

**ORDINANCE NO. 06-2023      AN ORDINANCE ADDING A NEW CHAPTER 147  
TITLED “PEACE & GOOD ORDER” TO THE  
BOROUGH OF KINNELON CODE**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the Borough of Kinnelon (“Borough”) desires to add to its municipal Code, specifically Part II General Legislation therein, a new Chapter 147 titled “Peace & Good Order” to preserve the public health, safety, and welfare by prohibiting excessive and disturbing noise, preventing noise which is prolonged or unsuitable for the time and place, and forestalling disturbances that are detrimental to the peace and good order of the Borough community.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

**SECTION 1.** The Code of the Borough of Kinnelon, Part II General Legislation therein, is hereby supplemented with a new Chapter 147, titled “Peace & Good Order”, which shall read as follows:

**Chapter 147 Peace & Good Order**

GENERAL REFERENCES

Police Department — See Ch. 56.  
Alcoholic beverages — See Ch. 87.  
Dogs and other animals — See Ch. 110.  
Noise – See Ch. 146

**§ 147-1 Disturbing Peace & Good Order.**

- A. It shall be unlawful for any person, firm, corporation, association or other entity to make, cause or permit to be made, any unnecessary noises or sounds, by means of, including but not limited to, the human voice, self-contained and/or portable music or sound production devices, musical instruments, which are plainly audible to any adjacent property or which disturbs or interferes with the peace, comfort or repose of any other person.. This shall include any other noise or sounds that are plainly audible and excessively loud, harsh, or unusual in time and occurrence. Sound production devices, as defined in Chapter 146, shall not be operated in a manner that disturbs the lives, comfort, and peace of the residents or the community.
- B. No person, firm, corporation, association, or other entity shall make or assist in making or causing any improper noise, riot, disturbance or breach of the peace in the streets or elsewhere within the Borough, and no person shall collect in bodies or crowds for idle or unlawful purposes to the annoyance or disturbance of any individual or the community.

**§ 147-2 Music and other sounds emitted from buildings or grounds.**

It shall be unlawful for any person to maintain or operate in any building or upon any premises in the Borough of Kinnelon any sound producing device or mechanical musical instrument or device of any kind, whereby the sound therefrom is cast directly upon the public streets, or which is so placed and operated that sounds coming therefrom can be heard to the annoyance or inconvenience of any person upon any street, public place or neighboring premises.

**§ 147-3 Other Violative acts; non-applicability.**

- A. In particular, the following acts, which enumeration shall not be deemed to be exclusive, shall be considered violative of the provisions of this chapter:
  - (1) Operation of bulldozers, shovels and other types of construction equipment, including the loading or unloading of trucks carrying sand, clay, gravel, stone or other construction material, other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 6:00 p.m. on weekends and federal holidays, prevailing time.
  - (2) Operation of power landscaping equipment, including but not limited to, lawn mowers, leaf blowers, trimmers, etc., other than between the hours of 8:00 a.m. and 8:00 p.m. prevailing time.

- (3) The collection of trash or recyclables from a commercial location by a privately-contracted hauler may take place only between the hours of 8:00 a.m. and 6:00 p.m. prevailing time, Monday through Saturday. Trash or recyclables may not be collected by a commercial or privately-contracted hauler on Sunday. This provision does not apply to the Borough's municipal trash/recyclables collection.
  - (4) Riding of motorcycles and/or ATV's on private property which emit repetitive or continuous noise for a prolonged period of time is prohibited.
- B. The provisions of this chapter do not apply to certain utilities under contract with the Borough, or who are responding to an emergency condition; Borough employees in the performance of their duties; emergency service providers and first responders; activities, events and/or services which are authorized, sponsored or licensed by the Borough so long as the activity, event and/or service is conducted pursuant to the conditions of the license, permit or contract authorizing the activity, event and/or service; or musical, recreational and athletic events conducted by and on the site of a school or educational institution.

**§ 147-4 Violations and penalties.**

- A. This chapter shall be enforced by any officer of the Police Department of Kinnelon, the Code Enforcement Officer, and the Zoning Officer.
- B. Any person, firm, corporation, association or other entity violating this chapter shall be subject, upon conviction, to one or more of the following at the discretion of the court: a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed 90 days or community service not to exceed 90 days, and each day that a violation is permitted to exist shall constitute an additional, separate, and distinct offense.

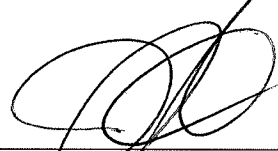
**SECTION 2.** All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** This Ordinance shall take effect after approval and publication as required by law.

ATTEST:

BOROUGH OF KINNELON

  
 Karen M. Iuele, RMC, Borough Clerk

  
 James J. Freda, Mayor

**CERTIFICATION**

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on \_\_\_\_\_ and adopted by the Governing Body at a regular meeting of the Borough held on \_\_\_\_\_.

\_\_\_\_\_  
Karen M. Iuele, RMC, Borough Clerk

**LEGAL NOTICE**

**BOROUGH OF KINNELON, MORRIS COUNTY**

**ORDINANCE NO. \_\_\_\_\_**

Notice is hereby given that an Ordinance entitled “An Ordinance Adding a New Chapter 147 Titled “Disturbing the Peace” to the Borough of Kinnelon Code” was submitted in writing at a regular meeting of the Mayor and Council of the Borough of Kinnelon, County of Morris, State of New Jersey, held on \_\_\_\_\_, 2023 and was introduced, read by title and passed on first reading. A Statement of Purpose of the Ordinance is contained below. The governing body of the Borough of Kinnelon will further consider the ordinance for second reading and final passage thereof at their regular meeting to be held on \_\_\_\_\_, 2023 at 7:00 p.m. prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the governing body and all parties in interest and citizens shall have an opportunity to be heard concerning said ordinance.

## **STATEMENT OF PURPOSE OF ORDINANCE**

The purpose of the above Ordinance is to adopt a disturbing the peace ordinance to prohibit excessive and disturbing noise, to prevent noise which is prolonged or unsuitable for the time and place, and to avoid disturbances that are detrimental to the peace and good order of the Borough of Kinnelon.

A copy of the full Ordinance is available to any member of the general public without cost, at the Borough of Kinnelon Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey, at the Office of the Borough Clerk, between the hours of 9:00 a.m. and 3:00 p.m.

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Karen M. Iuele, RMC, Borough Clerk  
Borough of Kinnelon  
County of Morris, State of New Jersey