

**BOROUGH OF DEMAREST**

**COUNTY OF BERGEN**

**ORDINANCE 1128-2023**

**ORDINANCE AMENDING AND MODIFYING CHAPTER 122 OF THE DEMAREST  
BOROUGH CODE**

---

**Section 1. Purpose & Authority.** The purpose of this ordinance is to modify and amend [ ] pursuant to N.J.S.A. 40:48-1, and 40:49-2.

**Section 2. Amendments.** (amendments are highlighted, deletions strikethrough).

Chapter 122 Noise

The Mayor and Council hereby finds and declares that:

- A. The Character of the Borough is such that commercial and residential communities are situated in close proximity to each other.
- B. By reason thereof, the making of loud, unnecessary, prolonged, unusual noises, and noises at times prescribed herein within the limits of the Borough is incompatible with and detrimental to the public comfort, convenience and safety and general welfare of the residents of the Borough.
- C. The Mayor and Council finds and declares the need to limit noise related to lawn mowers, leaf blowers and any construction demolition and renovation of buildings situated within the Borough of Demarest.
- D. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy.

§ 122-1 Disturbing and unnecessary noises prohibited.

The creation of or permitting of any unreasonably loud, disturbing and unnecessary noise in the Borough of Demarest which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Borough is prohibited.

§ 122-2 Enumeration of prohibited noises.

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

A. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle or public place except as a danger signal or other warning signal.

B. The playing of any radio, phonograph or any musical instrument or the use of any loudspeaker or amplifier system in such a manner or with such volume louder than is necessary for convenient hearing for the person or person who are in the immediate vicinity, room, vehicle or chamber in which such machine or device is operates and who are voluntary listeners thereto; particularly at any time on any State/Federal legal holiday and after sunset and especially during the hours between 11:00 p.m. and 8:00 a.m., as to annoy or disturb the quiet, comfort or repose of person or persons in any dwelling, hotel, apartment house or other type of residence.

1. The aforesaid operation of any such set, instrument, phonograph, machine or device in such manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of the provisions of this subsection.

C. The keeping of any animal or bird which, by frequent or long-continued noise, shall disturb the quiet, comfort or repose of any person in the vicinity.

D. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

E. (Reserved)[1]

[1]Editor's Note: Former § 122-2E, regarding steam whistles, of the 1983 Borough Code was repealed 10-6-2008 by Ord. No. 950.

F. The discharge into the open air of the exhaust of any automobile, motorcycle, steam or other engine except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

G. The creation of any excessive noise on any street adjacent to any school, institution of learning or place of public worship or court while the same are in session or adjacent to any hospital which unreasonably interferes with the workings of such institution, provided that conspicuous signs are displayed indicating that the same is a school, hospital or court street.

H. The erection (including excavation), construction, demolition, alteration or repair, and maintenance ~~except by the occupant thereof~~, of any building or lawn/landscape ~~construction~~ including but not limited to the use of any leaf blowing equipment and lawn mowing equipment whether powered by gas, electric or other source anywhere within the Borough employing any tools, machinery, power tools or equipment ~~in a residential district~~ other than between the hours of 9:00 a.m. and 4:00 p.m. on Saturday or Sunday, and ~~7~~8:00 a.m. and the earlier of sunset or 5:00 p.m. Monday through Friday, and at any time on Federal/State holiday except in case of urgent necessity in the interest of the public safety and then only with a permit from the Building Inspector, which permit may be obtained on the next business day from the Borough Building Department and renewed for a period of three days or less while the emergency continues.

[Amended 10-6-2008 by Ord. No. 950]

I. (Reserved)[2]

[2]Editor's Note: Former § 122-21, regarding shouting by peddlers and vendors, of the 1983 Borough Code was repealed 10-6-2008 by Ord. No. 950.

J. For any persons, firms or corporations, for advertising purposes or for the purpose of attracting the attention of the passing public, to play, use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound on the streets or public places of the Borough of Demarest or in any place where the sound therefrom is cast directly upon the streets or public places or which is so placed and operated that the sound therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.

**Section 3. Repealer.** All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

**Section 4. Savings and Construction.** This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Demarest Code.

**Section 5. Codification.** This ordinance shall be codified as amendments to the chapters set forth herein.

**Section 6. Effective Date.** This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:



Acting Municipal Clerk



Council President Andrea Slowikowski

Introduced: November 27, 2023

Adopted: \_\_\_\_\_