



Ordinance # 24-08

AN ORDINANCE OF THE BOROUGH OF STOCKTON REGULATING LOUD, DISTURBING, CONTINUOUS AND EXCESSIVE NOISE AND AMENDING ORDINANCE NO. 11- 04

WHEREAS, by Ordinance No. 11-04, the Council of the Borough of Stockton, adopted regulations prohibiting unnecessary noise and defining activities constituting unnecessary noise; and

WHEREAS, at this time the Borough seeks to reaffirm its commitment to protecting the community from public nuisances including but not limited to unnecessary noise and noise injurious to the well-being of the public, and in furtherance thereof, to update the provisions of Ordinance No. 11-4.

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

Section 1. Noise prohibited - generally.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, disturbing or excessive noise or any noise which endangers the health, safety or welfare of the community, or which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Borough of Stockton.

Section 2. Noises expressly prohibited or restricted - Acts enumerated.

The following acts, among others, are declared to be loud, disturbing, excessive or continuous noises, and a danger to the health, safety and welfare of the community, in violation of Section 1, but the enumeration shall not be deemed to be exclusive:

- A. *Horns, whistles, bells and signaling devices.* The sounding of any horn, whistle, bell or any type of signaling device on any automobile, motorcycle, streetcar, bus or other vehicle in the Borough, except as a danger warning; the creation by means of any such horn, whistle, bell or signaling device of any unreasonably loud or harsh sound; the sounding of any such horn, whistle, bell or signaling device for an unnecessary and unreasonable period of time; the use of any horn, whistle, bell or other signaling device

operated by engine, exhaust or by compressed air or gas or by vacuum; and the use of any horn, whistle, bell or signaling device when traffic is for any reason not moving normally.

B. *Radios, televisions, musical instruments and other machines, players or devices of any type or technology, using any type of media, used for the creation of any music or sound.* The use or operation of any of the foregoing devices, with or without amplification, in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or premises in or at which such machine or device is operated and who are voluntary listeners thereto. The following shall be prima facie evidence of a violation of this Subsection 2.B:

1. The operation of any such set, instrument, machine, device or player between the hours of 10:00 p.m. and 8:00 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 or land on which it is located; or
2. The operation of any such set, instrument, machine, device or player between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible within any residence neighboring the building, structure or vehicle in which or land on which it is located.

As used in this ordinance, “plainly audible” shall refer to any sound that can be detected by a person using that person’s unaided hearing faculties.

C. *Commercial loudspeakers, amplifiers, etc.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, loudspeaker, sound amplifier, or any other machine, player or device of any type or technology for the producing or reproducing of sound which is audible upon the public streets for the purpose of commercial advertising or for any other purpose, except as may be authorized in connection with law enforcement or public emergencies or as permitted by Council or other ordinance, such as in the case of a Borough-sponsored celebration or parade.

D. *People noises.* Yelling, shouting, whistling, singing or conducting unnecessarily loud or annoying vocal utterances at any time or place, so as unreasonably to annoy or disturb the quiet, comfort or repose of any person in any dwelling or of any person in the vicinity.

E. *Animals, including but not limited to birds and dogs.* The keeping of any animal, including but not limited to any bird or dog, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any

persons in the vicinity. For purposes of this subsection, the following shall be prima facie evidence of a violation of this section: such animal vocalizing (i.e., howling, barking, squawking, etc.) continually or intermittently for thirty (30) minutes, unless provoked, and plainly audible at a distance of fifty (50) feet from the structure in which or land on which it is located.

- F. *Non-vehicular whistles, horns and other signaling devices.* The sounding of any whistle, horn and other signaling device, except to give notice of the time to begin or stop work or as a warning of fire or danger, by or upon request of a duly authorized government official, or as may be required by general law or ordinance, or directed by a duly authorized state or federal official.
- G. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive noises therefrom.
- H. *Overloaded, improperly operated vehicles.* The use of any automobile, motorcycle, truck or vehicle so out of repair, or so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other loud or disturbing noise.
- I. *Loading or unloading vehicles; opening boxes.* The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers.
- J. *Construction work.* The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time other than between the hours of 10:00 a.m. and 5:00 p.m. Sundays, 8:00 a.m. and 6:00 p.m. on Saturdays, or 7:00 a.m. and 6:00 p.m. on other days, except in case of urgent necessity in the interest of public health and safety; and, if the nature of the emergency allows the prior procurement of a permit, then only in accordance with a permit first obtained from the Borough engineer as to public street work, or from the building official as to other work. Such permit may be granted for a period not to exceed three days or such other reasonable amount of time determined by the Borough engineer or building official, while the emergency continues.

If the engineer or the building official, as the case may be, shall determine that the public health and safety will not be impaired by such work within the prohibited hours, and if said official shall further determine that loss or inconvenience would result to any party in interest, said official may grant permission for such work to be done within the prohibited hours, upon application being made at the time the permit for the work is issued or during the progress of the work. 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 7:00 a.m. and 11:00 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.

- K. *Refuse collection.* The collection, transportation or disposal of garbage, trash, cans, bottles and other refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, at any time on Sundays, other than between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays or 7:00 a.m. and 6:00 p.m. on all other days, except in case of urgent necessity in the interest of public health and safety and, if the nature of the emergency will allow the prior procurement of a permit, then only in accordance with a permit first obtained from the Borough engineer or building official. Such permit may be granted for a period not to exceed three days or such other reasonable amount of time determined by the Borough engineer or building official, while the emergency continues.
- L. *Schools and places of worship and hospitals.* The creation of any excessive noise on any street or property adjacent to any school, institution of learning, place of worship, while the same is in use, or adjacent to any hospital which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that, with respect to such streets, conspicuous signs are displayed indicating the proximity of the school, place of worship or hospital.
- M. *Drums, other instruments.* The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show, sale or other event.
- N. *Solicitors, peddlers.* The shouting or crying of solicitors, peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
- O. *Railroads, buses, trucks.* The causing, permitting, or continuing of any excessive, unnecessary or avoidable noise in the operation of railroad cars, locomotives, buses and trucks.
- P. *Gas-powered leaf blowers, snow blowers, portable generators, chain saws, hedge trimmers, string trimmers and pole trimmers.* The operation of any gas-powered leaf blowers, snow blowers, portable generators, chain saws, hedge trimmers, string trimmers or pole trimmers at any time other than between the hours of 8:00 a.m. and 9:00 p.m. on weekdays or 9:00 a.m. and 9:00 p.m. on Saturdays and Sundays; except that the use of any such equipment shall not be prohibited during the days and times set forth in this Subsection 2.P when used in response to a bona fide emergency, such as a power outage, snow storm or other natural disaster.

- Q. *Idling, starting, etc., of vehicles at night.* Any of the following activities, when occurring in close proximity to residences between 11:00 p.m. and 7:00 a.m.: the warming up or idling of buses, trucks or tractors; and the unnecessary and repeated idling, acceleration and deceleration, or starting and stopping of automobiles and motorcycles.

Section 3. Permits - Issuance.

The officers charged with the responsibility of issuing permits for the activities requiring permits in accordance with Section 2 above shall issue permits for such activities if the officer finds that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, that the activities will not violate other ordinance or law or create a public nuisance, and that the public health and safety will not be endangered thereby.

Permits shall specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m., unless the issuing officer determines that it is in the best interest of the community that the activities take place, wholly or partially, during such hours.

Section 4. Certain noises exempt.

Nothing in this ordinance shall be construed to apply to bells or chimes at places of worship; to municipal, county, state or federal government agencies in connection with any emergency; to normal working activities of or activities sponsored by the Borough of Stockton; to warning devices on authorized emergency vehicles; or to horns or other warning devices on other vehicles used only for traffic safety purposes.

Section 5. Enforcement of ordinance.

In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under this ordinance, the officers who are designated under this ordinance for the issuance of permits shall have the power to enforce and bring complaints under this ordinance.

Section 6. Violations; penalties.

Any person who violates this ordinance shall be subject to the following penalties for each and every violation: a fine a fine not exceeding \$2,000; or imprisonment for a period not to exceed 90 days; or performance of community service for a period not exceeding 90 days; or a combination of such fine, imprisonment and/or community service. In cases of continuing violations, each day that such violation continues shall be deemed a separate offense.

Any person who is convicted of violating this ordinance within one year of the date of a previous violation of the same provision shall be deemed and treated as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not exceed the maximum fine fixed above and shall be calculated separately from the fine imposed by the violation of the provision.

Section 7. Severability.

Each section, subsection, sentence, clause, and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this ordinance.

Section 8. Repealer.

All ordinances or parts thereof inconsistent with this ordinance are hereby repealed.

Section 9. Effective Date.

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Adoption: 08-19-2024