

ORDINANCE NO. 2023-10

**AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER 39 OF THE TOWNSHIP
CODE OF THE TOWNSHIP OF PLUMSTED ENTITLED
“NUISANCES” SO AS TO CREATE ARTICLE III ENTITLED, “NOISE”**

BE IT ORDAINED, by the Township Council of the Township of Plumsted, County of Ocean, State of New Jersey, as follows:

SECTION 1. §39-3 of the Township Code of the Township of Plumsted, entitled "Nuisances." is hereby amended and supplemented so as to create Article III, entitled, "Noise," which shall read in its entirety as follows:

ARTICLE III NOISE

§39 – 8. Noise.

Whereas it is found that excessive sound and vibration are a serious hazard to the public, health, safety, and welfare and the quality of life ; and technology exists by which excessive sound and vibration may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of life; it is hereby declared the policy of the Township to prevent excessive sound and vibration which may jeopardize the health, safety and welfare of its citizens and degrade the quality of life.

§39 – 9. Certain Noise Prohibited.

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

§39 – 10. Unlawful Acts.

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

(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 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)) or with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle or chamber in which such 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 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 facie evidence of a violation of this chapter.

(2) Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 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

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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 period of time.

(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 there from.

(6) The operating of landscape machinery including 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, unless the noise from such blower or fan is adequately muffled and such engine is equipped with a muffler device sufficient to deaden such noises. In no event shall such landscaping equipment or machines be operated except between the hours of 8:00 am through 8:00 pm Monday through Friday; and between the hours of 9:00 am through 8:00 pm on Saturday, Sunday or any state or federal holiday.

(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, 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 prohibited

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noise and shall not be construed as exclusive.

§39 – 11. Exceptions.

A) The following are exempt from the noise regulations contained herein.

(1) Sounds from any municipality-sponsored or -approved celebrations or events.

(2) 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.

(3) Sounds emanating from the performance of any municipal, County or state construction or improvements project(s)

(4) Sound from bells and chimes when a part of religious observance or service.

§ 39 -12. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than one thousand dollars (\$1,000.) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the 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.

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SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.


NAME	CUOZZO	GRILLETTO	HAMMERSTONE	MARINARI	BOWEN
AYES	6/1/23 7/6/23	6/1/23 7/6/23	6/1/23 7/6/23	6/1/23 7/6/23	6/1/23 7/6/23
ABSTAIN					
NAYS					
ABSENT					

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 Plumsted held on the 1st day June, 2023 and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 6th day of July, 2023 at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that the purpose of the forgoing ordinance is to adopt restrictions on excessive noises as part of the Code provisions on Nuisances.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk's Office, 121 Evergreen Road, New Egypt, New Jersey.


JENNIFER WITHAM, RMC, CMR
MUNICIPAL CLERK

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