

## **BOROUGH OF DEMAREST COUNTY OF BERGEN NOTICE OF ORDINANCE**

**INTRODUCTION** The following ordinance was introduced at a regular meeting of the Council by title on July 13, 2026 and will be considered for final passage after public hearing thereon, at a meeting of the Borough Council to held at its meeting room in Borough Hall, 118 Serpentine Rd., Demarest, NJ on August 24, 2026

### **ORDINANCE 1185-26**

#### **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 Chapter 122 of the Demarest Borough Code pursuant to N. J. S.A. 40:48- 1, and 40:49- 2.

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

Chapter 122 Noise

§ 122-2 Enumeration of prohibited noises.

D. Landscaping or Construction Activity/ Noise:

1. Activity Prohibited:

**In all zones,** commercial contractors or any person or entity other than the property owner or the authorized occupant of the premises, may not perform ~~landscaping or construction~~ activities, including excavation or the erection, construction, demolition, alteration, repair or maintenance of any building, ~~property or lawn/ landscape,~~ including without limitation by the use of tools, equipment, devices or machinery powered by gas, electric or other source, such as jackhammers, nail guns, ~~leaf blowers or lawn mowing equipment.~~ (i) before 8:00 a. m. or after 6: 00 p. m. on Monday through Friday, (ii) before 9:00 a. m. or after 6: 00 p. m. on Saturday, or (iii) at any time on Sunday or a Federal/ State holiday.

**With the exception of the G Zone, Landscaping, property or lawn/ landscape, including without limitation by the use of tools, equipment, devices or machinery powered by gas, electric or other source by any person or entity other than the residential owner or the authorized occupant, performed (i) before 8:00 a. m. or after 6: 00 p. m. on Monday through Friday, (ii) before 9:00 a. m. or after 6: 00 p. m. on Saturday, or (iii) at any time on Sunday or a Federal/ State holiday shall be prohibited. Within the G Zone, landscaping, property or lawn/ landscape, including without limitation by the use of tools, equipment, devices or machinery powered by gas, electric or other source, leaf blowers or lawn mowing equipment is permitted only between the hours of 6:00 a.m. – 8:00 p.m. Weekdays, and 6:00 a.m. – 7:00 p.m. on Weekends and Holidays**

## 2. Noise Prohibited:

- a) Excessive noise caused by landscaping, construction, demolition or repair activities performed solely by the property owner or authorized occupant of the premises from which the sound originates, particularly before 8:00 a. m. or after 8: 00 p. m.
- b) Excessive, prolonged and unnecessary noise caused by landscaping, construction, demolition or repair activities performed by any person or entity, at any time.

The following acts, among others, are declared to be 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 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 amplifier system in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, apartment house or other type of residence.

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), demolition, alteration or repair, and maintenance of any building or lawn/landscape 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 other than between the hours of 9:00 a.m. and 4:00 p.m. on Saturday or Sunday, and 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 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. Within the G Zone, these activities are only permitted between the hours of 6:00 A.M-8:00P.M. weekdays, and 6:00 AM-7:00PM on weekends and holidays.~~

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

I. (Reserved)[2]

[2]Editor's Note: Former § 122-2I, 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.

§ 122-3 Use of sound trucks, loudspeakers, sound amplifiers and other instruments restricted.

No person, firm or corporation, either principal, agent or employee, shall play, use or operate for advertising purposes or for any other purpose whatsoever on or upon the public streets, alleys or thoroughfares in the Borough of Demarest any device known as a "sound truck," "loudspeaker" or "sound amplifier," or radio or phonograph with a loudspeaker or sound amplifier, or any other instrument known as a "calliope" or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operating or standing upon said streets or public places aforementioned, except that

this section shall not apply to radios and similar devices intended for and operated at a level of sound appropriate to the occupants of any vehicles in which such devices are contained.

#### ~~122-5 Enforcement; Violations and Penalty~~

~~A. Violation of any provision of this ordinance shall be cause for the Demarest Police Department to order the immediate cessation of the violation and to issue a Notice of Violation to the owner of the property from which the prohibited noise originated or on which the prohibited activity was conducted. Upon conviction of a violation of this ordinance, the following penalty schedule shall apply:~~

~~First Offense: a fine not to exceed \$ 200.~~

~~Second Offense: a fine not to exceed \$ 500; except such fine may be up to \$1,000 if such offense occurs within 24 hours of the first offense.~~

~~Third Offense: a fine not to exceed \$ 1, 250; except such fine shall be not less than \$ 2, 500 nor more than \$4,000 if such offense occurs within 24 hours of the second offense.~~

~~Fourth Offense: shall be deemed a nuisance pursuant to N. J. S. A. 2C: 33- 12 and N. J. S. A. 2C: 33- 12. 1 whereby the court, in addition to any fine the court may impose, may also order the immediate abatement of the nuisance, including but not limited to an order in the case of a nuisance originating on premises other than a residence that such premises be closed and not used for a period not exceeding one year from the date of conviction.~~

~~B. Each instance of a violation shall constitute an additional, separate and distinct offense for all~~

~~purposes. However, no subsequent offense penalty shall apply unless it has occurred within~~

~~365 calendar days of the previous offense. The first offense occurring more than 365 calendar~~

~~days after the previous offense shall be considered a First Offense for purposes of this ordinance.~~

§ 122-4 Violations and penalties.

[Amended 4-18-1983 by Ord. No. 562; 7-15-1991 by Ord. No. 703]

A. The person or entity making, continuing or causing the noise prohibited hereunder, and any property owner allowing any other person or entity to use his/her/their property to cause the noise prohibited hereunder, whether knowingly or not, shall each be separately liable for any violation hereon.

B. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not to exceed ~~\$1,000~~ \$2,000.00 or to imprisonment in the county jail for not more than 90 days or to a period of community service not exceeding 90 days, or all of the above, in the discretion of the Judge imposing the same.

C. A First Violation shall result in a fine of \$500.00. A violation occurring within one (1) year of the First Violation shall be deemed a Second Violation and shall result in a fine of \$1,000.00 and a violation occurring within one (1) year of the Second Violation shall be deemed a Third or Greater Violation and shall result in a fine up to the maximum \$2,000.00 fine.

D. A failure to pay any fine prior to the issuance of a Second Violation or Third or Greater Violation, and/or upon the issuance of a Second or Third or Greater Violation may also result in the issuance of Stop Work Order until all fines are paid in full.

Attest:

Approved:

---

Julie Falkenstern, RMC

---

Mayor Brian Bernstein

Municipal Clerk

Introduced: June 22, 2026

Adopted: