

**TOWNSHIP COMMITTEE
TOWNSHIP OF MENDHAM
REGULAR MEETING**

DATE: September 13, 2021

TIME: 7:30 PM

LOCATION: Town Hall and Remote Via Zoom

ROLL CALL

Mr. Baio	Present
Ms. Duarte	Present
Mr. Monaghan	Present
Mr. Orlins	<i>Absent</i>
Mayor Neibart	Present

Also, present:

Mr. Jason Gabloff, Township Administrator
Mr. John Mills, Township Attorney
Ms. Maria F. Coppinger, Township Clerk

SALUTE TO THE FLAG

STATEMENT OF ADEQUATE NOTICE – Read by Mayor Neibart

Adequate Notice of this meeting of the Township Committee of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Observer Tribune and Daily Record on January 6, 2021. Notice was posted on the bulletin board in the township offices and notice was filed with the Township Clerk.

PRESENTATION

- Girls Scout Troop 97847 – Presented plans on the greenhouse portion of the Seed House at Pitney Park.

COVID – 19 UPDATE

Mayor Neibart noted that the CDC is scheduled to provide information on the third booster.

PROCLAMATION

- National Suicide Prevention Month -read by Mayor Neibart.
- Hispanic Heritage Month – read by Ms. Duarte.

ANNOUNCEMENTS

Committee members provided updates on upcoming events in the township.

OPEN TO THE PUBLIC

Ms. Duarte made a motion to open the meeting for public comment; seconded by Mr. Monaghan

Richard Smith – 29 East Main Street – Mr. Smith spoke on the benefits of having solar projects at the (renovated) municipal complex. He asked the committee to authorize a consultant to review the solar options and see if it's something to be considered. He was happy to hear about the FEMA funding that the township will receive and thanked the Fire Department for their assistance.

Martin Slayne - 15 Indian Hollow Road – Mr. Slayne congratulated the committee on the opening of Pitney Park. He also raised concerns over the environmental impact assessment for the Hillandale development.

George Koenig – 13 North Gate Road - Mr. and Mrs. Koenig hired a consultant who provided a proposed model nuisance ordinance. Mr. Koenig provided the committee with a copy of the proposed model ordinance attached hereto.

Mr. Orlins made a motion to close the meeting for public comment; seconded by Ms. Duarte.

RESOLUTIONS -CONSENT AGENDA

2021-174 Resolution of the Township Committee of the Township of Mendham Authorizing Change in Custodian of Petty Cash Fund

2021-175 Resolution of the Township Committee of the Township of Mendham Requesting Permission for the Dedication-By-Rider for a Donation Trust Fund for Various Purposes

- 2021-176

Resolution of the Township Committee of the Township of Mendham Authorizing the Renewal of Membership in the Morris County Municipal Joint Insurance Fund – January 1, 2022 - January 1, 2025
- 2021-177

Resolution of the Township Committee of the Township of Mendham Appointing Jason Gabloff as Fund Commissioner and Ross Johnson as Alternate Fund Commissioner to the Morris County Municipal Joint Insurance Fund
- 2021-178

Resolution of the Township Committee of the Township of Mendham Authorizing the Amendment to the Animal Control Contract to Include “Appendix C” of the Animal Control Solutions, LLC for the Additional Service of Ferel Cat Mitigation
- 2021-179

Resolution of the Township Committee of the Township of Mendham Approving the Issuance of a Social Affair Permit for Mendham Township PBA Local 402
- 2021-180

Resolution of the Township Committee of the Township of Mendham Providing for a Meeting not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio	X				X		
Ms. Duarte				X	X		
Mr. Monaghan					X		
Mr. Orlins		X	X		X		
Mayor Neibart					X		

RESOLUTIONS - REGULAR AGENDA

- 2021-181

Resolution of the Township Committee of the Township of Mendham Amending 2021 Budget Insertion of Special Item of Revenue for “State of New Jersey – 2021 Recycling Tonnage Grant”

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio				X	X		
Ms. Duarte		X			X		
Mr. Monaghan	X		X		X		
Mr. Orlins					X		
Mayor Neibart					X		

- 2021-182

Resolution of the Township Committee of the Township of Mendham Amending 2021 Budget Insertion of Special Item of Revenue for “State of New Jersey Division of Criminal Justice – 2021 Body Armor Grant”

