

ORDINANCE NO. 4 - 2024
TOWNSHIP OF FAIRFIELD
COUNTY OF CUMBERLAND

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 326 OF THE CODE FOR THE TOWNSHIP OF FAIRFIELD, CUMBERLAND COUNTY, ENTITLED "NOISE"

WHEREAS, loud, unnecessary, and unusual noises have the capacity to annoy, disturb, injure or endanger the comfort, repose, health, peace and safety of others; and

WHEREAS, there has been a proliferation of complaints from law abiding residents of excessive noises emanating from adjoining properties from a number of sources; and

WHEREAS, the Township Committee of Fairfield Township finds and determines that it is necessary for the protection of health, safety and welfare of the inhabitants of Fairfield Township to amend Chapter 326 prohibiting excessive noises pursuant to the authority granted by N.J.S.A. 40:48-2, and in accordance with the holding of New Jersey Superior Court, Appellate Division, in State v. Clarksburg Inn, 375 N.J. Super. 624 (App. Div. 2005).

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the by the Township Committee of the Township of Fairfield, County of Cumberland, State of New Jersey that Chapter 326, Noise, of the Code of the Township of Fairfield be repealed and replaced as follows:

§ 326. Noise: Nuisance.

§ 326-1 Noise Prohibited. It shall be unlawful for a person or entity to make, continue or cause to be made, or continued or allowed to be made by any property owner, tenant, guest, and/or invitee any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. Specifically exempted hereunder is noise presumed not to be a nuisance pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. Any violation of the provisions of this Chapter shall constitute a Nuisance enforceable in accordance with the decision of the New Jersey Superior Court, Appellate Division, in State v. Clarksburg Inn, 375 N.J. Super. 624 (App. Div. 2005).

§ 326-2 Sources. Unless specifically exempted hereunder, no other source of the prohibited Noise shall be exempt, and a violation shall exist regardless of source. Without intending to limit the generality of Subsection 1 of this section, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section:

- a. Radios; televisions; phonographs: the playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners.
- b. Yelling; shouting: yelling, shouting, hooting, whistling or singing on the public streets, at any time or place, which annoys or disturbs 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.
- c. Animals; birds: the keeping of animals or birds which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity; but nothing herein contained is intended to apply to a dog pound or kennel licensed in accordance with other provisions of the Code of Fairfield Township.
- d. Horns: the sounding of a horn or warning device on an 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 on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound, or for an unnecessary or unreasonable period of time.
- e. Motor vehicles, All Terrain Vehicles, Motorcycles, Dirt Bikes and other Machinery and Equipment. Noise generated by the operation of Motor vehicles, All Terrain Vehicles, Motorcycles, Dirt Bikes and other similar off-road vehicles, and other Machinery and Equipment whether operated on public or private property.

§ 326-3 Quiet Zones. No person shall create any plainly audible noise that is on any public space or public right-of-way adjacent to any school, hospital, library, house of worship, senior citizen center or any other area designated by Township Committee, which unreasonably interferes with the workings of such institutions.

§ 326-4 Prima Facie Violation. It shall be a prima facie violation where the Noise prohibited hereunder emanates from an adjoining property and is audible at any adjoining property. If the sound source under investigation is a portable or personal vehicular sound-amplification or

reproduction device, it shall be a prima facie violation if the prohibited Noise exceeds the limits of this Ordinance within 10 feet of the source.

§ 326-5 Construction operations; emergency permit. No person shall, from Monday through Friday between the hours of 6:00 p.m. and 8:00 a.m., or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays,, in conducting any excavation, demolition, erection, alternation, repair or other building operation within 1,000 feet of any dwelling or business property, operate or use any steam shovels, tractors, excavators, pneumatic hammers, pile drivers, steam or electric hoists or any tools or equipment which shall make any plainly audible noise, except in cases of urgent necessity in the interests of public safety, and then only upon obtaining a permit from the Township.

§ 326-6 Exceptions. The provisions of this chapter shall not apply to the following:

- a. Emergency warning devices.
- b. Emergency work to provide electricity, water or other public services when public health or safety is involved.
- c. Public celebrations authorized by the Township of Fairfield.
- d. Use of explosive devices which are regulated by the New Jersey Department of Labor under the 1960 Explosives Act.
- e. Any other activity authorized by the Township of Fairfield and/or Township Committee.
- f. Bona fide religious services or events.
- g. Music, horns, loudspeakers, and/or public address systems emanating from an authorized parade, or any Township sponsored or permitted event, during any permitted event (as authorized by the Township or any of its departments) provided that such sounds shall not occur between the hours of 10:00 p.m. and 10:00 a.m.
- h. Routine landscape activities.

§ 326-7 Permits issued by Township. Any person or group holding a permit issued by the Township of Fairfield for use of any Township facilities shall comply with the terms of this chapter. In the event that such person or group believes its permitted activity will violate the terms of this chapter such person or group may make application to the Township Committee through the Township Clerk's Office for an exemption from the requirements of this chapter. If such exemption is granted, such exemptions will state the date, time and means by which the exemption

Adoption First Reading: April 17, 2024

Publication on First Reading: April 21, 2024

Second Reading/Public Hearing: May 1, 2024

Publication on Second Reading: May 6, 2024

Final Adoption: May 1, 2024

Motion by: M. Peter

Seconded by: Benjamin Byrd, Sr.

Vote:

Bateman Absent; Burrus ✓; Byrd 2nd; Peterson 1st; Pierce ✓