

**ORDINANCE 2023-35**

**AN ORDINANCE BY THE TOWNSHIP OF LITTLE EGG  
HARBOR, COUNTY OF OCEAN, STATE OF JERSEY,  
REPEALING AND REPLACING CHAPTER 242 OF THE  
TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG  
HARBOR ENTITLED “NOISE”**

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** That Chapter 242 of the Township Code of the Township of Little Egg Harbor, entitled “Noise,” is hereby amended and supplemented in its entirety as follows:

**Chapter 242 Noise**

**§242-1 Purpose.**

The purpose of this ordinance is to limit excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of life.

**§ 242-2. Certain noise prohibited.**

It shall be unlawful for any person to make, continue or cause to be made or continued any unreasonably loud, unnecessary or unusual noise which either unreasonably disturbs or endangers the comfort, repose, health, peace or safety of others within the limits of the Township.

**§ 242-3. Unlawful acts.**

A. The following acts are hereby declared to be examples of unlawful noise that annoy, disturb, injure, or endanger the comfort, repose, health, peace or safety of others and are in violation of this article:

- (1) Radios; televisions; phonographs. The using, operating or permitting to be played, used or operated any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or

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reproducing of sound at any time, in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants [including neighboring inhabitants in attached residential units sharing a common wall(s)]. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facia evidence of a violation of this article.

- (2) Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.
- (3) Animals; birds. The keeping of any animals or birds which, by causing frequent or long- continued noise, disturbs the comfort or repose of any person in the vicinity.
- (4) Horns. The sounding of 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 unreasonable period of time.



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- (5) Exhaust. The discharge into the open air of the exhaust/engine noise of any engine, stationary internal-combustion engine or motor vehicle, motorcycle except through a muffler or other device which effectively prevents loud or explosive noises therefrom.
- (6) Construction, landscaping, or lawn-cutting activities. In no event shall construction, landscaping or lawn-cutting activities occur except between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturday, Sunday or any state or federal holiday.

(a) Construction, landscaping, or lawn-cutting activities within the meaning of this chapter shall include, but is not limited to, any excavation, demolition, construction, repair, alteration, landscaping, or lawn-cutting work and work performed by plumbing, electrical, landscaping, carpentry, masonry, tile, pool installation and painting contractors. "Landscaping or lawn-cutting activities" shall include, but not be limited to, the use or operation of power lawnmowers, leaf blowers, and 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.

- (7) Defect/modification in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or specifically modified in such manner as to create loud and unnecessary grating, grinding, rattling,



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combustion or other noise.

(8) Schools; courts; churches. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or which unreasonably interferes with the working of such institution, provided that conspicuous signs are displayed in such street indicating that the same is a school, hospital or court street.

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

#### **§ 242-4. Exceptions.**

The following are exempt from the noise regulations contained herein.

- A. Sounds from any municipality-sponsored or -approved celebrations or events.
- B. Sounds from any police, fire, ambulance or other emergency vehicles in the discharge of their official duties, garbage trucks or such other vehicles used for the removal of residential or commercial garbage, together with the removal of snow and ice from Township and county roadways and from residential, commercial and office properties located within the Township.
- C. Sounds emanating from the performance of any municipal, county or state generators, construction, or improvements project(s).
- D. Sound from bells and chimes when a part of religious observance or service.
- E. Sound emanating from approved commercial activities as reasonably anticipated in the regular course of business operating under any conditions of approval of Township Planning Board or Zoning Board of Adjustment, or any other State or County regulations.



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**§ 242-5 Violations and penalties.**

- A. Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$2,000, by imprisonment not to exceed 90 days, or by community service of not more than 90 days, or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- B. The violation of any provision of this article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

**§ 242-6 through -7 (RESERVED).**

**SECTION 2. REPEALER**

The remainder of all other sections and subsections of the aforementioned ordinances not specifically amended by this Ordinance shall remain in full force and effect.

**SECTION 3. INCONSISTENT ORDINANCES**

All other Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

**SECTION 4. SEVERABILITY**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision,

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clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

## **SECTION 5. EFFECTIVE DATE**

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

## **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the **9<sup>th</sup>** day of **November, 2023**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the **14<sup>th</sup>** day of **December, 2023**, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, at such time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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**KELLY LETTERA, CMC, RMC**

Township Clerk

Township of Little Egg Harbor

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**Blaise Scibetta, MAYOR**