

TABLED

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 5-2016

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
AMENDING CHAPTER 129 “PEACE AND GOOD ORDER”**

WHEREAS, every resident is entitled to the peaceful enjoyment of their private property and should be able to conduct conversations uninterrupted and to sleep undisturbed; and

WHEREAS, Chapter 129-8 entitled “Noise” states:

“No person shall, within the limits of said township, make or continue or cause to be made or continued any unnecessary noise which shall disturb the comfort, rest or repose of any person or persons or annoy any person or persons being in his, her or their place or places of abode;” and

WHEREAS, it has been determined through studies that the stress, tension and fatigue related to insufficient sleep and exposure to noise during routine quiet times can have a negative impact on the quality of life and the public health, safety and welfare in general; and

WHEREAS, the Township routinely receives complaints concerning noise resulting from construction, demolition, lawn mowers and other landscape maintenance equipment during hours in which the majority of residents are commonly sleeping or resting; and

WHEREAS, this type of noise can be considered a “public health nuisance;” and

WHEREAS, in the best interest of the public health, safety and welfare, Township Council wishes to mitigate the negative effects of this type of public health nuisance by regulating the times in which noise resulting from construction, demolition, lawn mowers and other landscape and yard maintenance equipment is permitted.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, County of Burlington, that the Code of the Township of Moorestown be amended as follows:

Section 1. New Section 8.1 entitled “**Nuisances; Community Noise**” under Chapter 129 shall be added to the Code of the Township of Moorestown as follows:

8.1 Purpose. The purpose of this section is to regulate the times in which noise resulting from construction, demolition, lawnmowers and other landscape and yard maintenance equipment, which is plainly audible, is not permitted within the Township.

8.2 Definitions.

“CONSTRUCTION” means any site preparation, assembly, erection, repair, maintenance, alteration or similar action, including demolition of buildings or structures.

“COMMUNITY NOISE” as it is used in this section, means noise resulting from construction, demolition, lawnmowers and other landscape and yard maintenance equipment.

“DEMOLITION” means any dismantling, destruction or removal of buildings or structures.

“UTILITY AND EMERGENCY WORK” means any work or action necessary to deliver essential public service including, but not limited to repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging waterways or abating life-threatening conditions. Emergency work shall also include work necessary to restore property to a safe condition following a fire, accident, storm or natural disaster; or to restore public utilities; or to protect persons or property from imminent danger.

“MUFFLER” means a properly functioning sound dissipative device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.”

“PLAINLY AUDIBLE” means any sound that can be detected by a person using his or her unaided hearing facilities.

“WEEKDAY” means any day beginning Monday at 8:00 a.m. and ending on the following Friday at 9 p.m. or dusk, whichever comes first, and any day that is not a federal holiday.

“WEEKEND” means beginning on Friday at 9 p.m. or dusk, whichever comes first, and ending on the following Monday at 8:00 a.m.

8.3 Activities, Hours, Areas. The below listed activities shall not be permitted during the following times in the following areas.

1. Residential Properties.
 - a. Commercial, industrial, non-commercial or non-industrial power tools, landscape and yard maintenance equipment shall not be operated between the hours of 9:00 p.m. or dusk, whichever comes first, and 8:00 a.m. on weekdays or weekends.
 - b. Construction and demolition activities, in a residential neighborhood, shall not be performed between the hours of 9:00 p.m. or dusk, whichever comes first, and 8:00 a.m. on weekdays or weekends.

2. Commercial and Industrial Properties.
 - a. Commercial, industrial, non-commercial or non-industrial power tools, landscape and yard maintenance equipment shall not be operated, within 250' of the nearest residential property, between the hours of 9:00 p.m. or dusk, whichever comes first, and 8:00 a.m. on weekdays or weekends.
 - b. Construction and demolition activities shall not be performed, within 250' of the nearest residential property, between the hours of 9:00 p.m. or dusk, whichever comes first, and 8:00 a.m. on weekdays or weekends.

All motorized equipment used in these activities shall be operated with a muffler.

8.4 Exceptions. The following activities are exempt from compliance and may occur without time restrictions:

1. Utility and Emergency Work: As defined in this section
2. Snow Removal: motorized snow blowers, snow throwers and lawn equipment with attached snow plows being used for the purpose of moving snow. Snow removal equipment must be operated with a muffler.
3. Activities performed under and in accordance with the State and local Right to Farm Act.

Section 2: In all other respects, Chapter 129 shall remain in full force and effect.

Section 3: **Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 4: **Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 5: **Effective Date.** This ordinance shall take effect twenty days after publication.

Section 6: **Short Title.** This Ordinance shall be known as Ordinance 5-2016.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on April 11, 2016. This ordinance will be further considered for final passage by the Township Council at a meeting to be held at the Town Hall, Council Chamber, 111 West Second Street, Moorestown, New Jersey on April 25, 2016 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk