

ORDINANCE NO. 2012-8

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER III, POLICE REGULATIONS,
SECTION 3-9.12 "NOISE DISTURBANCES"**

Mr. Murphy offered the following ordinance and moved its adoption on final reading:

WHEREAS, excessive noise is a serious hazard and detriment to the public health, welfare, safety, and the quality of life of the Borough's residents; and

WHEREAS, the residents who reside in residential neighborhoods have a right to, and should be ensured of, an environment free from excessive sound and other disturbances, in particular during the evening hours; and

WHEREAS, pursuant to its police powers, Governing Body may adopt any ordinance for the public health, safety and welfare of the Borough and its inhabitants, which powers include the authority to restrict hours of operation of business establishments; and

WHEREAS, the Governing Body finds that a business establishment that operates twenty four (24) hours a day and that is located in close proximity to a residential neighborhood will interfere with the quality of life and the residential character of such neighborhoods; and

WHEREAS, the Governing Body finds that reasonable restrictions on the hours of operation of businesses located in close proximity to a residential neighborhood will eliminate the evening noise intrusions on said neighborhoods and its residents and that such restrictions will thereby benefit the public health, safety and general welfare, and quality of life of the Borough's residents.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter III, Police Regulations, Section 3-9.12 "Noise Disturbances", of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, is hereby amended and supplemented as follows:

SECTION ONE: Chapter III, "Police Regulations", Section 3-9.12 "Noise Disturbances", of the Revised General Ordinances of the Borough of Red Bank is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

A. No person shall make or permit the making of any loud, excessive or disturbing noise by the use of a phonograph, radio, television and all similar instruments and devices transmitting sound.

B. Any place of public accommodation that plays any music, whether pre-recorded or live, for the entertainment of its guests or invitees, shall close all windows, doors and exterior openings and shall cease all exterior transmission or broadcast of such music at 11:00 p.m. daily. This subsection does not otherwise limit or modify the applicability or enforceability of any other section of this code. This subsection shall not be applicable to any houses of worship while conducting religious services.

C. 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 the opening or destruction of bales, boxes, crates or containers.

D. No person shall engage in the erection, including excavation, demolition, of any building or structure other than between the hours of 7:30 a.m. and 6:00 p.m. on weekdays, including Saturdays except in the case of urgent necessity in the interest of public health and

safety, and then only with a permit from the Director of Public Works, which permit may be granted for a period not to exceed three days while the emergency continues and which permit may be renewed for periods not exceeding three days while the emergency continues. This prohibition shall not apply to routine maintenance and minor repairs on Sunday between the hours of 7:30 a.m. and 6:00 p.m.

E. No person shall engage in, cause, or permit the operation other than between the hours of 7:30 a.m. and 6:00 p.m. on weekdays, including Saturdays, of any pile driver, steam shovel, pneumatic drill or hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud, excessive or disturbing noise.

F. Any business establishment that is located within one hundred (100) feet of any of the Borough's residential zoning districts shall not be permitted to conduct business between the hours of 11:00 p.m. and 6 a.m. of the next day. This prohibition shall apply prospectively only and shall not be applicable to any business that at the time of the adoption of this subsection has hours of operation between 11:00 p.m. and 6:00 a.m. This prohibition shall also not be applicable to any Primary Food Service Establishment, Primary Liquor Service Establishment and Hotel.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Mr. DuPont and adopted on final reading by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	()	()	()	(x)
Mr. Murphy	(x)	()	()	()

Dated: May 9, 2012

Pasquale Menna, Mayor

Pamela Borghi, Municipal Clerk