

SOUTH ORANGE VILLAGE
Municipal Offices
76 South Orange Ave
Suite 302
South Orange
Essex County
New Jersey 07079

www.southorange.org
P 973.378.7715
F 973.763.0987



ORDINANCE #2023-15

Introduction: October 9, 2023

Adoption:

AN ORDINANCE OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE AMENDING AND RESTATING THE TOWNSHIP OF SOUTH ORANGE VILLAGE CODE CHAPTER 207 – NOISE IN ITS ENTIRETY AND AMENDING TOWNSHIP OF SOUTH ORANGE VILLAGE CODE CHAPTER 143 – FEES, SECTION 143-15 - NOISE

WHEREAS, the occurrence of loud noises within the Village constitutes a detriment to the public health, comfort, safety and welfare of the residents of the Village; and

WHEREAS, the Village wishes to restate its noise regulation guidelines; and

WHEREAS, the provisions, regulations and prohibitions of this ordinance shall be adopted to secure and promote the public health, comfort, safety and welfare and the peace and quiet of the Village residents.

NOW THEREFORE BE IT ORDAINED, by the Board of Trustees of the Township of South Orange Village, a municipal corporation of New Jersey located in Essex County thereof, as follows:

SECTION 1. Village Code Chapter 207 - Noise is hereby deleted in its entirety.

SECTION 2.

Village Code Chapter 207 - Noise is amended and restated as follows:

Chapter 207 Noise

207-1. Loud, Continuous or Excessive Noise.

It shall be unlawful for any person to make, continue or cause to be made or continued, or for the owner of any property or building to permit, any loud, disturbing, unnecessary, continuous or excessive noise or any noise which endangers the health, safety and/or welfare of the community, and/or which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Village.

207-2. Definition of Noise

Without intending to limit the generality of the above; the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this chapter:



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.

1. Self-contained, portable, handheld music or sound-amplification or -reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.

B. Yelling; Shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 8:00 a.m., or 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. No person shall engage in, or attempt or offer to engage in, or aid, abet or participate in any fight, assault, quarrel, brawl, battery, altercation, disturbance, riot or unruly, boisterous, noisy, unlawful or disorderly assemblage, nor shall any person in any way breach or disturb the peace.

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. No person shall engage in any construction, excavation, or demolition, or use any power equipment in connection with gardening, landscaping, lawn service, or the like within the Village except between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 10:00 a.m. and 4:00 p.m. Saturdays and Sundays.

F. No person shall make or permit the making of any loud, excessive or disturbing noise in connection with the loading or unloading of any vehicle or trailer. Loading and unloading shall be confined to the hours between 7:00 a.m. and 10:00 p.m.

207-3 Exceptions



Nothing herein contained shall be construed to apply to:

- A. The use of bells, chimes or sound amplifiers by churches engaged in church activities;
- B. Activities of municipal departments in the performance of their duties, drills or public demonstrations;
- C. Activities in public parks, playgrounds or public buildings under permission or authority of municipal officials;
- D. Municipal, county, state or federal government agencies in connection with any emergency or in the performance of their duties, drills or public demonstrations;
- E. Warning devices on authorized emergency vehicles; or to horns or other warning devices on other vehicles used only for traffic safety purposes.

207-4 Permits

The Department of Building/Code Enforcement is charged with the responsibility of issuing permits for the activities requiring permits in accordance with this Chapter and shall issue permits for such activities if the issuing officer finds that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, that the activities will not violate other provisions of this Code, or any ordinance or law or create a public nuisance, and that the public health and safety will not be endangered thereby.

Permits shall specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 10:00 p.m. and 8:00 a.m., unless the issuing officer determines that it is in the best interest of the community that the activities take place, wholly or partially, during such hours.

The issuing officers are authorized to adopt and use such forms of applications and permits as may be reasonably required in the performance of their duties. Each application for a permit shall be accompanied by a fee as outlined in Chapter 143 Fees, which shall be payable to the Township of South Orange Village, and shall be submitted to the officer charged with the responsibility of issuing the permits at least 10 days prior to the planned activity.

Where good cause is shown therefor, the issuing officer shall have the authority to consider any application under this section which is filed less than 10 days before the date such activities are proposed to be conducted.



207-5 Appeal from Denial

An applicant for a permit under section 207-4 shall have the right to appeal to the Village President from the denial of the permit by the issuing officer. The appeal shall be taken by filing a written notice of appeal, addressed to the Village President at the office of the Village Clerk. The notice shall be filed within three days after the issuing officer shall have notified the applicant of the denial of the permit. The Village President shall act upon the appeal as soon as practicable after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The Village President may affirm or reverse the issuing officer's denial of the permit or may grant the permit with modifications or conditions.

207-6 Violations; Penalties

A. Any person found to be in violation of the provisions of this article shall be subject to a fine as follows:

- (1) First Offense: a fine of not less than \$100
- (2) Second Offense: a fine of not less than \$250
- (3) Third or subsequent offense: a fine of not less than \$500.

B. Each day a violation continues shall be deemed a separate offense.

SECTION 3.

Village Code Chapter 143 – Fees, Section 143-15 Noise is hereby amended and restated as follows:

143-15 Noise

Description	Code Section	Fee
Permits - Variance application fee	§ <u>207-4</u>	\$50

SECTION 4.

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5.



This ordinance shall take effect upon final passage and publication as required by law.

SECTION 6.

On passage this ordinance shall be codified.

Introduction – First Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown	X		X			
Greenberg			X			
Haskins			X			
Hartshorn Hilton		X	X			
Jones						X
Lewis-Chang			X			

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their regular meeting held on October 9, 2023.

Ojetti E. Davis
Village Clerk

Adoption – Second Reading

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown						
Greenberg						
Haskins						
Hartshorn Hilton						
Jones						
Lewis-Chang						

CERTIFICATION

I, Ojetti E. Davis, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their meeting held on November 13, 2023.



Ojetti E. Davis
Village Clerk

Adopted:

Attest:

Sheena C. Collum
Village President

Ojetti E. Davis
Village Clerk