

ORDINANCE 27

AN ORDINANCE PROHIBITING THE MAKING AND CREATION OF LOUD, UNNECESSARY OR UNUSUAL NOISES WITHIN THW LIMITS OF THE VILLAGE OF LOCH ARBOUR, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

(Adopted November 11, 1960)

WHEREAS, the making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of residents of the Village of Loch Arbour; and,

WHEREAS, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Village of Loch Arbour and its inhabitants; therefore,

BE IT ORDAINED by the Board of Trustees of the Village of Loch Arbour, County of Monmouth and State of New Jersey:

Section 1.

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 of safety of others, within the limits of the Village.

Section 2.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- a. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- b. Radios, phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, 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 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 or chamber in which such machine is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P.M. and seven o'clock A.M. in such

manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be “prima facie” evidence of a violation of this section.

- c. Loud Speakers, Amplifiers for Advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- d. Yelling, Shouting, etc. Yelling, Shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11 P.M. and 7 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or any persons in the vicinity.
- e. Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- f. Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper village authorities.
- g. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- h. Defect in Vehicle or Load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- i. Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- j. Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7 A.M. and 6 P.M. on week days, except in the case of urgent necessity in the interest of the public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6 P.M. and 7 A.M. and if 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 hours of 6 P.M. and 7 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

Section 3.

Any person, or persons, company, corporation, or other organization association or body of individuals found guilty of violating any provision of this ordinance, shall upon conviction of such violation be penalized by a fine not exceeding Two Hundred (\$200.00) Dollars, or imprisonment in the Monmouth County Jail or other building designated as a prison by the Board of Trustees, for not more than a period of sixty (60) days, or both.

Section 4.

Separability. It is the intention of the Board of Trustees of the Village of Loch Arbour that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Trustees that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Section 5. This ordinance shall take effect immediately upon its adoption and publication according to law.