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio				X	X		
Ms. Duarte		X	X		X		
Mr. Monaghan	X				X		
Mr. Orlins					X		
Mayor Neibart					X		

- 2021-183

Resolution of the Township Committee of the Township of Mendham Amending 2021 Budget Insertion of Special Item of Revenue for “State of New Jersey – Clean Communities Grant”

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X			X		
Ms. Duarte				X	X		
Mr. Monaghan	X		X		X		
Mr. Orlins					X		
Mayor Neibart					X		

- 2021-184

Resolution of the Township Committee of the Township of Mendham Expressing the Consensus of the Township Committee to Amend the Policy of the Township’s Land Use Boards to Provide for Public Access of Land Use Applications by Posting to the Website the Application Information as soon as Feasible
- 2021-185

Resolution of the Township Committee of the Township of Mendham Supporting Enhancing the Statutory Requirements Governing Land Use Applications Made for Commercial and Residential Use by Expanding the 10 Day Notice Requirement to 21 Days for Adequate Notice

2021-186 Resolution of the Township Committee of the Township of Mendham Supporting Enhancing the Statutory Requirements Governing Land Use Applications Made by Expanding the 200 ft Requirement for Notice to 400 ft

Mr. Monaghan made a motion to group resolutions 2021-184, 2021-185 and 2021-186 under one motion; seconded by Ms. Duarte.

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio						X	
Ms. Duarte	X		X		X		
Mr. Monaghan		X			X		
Mr. Orlins				X		X	
Mayor Neibart					X		

2021-187 Resolution of the Township Committee of the Township of Mendham Approval of the Length of Service Award Program (LOSAP) Qualification List for Ralston Engine Company No. 1

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio							X
Ms. Duarte	X				X		
Mr. Monaghan				X	X		
Mr. Orlins		X	X		X		
Mayor Neibart					X		

Ms. Duarte made a motion to group resolutions 2021-188 and 2021-189 under one motion; seconded by Mr. Orlins.

2021-188 Resolution of the Township Committee of the Township of Mendham Rescinding Resolutions 2021-074, 2021-100 and 2021-128 and Reintroducing the Award of a Competitive Bidding Contract for Milling, Paving, Roadway Drainage and ADA Improvements to Cold Hill Road

2021-189 Resolution of the Township Committee of the Township of Mendham Rescinding Resolutions 2021-074, 2021-100 and 2021-128 and Reintroducing the Award of a Competitive Bidding Contract for Milling, Paving, Roadway Drainage and ADA Improvements to Woodland Road

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X			X		
Ms. Duarte	X			X	X		
Mr. Monaghan			X		X		
Mr. Orlins					X		
Mayor Neibart					X		

2021-190 Resolution of the Township Committee of the Township of Mendham Authorizing the Award of a Competitive Bidding Contract to Deandrea Land and Stone, LLC, For Snow Plowing Services

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio			X		X		
Ms. Duarte		X			X		
Mr. Monaghan					X		
Mr. Orlins	X			X	X		
Mayor Neibart					X		

2021-191 Resolution of the Township Committee of the Township of Mendham Authorizing Additional Signature on Township Checks – Township Clerk

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X	X		X		
Ms. Duarte	X			X	X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

2021-192 Resolution of the Township Committee of the Township of Mendham Authorizing the Payment of Bills

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio		X	X		X		
Ms. Duarte	X			X	X		
Mr. Monaghan					X		
Mr. Orlins					X		
Mayor Neibart					X		

ORDINANCE FOR INTRODUCTION

15-2021 An Ordinance of the Township Committee of the Township of Mendham for a Change in Zoning for Block 147, Lots 42.01 - 42.16 from R-10 to R-5 - **Public Hearing scheduled for October 13, 2021**

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio	X			X	X		
Ms. Duarte							X
Mr. Monaghan		X	X		X		
Mr. Orlins					X		
Mayor Neibart					X		

Mr. Mills opined that committee members Baio and Monaghan are not required to abstain on Ordinance 15-2021.

ORDINANCE FOR PUBLIC HEARING / 2ND READING

12-2021 An Ordinance of the Township Committee of the Township of Mendham Amending and Supplementing Chapter 21 of the Ordinances of the Township ‘Zoning’ By Adding a New Classification of Use, The M-1 Municipal Use Zone - **Ordinance was introduced on July 26, 2021**

Motion made by Mr. Orlins to the open the public hearing section; seconded by Ms. Duarte.

