

ORDINANCE 2020-13

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING CHAPTER 3, “POLICE REGULATIONS”, SECTION 3-7 “NOISE CONTROL” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Chief of Police, Zoning Official and Administration of the Borough have requested that the Noise Control Ordinance of the Borough be amended for appropriate enforcement; and

WHEREAS, in order to maintain a quality of life for residents within the Borough, the Hightstown Borough Council agrees with the recommendations suggested by the Chief of Police, Zoning Official and Administration for amendment to the Noise Control Ordinance within the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. Chapter 3, entitled “Police Regulations,” Section 3-7 “Noise Control,” of the “Revised General Ordinances of the Borough of Hightstown,” is hereby amended and supplemented in the following respects (additions are shown with underline, deletions are shown with ~~strikeout~~):

Section 3-7

NOISE CONTROL

Subsections:

- 3-7.1 Findings; Unnecessary Noise Unlawful.
- 3-7.2 Radios; Musical Instruments and Other Devices.
- 3-7.3 Advertising with Sound.
- 3-7.4 Sound Trucks and Other Instruments.
- 3-7.5 Vehicular Horns and Warning Devices.
- 3-7.6 Pets and Animals
- 3-7.7 Lawnmowers, Leaf Blowers, Power tools, Chain Saws, Snow Blowers
- 3-7.8 People Noises
- 3-7.9 Construction
- 3-7.10 Miscellaneous Night Noises
- 3-7.11 Enforcement
- 3-7.12 Prevailing Time
- 3-7.13 Violations and Penalties

3-7.1 Findings; Unnecessary Noise Unlawful.

Excessive noise is a serious hazard to the public health, safety and welfare, and to the quality of life of the residents of the Borough of Hightstown and is hereby declared to be a public nuisance. The residents of the Borough of Hightstown have a right to and should be insured an environment free from excessive sound. The following regulations are enacted to prevent excessive sound that may jeopardize the health, safety or welfare of the Borough’s residents or degrade their quality of life.

In that regard, no person shall permit, make or continue or cause to be permitted, made or continued any loud, disturbing, or unnecessary noise which annoys, injures, endangers or disturbs the comfort, rest and repose, or the peace, or the health or safety of any person being in his or her place of abode, or at any public or private meeting or at church services or make, cause or permit to be made or caused upon any premises owned, occupied or controlled by him or her or in any public place or upon any public street, alley or thoroughfare in the Borough any unnecessary noises or sounds by means of the human voice or by any other means or methods which are physically annoying to persons or which are so harsh or prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort or which are injurious to the lives, health, peace and comfort of the inhabitants of the Borough or any number thereof. Such conduct shall be deemed a nuisance.

3-7.2 Radios; Musical Instruments and Other Devices.

No person shall play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of sound with louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and persons who are voluntary listeners thereto or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants. The operation of any radio receiving set, musical instrument, phonograph or other machine or sound amplifying device for the production or reproduction of sound between the hours of 10:00 p.m. and 11:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be evidence of a violation of this chapter. Any such conduct shall be deemed a nuisance. Nothing herein contained shall be construed to prohibit playing by a band or orchestra in a hall, building, or in the open air when sponsored by the Borough or an appropriately permitted special event. Downtown Businesses who provide such music on their property as entertainment for their customers and have hours extending past 10:00pm shall be permitted to continue the entertainment until 11:00pm. (1991 Code § 147-2)

3-7.3 Advertising with Sound.

No person shall, for advertising purposes or for the purpose of attracting the attention of the passing public, play, use, operate or permit 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 on the streets or public places of the Borough or in any place where the sound is cast directly upon the streets or public places or which is so placed and operated that the sound can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises. Such conduct shall be deemed a nuisance.

3-7.4 Sound Trucks and Other Instruments.

