WITHIN THE
BOROUGH," REPEALING ORDINANCES 24, 64 AND
239.**

WHEREAS, the BOROUGH OF MEDFORD LAKES contains approximately 1,500 residential dwellings in close proximity to each other within its 1.2 square miles;

WHEREAS, the Borough Council has determined that it is important to the residents of the BOROUGH OF MEDFORD LAKES that regulations governing noise within the limits of the Borough be established; and

WHEREAS, the Borough Council has determined that noise can disturb the peace, quiet and comfort of its inhabitants; and

WHEREAS, the Borough Council wishes to repeal its existing noise ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the BOROUGH OF MEDFORD LAKES, County of Burlington, State of New Jersey, that there is hereby established an Ordinance entitled "Regulation of Noise within the Borough of Medford Lakes" as follows:

SECTION 1. - NOISE

- 1.1 **Noise Prohibited.** No person shall make, continue or cause to be made or continued any loud, disturbing, unnecessary or unusual noise or any noise which creates

a public nuisance or which materially disturbs or is reasonably likely to materially disturb the comfort, repose, health, peace or safety of others, to an unreasonable extent, or causes a public nuisance.

1.2 **Definition of Noise.** Without intending to limit the generality of subsection 1.1, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section:

- a. **Horns and Signaling Devices.** The sounding of a horn or signaling device on an automobile, motorcycle, bus or other vehicle, except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as warning of impending danger to persons driving other vehicles or to person on the street. No person shall sound a horn or signaling device on an automobile, motorcycle, bus or other vehicle, or allows an automobile alarm, which emits an unreasonably loud or harsh sound, or for an unnecessary or unreasonable period of time. No person shall use any signaling device except one operated by hand or electricity. The use of any horn, whistle or other device operated by engine exhausts is prohibited.

The use of any signaling device when traffic for any reason is delayed is prohibited.

- b. **Radios, Televisions, Musical Instruments, Stereos, CD Players, Phonographs.** The playing, use or operation of a radio receiving set, television, musical instrument, or instruments (including a live band), device used to play back recorded music, CD player, stereo, phonograph or other machine or device for the producing or reproducing of sound, in such a manner as to (1) disturb the peace, quiet and comfort of others, or (2) with louder volume than is reasonably necessary for the convenient hearing for persons who are in the room, or (3) which distracts or is likely to distract the operator of a motor vehicle or which creates an unsafe condition for the operation of a motor vehicle, or chamber in which the machine or device is operated, and who are voluntary listeners thereto. The operation of any such set, television, musical instrument, or instruments (including a live band), CD player, stereo, phonograph, or other machine or device between the hours of 10:00 p.m. and

7:30 a.m., from Sunday through Thursday, and between midnight and 7:30 a.m. on Friday and Saturday, so that it is clearly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- c. **Loudspeaker; Amplifiers for Advertising.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, stereo, CD player, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound, which is cast upon the public streets for commercial purposes, with the following exceptions: such sound as may attract attention but which will not disturb the peace, quiet and comfort of the inhabitants, to an unreasonable extent, considering the circumstances, provided such sound is produced or caused to be produced only between the hours of 9:00 a.m. and 5:00 p.m. Such sound shall not be audible in any location for a period of longer than five minutes in any hour, except by special permit

from the Borough Manager.

- d. **Yelling, Shouting.** Yelling, shouting, hooting, whistling, or singing on the public streets between the hours of 10:00 p.m. and 7:30 a.m., or at any time or place, in a course or offensive manner, which materially disturbs or is reasonably likely to materially disturb the quiet, comfort or repose of persons in any office, store, dwelling, or other type of residence or of any persons in the vicinity, to an unreasonable extent, considering the circumstances.
- e. **Animals, Birds.** The keeping of animals or birds which, by causing frequent or long-continued noise, which materially disturbs or is reasonably likely to materially disturb the comfort or repose of any person in the vicinity to an unreasonable extent considering the circumstances.
- f. **Whistles.** The blowing of any whistle, except as a warning of fire or danger, or except in a refereed sporting event, or upon request of proper Borough authorities, or as may be required by general law or ordinance.

- g. **Exhaust.** The discharge into the open air of the exhaust of equipment, machinery, tools, engines, motors, or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises.
- h. **Defect in Vehicle or Load.** The use of an automobile, motorcycle or vehicle so out of repair, so loaded or in such manner that it creates loud and unnecessary grating, grinding, rattling or other noise.
- i. **Loading, Unloading, Opening Boxes.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- j. **Construction or Repair.** The carrying out of excavation, demolition, construction, repair or alteration work, by commercial contractors, other than between the hours of 8:00 a.m. and 8:00 p.m. weekdays and Saturdays; the carrying on of construction, repair or alteration work by a homeowner on his/her own dwelling or property, other than between the hours of 8:00 a.m. and 8:00 p.m.,

Monday through Saturday, and other than between 10:00 a.m. and 6:00 p.m. on Sunday. In the case of urgent necessity or in the interest of public health or safety, the Borough Manager may grant a waiver for excavation, demolition, construction, repair or alteration work for a period not to exceed three days, which may be renewed for additional periods of three days, while the emergency continues.

- k. **Courts, Schools, Churches.** The creation of excessive noise on a street adjacent to a school, institution of learning, church or court while in use which unreasonably interferes with the working of the institution or which materially disturbs or is reasonably likely to materially disturb or distract the students, teachers and administrators, congregation.
- l. **Drums and Similar Instruments.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- m. **Hawkers, Peddlers, Vendors.** The shouting and

crying of peddlers, hawkers, and vendors, which materially disturbs the peace and quiet of the neighborhood to an unreasonable extent, considering the circumstances.

- n. **Blowers, Chain Saws, Lawn Equipment, and Other Portable Internal Engines.** The operation of any snow blower, leaf blower, or any other type of blower or power fan or chain saw, or lawn equipment, or any motor or engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower, fan, chain saw, or lawn equipment is muffled by a properly functioning muffler device, and is operated other than between 8:00 a.m. and 8:00 p.m., Monday through Saturday, by commercial contractors, and other than between 8:00 a.m. and 8:00 p.m., Monday through Saturday, and other than between 10:00 a.m. and 6:00 p.m. on Sunday, by homeowners.
- o. **Outside Alarms.** The use of any alarm system emitting an audible or visible response, whether from a dwelling or a motor vehicle, shall, at the time such system is installed,

cause to be installed an automatic timing device which shall deactivate such alarm so that it will be activated for no more than 15 minutes. All outside alarms shall be registered with the Borough Police with an emergency phone number, as well as an alternate phone number, where someone with responsibility in relation to the alarmed premises may be contacted at any time by the Borough Police.

- p. **Public Sales, Taxicabs.** Public outcries shall be prohibited at or for any public sale or auction, or to advertise any goods, wares or merchandise for sale, or to attract any attention, or to gain passengers for any cab, taxicab, hack or omnibus.

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

SECTION II - EXCEPTIONS

2.1 This Ordinance shall not be construed to apply to church bells or chimes, or to prohibit playing by a band or orchestra incident to civic or community functions, either in a hall, building or in the open air, or to prohibit the usual noise

incident to civic or community sponsored functions, such as celebrations in observance of Memorial Day, Independence Day, Canoe Carnival, etc., between the hours of 8:00 a.m. and midnight.

SECTION III - REPEALER

3.1 All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. The following ordinances are specifically repealed: 24, 64 and 239.

SECTION IV. - SEVERABILITY

4.1 If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance, and the remainder of the Ordinance shall remain in full force and effect.

SECTION V - PENALTIES

5.1 Any person or persons convicted of violating any provision of this Ordinance shall be subject to the following penalties: A minimum fine of FIFTY DOLLARS (\$50.00), or a fine not to exceed a maximum of ONE THOUSAND DOLLARS (\$1,000.00), or imprisonment not to exceed NINETY (90) days, or the Court may order TWENTY-FIVE (25) days of community service, or any combination of the foregoing penalties.

SECTION IV. - EFFECTIVE DATE

6.1 This Ordinance shall take effect after the final passage and publication in accordance with the law.

TIMOTHY CASEY, MAYOR

GARY F. WOODEND, Councilman

DAVID WASSON, Councilman

BY ORDER OF BOROUGH COUNCIL

**JULIE L. KEIZER,
Municipal Manager and Clerk**

ORD: NOISE MEDFORD LAKES REVISED 051502