

ORDINANCE NO. 16, 2022

AN ORDINANCE AMENDING CHAPTER 183 NUISANCES, ARTICLE 1 PROHIBITED USES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 183, Nuisances, Article I, Prohibitions Section 1B, Noise is hereby amended as follows:

(1) Noise Prohibited. It shall be unlawful for a person to make, continue or cause to be made or continued 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.

(2) Definition of Noise. Without intending to limit the generality of subsection (1), the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section, but said enumeration shall not be deemed to be exclusive:

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. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of one hundred (100') feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

b. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck or other vehicle on any street or public or private place, except as a warning pursuant to the provisions of N.J.S.A. 39:3-69, or any whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is held up for any reason.

c. Loudspeakers; amplifiers for advertising: the use of any radio receiving set, musical instrument, phonograph, loudspeakers, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for purpose of commercial advertising.

d. Hawkers; peddlers: the shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

e. Schools; courts; churches: the creation of any excessive noise adjacent to any school, institution of learning, house of worship or judicial court while the same is in use, provided that the conspicuous signs are displayed on the adjacent streets indicating that the same is a school, church or court street.

f. Drums, bells and the like: the use of any drum, bell, horn, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or the display of merchandise by any creation of noise or sound.

g. Mobile loudspeakers: the use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.

h. Yelling, shouting and the like on public streets: yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or any persons in the vicinity.

i. Yelling, shouting and the like in private residences: yelling, shouting, hooting, whistling or singing in private residences or places in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. Any voluntary participant in such conduct who creates, in whole or in part, the prescribed conduct shall be a violator of this subsection to the same degree as the actual perpetrator. Yelling, shouting, hooting, whistling or singing between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, and prior to 9:00 a.m. and subsequent to 6:00 p.m. on Sunday, in such a manner as to be plainly audible at a distance of 50 feet from the private residence or place shall create a rebuttal presumption of a violation of this subsection.

j. A commercial establishment, which is licensed and authorized to sell alcoholic beverages, from which loud noise emanates as a result of musical instruments, bands, mechanical musical devices and/or any sound reproduction device, including but not limited to megaphones, air horns and whistles, live entertainment or patrons, from either the inside or any outside portion of such establishment, shall be in violation of this section whenever such noise is clearly audible, to be determined at the sole discretion of the enforcing authority, at the property line of the source from where it emanates and any such noise shall be prima facie evidence of a violation of this section.

All outside music must end by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>September 28 2022</i>
<i>PUBLICATION:</i>	<i>October 3, 2022</i>
<i>PASSAGE:</i>	<i>October 12, 2022</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, September 28, 2022 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on October 12, 2022.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR