

## **Noise.**

### **Definitions:**

“Motor vehicle” shall mean any motor vehicle is propelled or drawn by mechanical equipment, such as but not limited to passengers’ cars, trucks, truck trailers, semi-trailers, campers, motorcycles, mopeds, minibikes, go-carts, snowmobiles, amphibious craft, dune buggies drones or racing vehicles.

“Noise” shall be defined as any sound that annoys or distracts humans or causes an adverse psychological or physiological effect on humans.

“Persons” shall be defined as any individual, association, partnership corporation, or other entity.

### **Findings; Unnecessary Noise Unlawful.**

Excessive noise is a serious hazard to the public health, safety, and welfare and to the quality of life of the residents of the Borough of Deal. It is hereby declared to be a public nuisance. The residents of the Borough of Deal have a right to and should be ensured an environment free from excessive sound. The following regulations are enacted to prevent excessive sound that may jeopardize the health, safety, or welfare of the Borough’s residents or degrade their quality of life.

In that regard, no person shall permit, make or continue or cause to be permitted, made or continued any loud, disturbing, or unnecessary noise which annoys, injures, endangers, or disturbs the comfort, rest, and repose, or the peace, or the health or safety of any person being in his or her place of abode, or at any public or private meeting or at church services or make, cause or permit to be made or caused upon any premises owned, occupied or controlled by him or her or in any public place or upon any public street, alley or thoroughfare in the Borough any unnecessary noises or sounds by means of the human voice or by any other means or methods which are physically annoying to persons or which are so harsh or prolonged or unnatural or unusual in their use, time and place as to occasion physical discomfort or which are injurious to the lives, health, peace, and comfort of the inhabitants of the Borough or any number thereof. Such conduct shall be deemed a nuisance.

### **Radios, Musical Instruments, and Other Devices.**

No person shall play, use, operate, or permit to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the production or reproduction of sound with a louder volume than is necessary for convenient hearing of the person so playing, using or operating such instrument or device and persons who are voluntary listeners thereto or in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants. The operation of any radio receiving set, musical instrument, phonograph, or other machine or sound amplifying device for the production or reproduction of sound between the hours of 11:00 p.m. and 10:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be evidence of a violation of this chapter. Any such conduct shall be deemed a nuisance. Nothing herein contained shall be construed to prohibit playing by a band or orchestra in a hall, building, or in the open air when sponsored by the Borough or an appropriately permitted special event. Businesses that provide such music on their property as entertainment for their customers and have hours extending past 11:30 pm shall be permitted to continue the entertainment until 2:00 am.

### **Advertising with Sound.**

No person shall, for advertising purposes or for the purpose of attracting the attention of the passing public, 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 or in any place where the sound is cast directly upon the streets or public places or which is so placed and operated that the sound can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises. Such conduct shall be deemed a nuisance.

### **Sound Trucks and Other Instruments.**

No person shall play, use or operate for advertising purposes or for any other purpose whatsoever in public places or in or upon the public streets, alleys, or thoroughfares in the Borough 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 the streets or public places aforementioned. Such conduct shall be deemed a nuisance.

### **Vehicular Horns and Warning Devices.**

No person shall sound any horn or warning device on any automobile, motorcycle, bus, or other vehicles except when required by law or when necessary to give a timely warning of the approach of the vehicle or as a warning of impending danger to persons driving other vehicles or to persons upon the street. No person shall sound any horn or warning device on any automobile, motorcycle, bus, or other vehicles that emits an unreasonably loud or harsh sound or for any unnecessary or unreasonable purpose or period. Such conduct shall be deemed a nuisance.

### **Lawnmowers, Leaf Blowers, Power tools, Chain Saws, Snow Blowers**

No person shall operate or use any power lawnmower, leaf blower, power tool, chain saw, snow blower, or like item between the hours of 7:00 P.M. and 7:00 A.M., Mondays through Friday, and no operation on Saturday or Sundays, except that the use of same shall not be prohibited during these times when used in response to an emergency, such as to clear a walkway or street from snow, fallen branches or trees following a storm or other natural disaster. Use of any lawnmower, leaf blower, power tool, chain saw, snow blower, or like item within these hours that does not meet the emergency exemption shall be evidence of a violation of this section. Any such conduct which does not meet the exceptions noted herein shall be deemed a nuisance.

## **Construction**

All construction and demolition activity noise shall be restricted to the hours of 8:00 A.M. to 7:00 P.M., Monday through Friday; Construction is prohibited on Saturdays and Sundays, those holidays when construction activity is not prohibited. All construction activity, including but not limited to deliveries for same, shall be prohibited on Saturdays and Sundays and the following holidays: New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day, and Christmas Day. No construction will be permitted during the moratorium period set forth by the board of commissioners.

## **Enforcement**

Violations in this section are enforceable by the Deal Police Department and Zoning Officials to enforce and issue violations.

## **Radios, Musical Instruments, and Other Devices**

1. Any person violating this section will be given a verbal warning on the first offense.
2. A person violating this section will be given a written warning on the second offense.
3. A person violating this section will be given a summons on the third offense and every offense thereafter.

## **Prevailing Time.**

The hours referenced in this Section shall refer to the current prevailing time, i.e., Eastern Standard Time or Eastern Daylight Savings Time, depending on the time of year.

## **Violations and Penalties.**

Penalties. As defined in this section, any person who violates any provision of this section shall be subject to a fine not exceeding five hundred dollars (\$500.00) for the first offense. For any subsequent violation, he/she shall be subject to a fine of seven hundred and fifty dollars (\$750.00), imprisonment in the county jail for a period not exceeding ninety (90) days, or both. Each day of such violation's continuance shall be considered a separate offense and be punishable separately.