Patricia Zimmerman – 2 West Main Street - asked if this ordinance changes anything in the use or setbacks of the property.

Motion made by Mr. Orlins to the close the public hearing section; seconded by Ms. Duarte.

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio				X	X		
Ms. Duarte		X	X		X		
Mr. Monaghan					X		
Mr. Orlins	X				X		
Mayor Neibart					X		

13-2021 An Ordinance of the Township Committee of the Township of Mendham Amending Chapter 229 “Noise” - **Ordinance was introduced on August 16, 2021**

Motion made by Mr. Monaghan to rescind ordinance 13-2021; seconded by Ms. Duarte. Motion to call the question made by Ms. Duarte; seconded by Mr. Monaghan. All members present voted to rescind ordinance 13-2021.

14-2021 An Ordinance of the Township Committee of the Township of Mendham Providing for Various Capital Improvements and Appropriating \$100,000 Therefor from the Capital Improvement Fund - **Ordinance was introduced on August 16, 2021**

Motion made by Mr. Baio to the open the public hearing section; seconded by Mr. Orlins.

No comments were received on Ordinance 14-2021.

Motion made by Mr. Orlins to the close the public hearing section; seconded by Mr. Monaghan.

TOWNSHIP COMMITTEE	MOTION	SECOND	MOTION TO CALL THE QUESTION	SECOND	ROLL CALL		
					YES	NO	ABSTAIN
Mr. Baio	X			X	X		
Ms. Duarte							X
Mr. Monaghan					X		
Mr. Orlins		X	X		X		
Mayor Neibart					X		

OPEN TO THE PUBLIC

Ms. Duarte made a motion to open the meeting for public comment; seconded by Mr. Baio.

Melissa Rainis - 290 Mountainside Road, Mendham Borough – Ms. Rainis asked if Backer Farm had to seek a permit for their concert on 9/11. Ms. Rainis expressed that the Backers had a very loud concert on Saturday (9/11) from 1:00 – 7:00 PM. She doesn’t understand how they (Backer) have the right to interrupt the rest of the township and residents from 1–7:00 PM with their concert. Ms. Rainis contacted the police department.

Peter Banos – 47 Ironia Road, Mendham Borough – Mr. Banos echoed Ms. Rainis’ feelings on the concert and its noise level. He expressed that the township needs a process for outdoor music that regulates hours and traffic. Also, he requested that the township establish a limit on the number of events.

Kimberly Hart – 17 North Gate Road – Ms. Hart commented that they also heard the music, quite loudly, from Backer Farm on Saturday, 9/11. Ms. Hart also called the police around 6 PM, in which the officer noted that they were aware of the situation. However, she is concerned about the real possibility of this becoming a regular event and having the noise and music intrude on the surrounding properties.

Patricia Zimmerman – 2 West Main Street – She has great sympathy for the families; she can't imagine what they (residents near the Backer Farm property) are going through. She expressed her concerns with the incoming traffic on Ironia Road. She asked if the township knew where the node's location that JCP&L is installing would be. She also asked if there was a budget for landscaping at the new police facility.

Terrill Doyle – 5 Cross Way – Ms. Doyle also spoke about the noise level from the concert at Backer Farm. She asked if a permit was required and noted that a permit process would be appropriate to handle this situation. She asked about enforcement action against the Backers; and if anyone has talked to the county agriculture board about permitted uses. She also mentioned that under the present zoning regulations, any residential zone could also do anything in the agriculture zone, allowing residents to rent their property for agricultural purposes.

George Koenig – 13 North Gate Road – Mr. Koenig expressed that this is a highly complex subject because farmland, considered commercial businesses operating in a prominently residential community, probably 99.9%, will have issues. He noted that we want to make sure we are fair to the farmers and residents. He suggested that the township consider a working group of a few residents and a few farmers (50/50) because it's a good conversation that may be fruitful or not.

A few residents on Zoom expressed their concerns (via the Q&A) with the noise level at Backer Farm.

Mr. Orlins made a motion to close the meeting for public comment; seconded by Ms. Duarte.

