

AN ORDINANCE TO PROHIBIT UNREASONABLY LOUD, DISTURBING AND UNNECESSARY NOISE IN THE BOROUGH OF SEA GIRT IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AND REPEALING ORDINANCE #307, SECTION 1 OF ORDINANCE #465, AMENDING ORDINANCE #891 AND AMENDING AND SUPPLEMENTING ORDINANCE #541

BE IT ORDAINED by the Mayor and Council of the Borough of Sea Girt, in the County of Monmouth and State of New Jersey, as follows:

SECTION 1. DEFINITIONS.

a. PERSON-As used herein, shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

b. SOUND TRUCK-As used herein, shall mean any type of vehicle, car, wagon, carriage or other means of transportation or locomotion, having mounted thereon or attached thereto any sound-amplifying equipment.

c. SOUND AMPLIFYING EQUIPMENT-As used herein, shall mean any machine or device for the amplification of the human voice, music or any other sound.

SECTION 2. NOISES PROHIBITED

a. The creation of any unreasonably loud, disturbing and unnecessary noise in the Borough of Sea Girt is hereby prohibited. There is further prohibited any noise of such character, intensity or duration as detrimental to the life or health of any individual.

b. It shall be unlawful for any person to make, continue, or cause to be made or continue, 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 Borough of Sea Girt.

c. No persons shall, use, or cause to be used, a sound truck with its sound-amplifying equipment in operation, in the Borough of Sea Girt.

SECTION 3. NONEXCLUSIVE ENUMERATION OF PROHIBIED ACTS.

a. The following acts, among other, but not by way of limitation, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but the following enumeration shall not be deemed to be exclusive:

1. Horns, signaling devices, etc. The sounding of any horn or signaling device of any automobile, motorcycle, but or other vehicle on any street or public place of the Borough of Sea Girt, except as a danger warning; the creation by means of any horn or signaling of said horn or signaling device for any unnecessary and unreasonable period of time.

2. Radios, phonographs, etc. The playing of any radio, television, phonograph, musical instrument or any machine or device for the producing or reproducing of sound, in such a manner or with such volume, during the hours after 10 p.m. and before 8 a.m. so as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or any other type of residence, or to disturb the peace, quiet and comfort of the neighboring inhabitants, or to play or operate the same with louder volume than is necessary for the convenient hearing for persons or persons who are in the room or chamber in which such a machine or device is operated.

3. Yelling, shouting, etc. Yelling, shouting, hooting, or singing after the hour of 10 p.m. and before 8 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 of any persons in the vicinity.

4. "The use of power equipment or tools by commercial operators for constructions, repair or alternation of buildings, landscaping and lawn maintenance is prohibited, except during the following periods:

- (a) Mondays through Fridays between the hours of 8 a.m. and 6 p.m.
- (b) On Saturdays between the hours of 9 a.m. and 5 p.m.

The provisions of this section shall not prohibit the above-described work when being performed by the property owner. No commercial construction, including landscaping shall take place on Sundays or on the public holidays of New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, but is permitted if done solely by the property owner and/or their immediate family.

(j) Collection of garbage or trash by the Borough Public Works Department or by commercial collectors shall be done only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.

None of the restrictions or prohibitions contained in Ordinance 2007-16 as amended and Ordinance 541 as amended and supplemented shall apply to Beachfront operations conducted by the Public Works Department.

b. It shall be presumed that if any of the noises referred to in paragraph 2 and 3 of Section 3a. above are emanating from any building, house, or yard and are audible to persons passing on the street on which such building, house or yard is located, that such, noise or noises disturbs the comfort, repose and health of others and the peace of the neighborhood.

SECTION 5. ENFORCEMENT

It shall be the duty of the Chief of Police and members of the Police Department of the Borough of Sea Girt to determine if this ordinance has been and is being complied with an to enforce the provisions of this ordinance against any person found to be violating the same.

SECTION 6. VIOLATIONS AND PENATLIES

The Chief of Police, any police officer of the Borough of Sea Girt or any taxpayer or resident of the Borough may make complaint in the Municipal Court of the Borough of Sea Girt for any violation of this ordinance or any section, paragraph or provision thereof. Any person violating this Ordinance shall upon conviction be subject to a fine not more than \$1,000.00 and/or imprisonment in the County Jail for the period of not more than ninety (90) days of in lieu of imprisonment a period of community service not to exceed ninety (90) days in the discretion of the Municipal Court Judge, Each day that a violation is permitted to exist shall constitute separate offense.

SECTION 7. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase, portion or provision if this ordinance shall be adjudged invalid or unconstitutional by any court of competent jurisdiction such adjudication shall apply only to the section, subsection, paragraph, sentence, clause, phrase, portion or provision so adjudged, and the remainder of the ordinance shall be deemed valid and the effective and not affected by such adjudication.

SECTION 8.

Ordinance #465 and all prior ordinances inconsistent with this ordinance are hereby repealed.

SECTION 9. WHEN EFFECTIVE.

This Ordinance shall take effect immediately upon its final passage and publication in accordance with law.