

TOWNSHIP OF WALL

ORDINANCE NO. 22 -2014

CHAPTER 164: PEACE AND GOOD ORDER

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

Section 1. Chapter 164, Peace and Good Order, of the Code of the Township of Wall shall be amended to provide as follows:

164-2: NOISE CONTROL (new section)

2.1 Declaration of Findings and Policy

Whereas, excessive noise is a serious hazard to the public health and welfare and the quality of life: and a substantial body of science, and technology exists by which excessive noise may be substantially abated: and the people have a right to, and should be ensured, an environment free of noise that may jeopardize their health or welfare or degrade the quality of life: and the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the inhabitants of the Township of Wall.

2.2 Enforcement and Authority

a. It shall be the duty and responsibility of the police department of the Township of Wall to enforce all of the provisions of this section with the exception of those set forth under subsection 2.4 entitled "Specific Acts Deemed to Be Violations". Said subsection 2.4 may be enforced by the police department and by the code enforcement department and its agents and employees.

b. *Method of Enforcement.* Violation of this section shall be cause for summons and complaint to be issued forthwith: provided, however, that if the noise source is not a motor vehicle moving on a public right-of-way, in lieu of a summons and complaint, enforcement personnel may issue a 24-hour notice, in writing, which may be served personally or by certified mail to the last known address of the person or persons in charge of or in control of the device, building or premises to abate said violation of this section. Failure to comply with the order issued and served shall constitute a violation of this section. Enforcement personnel are not required to serve warnings prior to the issuance of any summons.

2.3 Loud Sounds and Noises Prohibited.

No person shall cause or cause to be made any loud, raucous, annoying sounds, noise or disturbances so as to disturb the comfort, peace, quiet and tranquility of the residents of the neighborhood or of the community.

2.4 Specific Acts Deemed to Be Violations.

- a. The doing of any of the following acts as outlined in paragraph b. below, so as to cause any particularly or unnecessarily loud or disturbing noise shall be deemed to be a detriment to the health and welfare of residents and shall be deemed to be a violation of this section.
- b. The enumeration of these acts shall not be deemed to be exclusive.
 1. The following acts shall be prohibited when carried on between the hours of 11:00 p.m. Friday night and 7:00 a.m. Saturday morning; and, between the hours of 11:00 p.m. Saturday night and 7:00 a.m. Sunday morning. On all other days the following acts shall be prohibited from 9:00 p.m. at night until 7:00 a.m. the following morning. Legal holidays shall follow the hours applicable to Saturdays.
 - (a) Playing of any radio, television set stereo or exterior speakers, or any musical instrument, or any other amplified device so as to allow loud and disturbing sounds to transmit beyond the bounds of the property from which they emanate.
 - (b) Any other loud and disturbing sounds which transmit beyond the bounds of the property from which they emanate.
 2. The following acts shall be prohibited when carried on between the hours of 6:00 p.m. and 7:00 a.m. on any weekday or Saturday and at any time on Sunday and any legal holidays, except as described in Section 2.5 c. This section applies to individual residents and commercial entities.
 - (a) Operating or causing to be operated any equipment, hand-held or otherwise, used by commercial contractors in commercial construction, repair, alteration, excavation, demolition, and other commercial activities generating noise comparable to the activities listed herein, on buildings, structures, streets, alleys or appurtenances thereto, in residential or commercial land use categories, including, but not limited to, cranes, bulldozers, backhoes, front-end loaders, trucks, dump trucks, commercial saws, jackhammers, nail guns and other similar construction equipment. Any equipment used in the course

of lawn care and property maintenance including lawn mowers and leaf blowers. .

The prohibitions enumerated in this section shall not be in effect when the Township of Wall has determined that exceptional circumstances justify suspension of these restrictions. Exceptional circumstances shall include but will not be limited to: weather emergencies; and, emergencies impacting on individual property owners.