No person shall play, use or operate for advertising purposes or for any other purpose whatsoever in public places or in or upon the public streets, alleys or thoroughfares in the Borough any device known as a "sound truck," "loudspeaker" or "sound amplifier" or radio or phonograph with a loudspeaker or sound amplifier or any other instrument known as a "calliope" or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operating or standing upon the streets or public places aforementioned. Such conduct shall be deemed a nuisance.

3-7.5 Vehicular Horns and Warning Devices.

No person shall sound any horn or warning device on any 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 a warning of impending danger to persons driving other vehicles or to persons upon the street. No person shall sound any horn or warning device on any automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound or for any unnecessary or unreasonable purpose or period of time. Such conduct shall be deemed a nuisance.

3-7.6 Pets and Animals

Noise nuisance regulations pertaining to pets and animals are addressed in Chapter 5, Subsection 5-1.3 of the Hightstown Borough Code.

3-7.7 Lawnmowers, Leaf Blowers, Power tools, Chain Saws, Snow Blowers

No person shall operate or use any power lawnmower, leaf blower, power tool, chain saw, snow blower or like item between the hours of 9:00 P.M. and 7:00 A.M., Mondays through Saturdays, and 9:00 P.M. and 9:00 A.M., on Sundays; except that the use of same shall not be prohibited during these times when used in response to an emergency, such as to clear a walkway or street from snow, fallen branches or trees following a storm or other natural disaster. Use of any lawnmower, leaf blower, power tool, chain saw, snow blower or like item within these hours that does not meet the emergency exemption shall be evidence of a violation of this section. Any such conduct which does not meet the exceptions noted herein shall be deemed a nuisance.

8. People Noises

No person shall yell, shout, hoot, whistle, sing or cause unnecessary vocal noises in the public street, particularly between the hours of 10:00 p.m. and 10:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, or in any other type of residence, or of any persons in the vicinity. Such conduct shall be deemed a nuisance.

3-7-9 Construction

All construction and demolition activity noise shall be restricted to the hours of 7:00 A.M. to 7:00 P.M., Monday through Friday, and 8:00 A.M. to 5:00 P.M. on Saturdays and those holidays when construction activity is not prohibited. All construction activity including but not limited to deliveries for same, shall be prohibited on Sundays and the following holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day and Christmas Day.

1. The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed personally by a homeowner or other occupant or tenant between the hours of 8:00 A.M. and 10:00 P.M., provided, that the work shall be done without undue noise or disturbance of the peace and quiet of the nearby residences or of the neighborhood.
2. The provisions of this subsection shall not apply in cases of emergency or urgent necessity in the interest of public health and safety.
3. Any such conduct which does not meet the exceptions noted herein shall be deemed a nuisance.

3-7-10 Miscellaneous night noises

The warming up of diesel motors or motor vehicles; creation of loud or excessive noise in connection with the loading or unloading of any vehicle; the emptying of dumpsters; or the creation of any other loud or raucous sound or noise between the hours of 10:00 p.m. and 7:00 a.m. in proximity to any dwelling, residence or other inhabited buildings is prohibited. Such conduct shall be deemed a nuisance.

3-7.11 Enforcement

Violations in this section are enforceable by the Hightstown Police Department, Zoning Official and Housing Inspector for the purpose of enforcement and issuing violations.

3-7.12 Prevailing Time.

The hours referenced in this Section shall refer to current prevailing time, i.e., either Eastern Standard Time or Eastern Daylight Savings Time, depending upon the time of year.

3-7.13 Violations and Penalties.

- a. Any person violating any provision of this section shall, upon conviction, be liable to the penalty as stated in Chapter I, Section 1-5.
- b. Separate Violations. Except as otherwise provided, each and every day in which a violation of any provision of this section exists shall constitute a separate violation.
- c. Any violation of this section is hereby declared to be a nuisance. In addition to any other relief provided by this section, the Borough, through the Borough Attorney, may apply to the Superior Court for an injunction to prohibit the continuation or repetition of any violation of this section.

Section 2. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Introduction: November 2, 2020

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR