

PENNINGTON BOROUGH

NOISE ORDINANCE

No person shall make, continue or cause to be made or continued any loud, continuous 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 Pennington.

The following acts are declared to be loud, disturbing, excessive, unnecessary and a danger to the health, safety and welfare of the community, in violation of the provisions of this section, but such enumeration shall not be construed to be a limitation or 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, bus or other vehicle in the municipality, 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 section:
 - a. 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 50 feet from the building, structure or vehicle in which or land on which it is located;
 - b. 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.

**" plainly" audible" shall refer to any sound that can be detected by a person using his or her unaided hearing faculties.*

- c. 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 authorized by governmental authorities in connection with law enforcement or public emergencies, provided, that such devices may be employed in connection with nonprofit, charitable, educational, cultural, religious or recreational activities, in accordance with permissions first obtained therefore from the mayor and council shall find that the public health and safety will not be endangered thereby.
- d. Music amplification at privately sponsored events. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, loudspeaker, sound amplifier or other machine, player or device of any type or technology for the producing or reproducing of sound at a privately sponsored event, including any private school, prior to 12:00 noon or after 10:00 p.m. except as authorized by mayor and council or other governmental authorities in connection with law enforcement or public emergencies or publicly sponsored events; provided, however, that such devices may be used in connection with nonprofit, charitable, educational, cultural, religious or recreational activities in accordance with permissions first obtained therefore from mayor and council, if mayor and council find that the public health and safety will not be endangered thereby

Music amplification at a privately sponsored event between the hours of 12:00pm (noon) and 10:00 p.m. shall be permitted without the necessity of the above-referenced approval, provided that the measured sound pressure or decibel levels comply with applicable State law and regulation.

The individual, corporation, group or entity owning or controlling the location at which the event will be held shall be responsible for calling the provisions of this subsection and subsection (c) set forth above to the attention of all individuals, corporations and other entities wishing to use the improvements at the location of the event. There shall not be continuous music amplification for a period of time in excess of five hours for any one event.

- e. Human 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 hospital, residential medical facility, school, place of worship, place of business or dwelling, hotel or other type of residence, or of any person in the vicinity.

- f. 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, a dog barking continually for 10 minutes or intermittently for 30 minutes, unless provoked, and plainly audible at a distance of 50 feet from the building, structure or vehicle in which or land on which it is located, shall be prima facie evidence of a violation of this section.

- g. 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 Princeton official, or as may be required by general law or ordinance, or directed by a duly authorized state or federal official.
- h. 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.
- i. 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.
- j. 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.
- k. Construction Work. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time on Sundays, or other than between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays, or between the hours of 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 requires the prior procurement of a permit, first obtained from the municipal engineer as to public street work, or from the building official as to other work, pursuant to section 21-3, then all work shall be performed in accordance with the terms of the permit. Such permit may be granted by the municipal engineer or building official for a period not to exceed three days while the emergency continues. Notwithstanding the foregoing, the Mayor and Council by resolution may grant permission for such work to be done

within the prohibited hours for such period in excess of three days as it shall deem reasonably prudent and necessary if it determines that the public health, safety and welfare either will not be impaired or will be better safeguarded by allowing such work within the prohibited hours, [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 he shall further determine that loss or inconvenience would result to any party in interest, he 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 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.

- l. 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.
- m. 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 or other than between the hours of 7:00 a.m. and 7:00 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 admit of the prior procurement of a permit, then only in accordance with a permit first obtained from the engineer pursuant to section 21-3. Such permit may be granted for a period not to exceed three days or less while the emergency continues, and it may be renewed for periods of three days or less while the emergency continues. Notwithstanding the foregoing, the mayor and council by resolution may grant permission for such work to be done within the prohibited hours for such period in excess of three days as it shall deem reasonably prudent and necessary if it determines that the public health, safety and welfare either will not be impaired or will be better safeguarded by allowing such work within the prohibited hours.
- n. Schools, courts, places of worship, The creation of any excessive noise on any street or property adjacent to any school, institution of learning, place of worship or court, while the same is in use, which unreasonably interferes with the workings of such institution, provided that, with respect to such streets, conspicuous signs are displayed indicating the proximity of the school, court, place of worship.

- o. 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.
- p. Solicitors, Peddlers. The shouting or crying of solicitors, peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
- q. Lawnmowers and Leaf blowers. No person shall operate, or cause or permit the operation of, any power lawnmower or leaf blower other than between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Saturdays and 9:00am and 6:00 p.m. on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas.
- r. Other noise-creating gas-powered equipment, blowers, power fans or internal combustion engines, including chain saws, snow blowers and portable generators. No person shall operate, or cause or permit the operation of, any other noise-creating gas-powered equipment, blowers, power fans or internal combustion engines on Sundays, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving or Christmas, or other than between the hours of 8:00 a.m. and 8:00 p.m., Mondays through Fridays, and 8:00 a.m. and 5:00 p.m. on Saturdays. The use of any such equipment shall not be prohibited during the days and times set forth in this subsection (s) when used in response to a bona fide emergency, such as a power outage, snow storm or other natural disaster.
- s. Outdoor Concerts. Outdoor concerts, except in accordance with permissions first obtained therefore from the mayor and council

Nothing in this chapter shall be construed to apply to bells or chimes at places of worship; to the playing of bands or orchestras in a hall or building in a manner that will not annoy the peace, comfort and quiet of the neighboring inhabitants; to municipal, county, state or federal government agencies in connection with any emergency; to normal working activities of or activities sponsored by the governing body; to warning devices on authorized emergency vehicles; or to horns or other warning devices on other vehicles used only for traffic safety purposes.

For the first violation of any provision of above, a violator shall only be given a written warning of the violation; for the second and any subsequent violations, said violator shall be subject to such fines **and other penalties as follows: ?**