

Chapter 61A

NOISE

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 10-2-86 as Ord. No. 11-1986. Amendments noted where applicable.]

GENERAL REFERENCES

- Circuses and exhibitions — See Ch. 34.
- Curfew — See Ch. 39.
- Disorderly persons — See Ch. 41.
- Dogs — See Ch. 43.
- Firearms — See Ch. 47.

Be it ordained by the Mayor and Common Council of the City of Gloucester City, in the County of Camden and State of New Jersey, that:

§ 61A-1. Legislative intent.

It is the stated legislative intent of the Mayor and Common Council of the City of Gloucester City to protect public health and safety, both physical and psychological, of the residents of the City of Gloucester City. Accordingly, as loud, unnecessary or unusual noise, as mentioned in this chapter, is deemed to be contrary to said public

health, welfare and safety and as such as is contrary to the peace of the City of Gloucester City, the Mayor and Common Council hereby declare the following.

§ 61A-2. General prohibitions.

It shall be unlawful for any person or persons to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health or safety of others within the limits of the City of Gloucester City.

§ 61A-3. Specific prohibitions.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

- A. Radios, televisions, stereo systems or amplifiers: the using, operating or permitting to be played, used or operated of any radio receiving set, television, musical instrument, stereo system or amplifier, or other machine or device for the production or reproduction of sound, in such a manner as to disturb the peace, quiet and comfort of the neighborhood inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, stereo system or amplifier or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this chapter.
- B. Loudspeakers, amplifiers for advertising: the using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, stereo system, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is out upon the public streets

for the purpose of commercial advertising or for any other purpose.

- C. Yelling, shouting, etc: yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, apartment or other type of residence, or of any persons in the vicinity.
- D. Construction or repairing of buildings: the erection (excluding excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity to the interest of public health and safety, and then only with a permit from the Building Inspector. Said permit may be granted for a period not to exceed three (3) days or less while the emergency continues and may be renewed for periods of three (3) days or less while the emergency continues. If the applicable Code Enforcement Official should determine that the public health and safety will not be impaired by the erection, demolition or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party or interest, he may grant permission for such work to be done between the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work. Nothing in this subsection shall prevent the occupant or owner of the premises at any time from making or causing to be made minor repairs or improvements to, on or about the premises, provided that the same shall be done without undue noise or disturbance and shall not cause a nuisance or disturb the peace and quiet of the neighborhood.
- E. Schools, courts, churches and hospitals: the creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any hospital, which excessive noise is unreasonable and interferes with the workings of such institution or disturbs or unduly annoys patients in the hospital. provided that

conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

- F. Drums: the use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by the creation of noise.
- G. Hawkers and peddlers: the shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- H. Pile drivers, hammers, etc.: the operation, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, of any pile driver, steam shovel, bulldozer or other earthmoving machinery, pneumatic hammer, derrick, steam or electric hoist or other appliance. **[Amended 6-7-1990 by Ord. No. 13-1990]**
- I. Parties and other social gatherings at residences: any party, social gathering or group of persons at any residence in the City of Gloucester City which, either by way of a sound system or by loud voices or other noises, disturbs the quiet, comfort or repose of any person or persons in any dwelling, apartment or other type of residence or of any persons in the vicinity. It shall be the responsibility of the owner, leasee or person in control of said residence or place of gathering to control said persons or groups of persons attending such gatherings from creating said disturbance.

§ 61A-4. Sound equipment.

- A. Sound equipment prohibited. The use or operation of a sound truck, loudspeaker or amplifying system, either from a stationary position or from a moving vehicle, shall be unlawful within the city limits for any purpose other than that of a civic nature directly pertinent to activities within the City of Gloucester or affecting the residents of this community. Political activities shall be considered as civic in nature under this chapter.
- B. Permit necessary. Prior to the use of such sound equipment for the purposes specified, a permit shall be obtained from the

City Clerk. Application forms for this purpose shall be furnished by the City Clerk and shall require the applicant to disclose:

- (1) The name and address of all persons and organizations for which such a permit is being sought.
- (2) The specific purpose of the application.
- (3) The number and type of equipment and vehicles to be used.
- (4) The projected hours and area of the use of such equipment within the city.
- (5) The person or official who shall be in charge of any responsibility for compliance with the terms of this chapter.
- (6) In detail, the specific nature of the civic activity to be advertised.

- C. Municipal emergency use. In addition to the allowance of sound devices for civic purposes, the municipality may utilize any device of this nature at any and all times that there may be a municipal emergency, regardless of the provisions of this chapter.
- D. Prohibited hours. The hours of limitation for the operation of sound devices shall be not before 9:00 a.m. or after 7:00 p.m. on any weekday and not at all on Sunday.
- E. Fee. No fee shall be required for making the aforesaid application or for issuance of the permit.
- F. Type of use prohibited. The use of the aforesaid sound devices shall at no time cause injury to the health of a person or persons nor otherwise be detrimental to the general welfare and dignity of the community, and the use thereof shall at all times be under the control of the governing body and of the Police Department as an agency thereof.

§ 61A-5. Parades.

Parades may be permitted within city limits, provided that a permit is issued for the same. Application shall be made to the City Clerk, who in turn will refer the same to the Chief of Police for investigation. The application must be made a minimum of ten (10) days prior to the parade, which application shall indicate the time, the approximate number of people in the parade, the desired route and the purpose of the parade. The Chief of Police shall have the right to reroute said parade if, in his opinion, it is apt to interfere with the free flow of vehicular traffic or create danger to life, limb or property.

§ 61A-6. Exceptions.

Nothing herein contained shall be construed to apply to church bells or chimes or to prohibit playing by a band or orchestra in a hall.

§ 61A-7. Violations and penalties.

Any person who shall violate this chapter shall, upon conviction thereof, pay a fine not exceeding five hundred dollars (\$500.) or be imprisoned in the county jail for a term not exceeding ninety (90) days, or both, for each offense in the discretion of the court.