- (b) The use of any sound truck, loudspeaker, sound amplifier or other such instrument for any commercial use.
 - (c) The loading or unloading, or, the pickup or delivery of material of any nature to any commercial or residential property including boxes, crates, containers and dumpsters, lumber and similar materials, including garbage cans or other similar objects, which may include the operation of a forklift, hydraulic lift or similar device, other than delivery of consumer items to a commercial or residential property such as newspapers, delivery food service, milk deliveries and pharmaceutical deliveries, etc.
 - (d) The operating or permitting the operation of any motor vehicle which can compact refuse, and creates during the compacting cycle, a disturbing noise.
 - (e) The operating or permitting the operation of the motor or any attached auxiliary equipment of any motor vehicle whose manufacturer's gross weight is in excess of 10,000 pounds for a period longer than three minutes in any hour while such vehicle is stationary on a public right-of-way in a residential district or in any designated quiet zone, or is on private property in a residential or commercial zone and is not within a completely enclosed structure.
 - (f) Private garbage collection shall not be permitted before 7:00 a.m.on any day.
3. The followings acts shall be prohibited on all dates and at all times within the Township of Wall.
- (a) Uttering of any loud, offensive, violent, indecent or profane language.
 - (b) Emission of loud and continuing noises from any bird, animal or other type of household pet.
 - (c) Sounding of any horn or other signal device on any motor vehicle so as to disturb the comfort, peace, quiet and tranquility of the residents of the neighborhood or of the community.

2.5 EXCEPTIONS.

- a. Nothing herein contained shall be construed to apply to church bells or chimes, or to sounds typically generated by vehicles engaged in the residential sale of ice cream.
- b. The playing by a musician, band or orchestra in a hall, building, public place of entertainment, or in the open air shall be permissible by special permit to be granted by the Township Committee. Such permit shall be issued for a period of time, but not to exceed one (1) year at no cost to the applicant.
- c. Residential property owners may operate lawn maintenance equipment, home repair equipment and home improvement equipment on their own property on Sundays and legal holidays between the hours of 8:00 a.m. and 6:00 p.m. Residential property owners pursuant to this paragraph may not hire commercial contractors to undertake these activities.
- d. The operation of any sporting stadiums and/or venues and the events they host which were in existence prior to the adoption of this ordinance. Such sporting stadiums and/or venues will be held to the preexisting Township noise standard whereby it is not permissible to make or cause to be made, or permit or suffer or allow to be made any loud or unseemly noises to the serious inconvenience or discomfort to the residents between the hours of 12:00 midnight and 7:00 a.m.
- e. *Emergencies.* Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this section. Nothing in this section shall be construed to permit law enforcement, ambulance, fire, or other emergency personnel to make excessive noise in the performance of their duties when such noise is clearly unnecessary. The use of stationary emergency signaling devices shall be for emergency use only.

2.6 Penalties

1. Any person, firm or corporation who shall be found guilty of violating any provision of this section shall, for each offense, be fined a sum of not less than two hundred (\$200.00) dollars or more than one thousand (\$1500.00) dollars and a jail term not to exceed 90 days. Each day of such violations continuance shall be considered as a separate offense and shall be separately punishable.

2. Any person, firm or corporation who shall be found guilty of violating any provision of this section for a second time within a six-month period, shall, for each offense, be fined a sum of not less than five hundred (\$500.00) dollars, and not more than two thousand (\$2000.00) dollars and a jail term not to exceed ninety days. Each day of such violations continuance shall be considered as a separate offense and shall be separately punishable.

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 3. Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage and publication according to law.

Introduced on:

Adopted:

Attest:

Approve:

Roberta Lang
Township Clerk

Clinton C. Hoffman
Mayor

NOTICE AND SUMMARY OF
ORDINANCE NO. 22 -2014

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 164 PEACE AND GOOD ORDER

The purpose of this Ordinance is to amend Chapter 164, Peace and Good Order, to reflect that noise violations shall be enforced by penalties including monetary penalties and incarceration. Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on September 24,2014, and further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on October 22,2014 at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same or on our website www.wallnj.com under Legal Notices.

Roberta M. Lang, RMC

Township Clerk