

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON AMENDING
THE CODE OF THE TOWNSHIP OF SOUTH HARRISON TO ADD CHAPTER
104 ENTITLED "NOISE" TO REGULATE NOISE WITHIN THE TOWNSHIP OF
SOUTH HARRISON**

WHEREAS, the Township Committee of the Township of South Harrison has determined that it is important to the residents of the Township of South Harrison that regulations governing noise within the limits of the Township be established; and

WHEREAS, the South Harrison Township Committee has further determined that noise disturbs the peace, quiet and comfort of its inhabitants; and

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of South Harrison, County of Gloucester, State of New Jersey that the Township Code hereby be amended to add a Chapter 104 entitled "Noise". Which shall read as follows:

Chapter 104. Noise. Unnecessary or Unusual Noise.

§104-1. Purpose.

The purpose of this Chapter is to establish that no person shall make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, within the limits of the Township.

§104-2. Definition of Noise.

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, on any street or public place 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 persons on the street. No person shall sound a horn or signaling device on an automobile, motorcycle, bus or other vehicle 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 held up is prohibited.
- b. **Radios, Televisions, Phonographs.** The playing, use or operation of a radio receiving set, television, musical instrument, phonograph 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 neighboring inhabitants or with louder volume than necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. so that it is clearly audible at a distance of 25 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, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or for any other purpose, with the following exceptions: such sound as may attract attention but which will not disturb the peace, quiet and comfort of the inhabitants, provided such sound is produced and 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 Township Committee.
- d. Yelling, Shouting. Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence of any persons in the vicinity.
- e. Animals, Birds. The keeping of animals or birds, which by causing frequent or long-continued noise, disturbs the comfort or repose of any persons in the vicinity.
- f. Whistles. The blowing of any whistle, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper township authorities, or as may be required by general law or ordinance.
- g. Exhaust. The discharge into the open air of the exhaust of a steam engine, internal combination engine or motor vehicle, except through a muffler or other device which will effectively prevent 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 noises.
- 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, other than between the hours of 7:00 a.m. and 6:00 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 7:00 a.m. and 9:00 p.m.

In the case of urgent necessity or in the interest of public health or safety, the township engineer may grant a permit for excavation, demolition, construction, repair, alteration work for a period not to exceed three days, which may be renewed for additional periods of three days, while the emergency continues by the terms of which permit such work may be carried on during the hours specified in the permit.

- 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 disturbs or unduly annoys the students, teachers and administrators, congregation.
- l. Drums. 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. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

- n. Pile Drivers, Hammers. The operation, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, of any pile driver, steam shovel, bulldozer or other earth moving machinery, pneumatic hammer, derrick, stream or electric hoist or any other appliance, the use of which is attended by loud or unusual noise.
- o. Blowers. The operation of any 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 muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- p. Outside Alarms. The use of any alarm system emitting an audible or visible response 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 Police department 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 Police department.
- q. 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.

§104.3

Nothing in this ordinance shall prevent acceptable agricultural management practices as set forth in the Township's Right to Farm Ordinance.

§104.4

All ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency.

§104.5

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.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

TOWNSHIP OF SOUTH HARRISON:

Charles Tyson, Mayor

ATTEST:

Nancy E. Kearns, RMC
Municipal Clerk

CERTIFICATION

This Ordinance was introduced and passed on first reading at a regular meeting at the South Harrison Township Committee held on the 11th day of June, 2008. The second reading and public hearing shall be held on the 9th day of July, 2008 at 7:30 p.m. at a regular meeting held at the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk

NOTICE

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HARRISON AMENDING THE CODE OF THE TOWNSHIP OF SOUTH HARRISON TO ADD CHAPTER 104 ENTITLED "NOISE" TO REGULATE NOISE WITHIN THE TOWNSHIP OF SOUTH HARRISON

NOTICE is hereby given that the foregoing Ordinance O-08-08 was finally adopted at a meeting of the South Harrison Township Committee held on the 9th day of July 2008 at 7:30 pm in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

Nancy E. Kearns, RMC
Municipal Clerk