Mayor Neibart does not believe a permit was issued for the concert at Backer Farm. She clarified that the social issuance permit that was issued to the fire department and PBA is for alcohol, specifically related to beer.

In response to Ms. Zimmerman's question, Jersey Central Power & Light (JCP&L) will place a small transformer on the driveway side of the new police facility.

Chief Johnson commented on the enforcement issue, noting that the current ordinance is unenforceable, and indicated that there is an exemption for outside music and live bands.

Mr. Monaghan noted that the ordinance is a set of policies and regulations that would affect everyone in town, not just this incident at Backer Farm.

Mayor Neibart spoke on the memo she received from the Ralston Engine Company, asking the Township Committee to consider sprinklers at the new facility. Mayor Neibart noted that sprinklers are not required, and the cost would be an additional \$50,000; however, if it's something the committee wants to consider down the line, the committee can decide to bring it up again.

DISCUSSION

WEBSITE DESIGN

Ms. Duarte spoke about transitioning to a different website provider. Currently, the website is not ADA compliant, and it is not responsive. This new provider is offering a website with a new look and feel, there's social media integration, and they have different modules that you can add, which are free. It will be re-design this year and in year four. She noted that the recommendation is coming out of the marketing communications committee. Mr. Gabloff noted that Civicplus' quote is under the bid threshold, so it would be a matter of whether or not the committee would like to move forward on the new website. The Township Committee agreed to move forward with the new provider, CivicPlus.

DISMAL HARMONY TRAIL LOCATION

Mr. Gabloff noted that the trail in question does cross the back-end of the owners' private property. In the interim, the township took down the kiosk, the signage and the trailhead were closed off with boulders, so it's not accessible. In addition, the township can remove any other signage and remove the trail from the maps and website. He also spoke with the county about what options we have in moving the path, which they would work with us, but they want a little bit of time, so when the foliage is a little dense going into the fall, they can go out to look at it. Another option is to look for an easement for the property, but Mr. Gabloff is unsure if it would be feasible.

SOLAR PANELS

The architect and the environmental commission looked into the solar options at the municipal complex. Ms. Duarte would recommend looking into the opportunity. Mr. Baio provided feedback about the solar panels noting the pros and cons.

ASH TREES

Ms. Duarte expressed that there needs to be a long-term plan to address the ash trees in the Township; there are about 5,000 ash trees. In addition, there are grants to help with the removal of diseased ash trees. So, we need to look at the money (clean communities grant) available to put together an action plan to prioritize the needs.

Mr. Orlin made a motion to adjourn into Executive Session; seconded by Ms. Duarte.

ADJOURN

Respectfully submitted,

Distributed: 03/21/2022
Approved: 03/29/2022

Maria F. Coppinger
Township Clerk

ATTACHMENTS:

George Koenig, 13 North Gate Road – Proposed Model Nuisance Ordinance 9-13-21

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY**

ORDINANCE NO. 15-2021

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
FOR A CHANGE IN ZONING FOR BLOCK 147, LOTS 42.01 - 42.16 FROM R-10 TO R-5**

WHEREAS; a request to change the zoning for Block 147, Lots 42.01 - 42.16 from and R-10 to an R-5 has been made by the property owner; and

WHEREAS; the properties contiguous are currently in the R-5 zone; and

WHEREAS, the Township Committee of the Township of Mendham has determined that based on the Township Master Plan this is a reasonable request based on the surrounding properties.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Mendham, the County of Morris, New Jersey as follows:

SECTION ONE: Block 147, Lots 42.1 - 42.16 is hereby changed from a R-10 zone to and R-5 zone.

SECTION TWO: The Mendham Township Zoning Map shall be amended to designate Block 147, Lots 147, Lots 42.1 - 42.16 R-5 Residential Zone.

SECTION THREE: Any ordinances inconsistent with this ordinance are hereby amended or repealed to the extent of such inconsistency.

SECTION FOUR: This ordinance shall take effect upon final adoption and publication as provided by law.

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY**

ORDINANCE NO. 12-2021

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM AMENDING AND SUPPLEMENTING
CHAPTER 21 OF THE ORDINANCES OF THE TOWNSHIP ‘ZONING’ BY ADDING A NEW CLASSIFICATION OF USE, THE M-1
MUNICIPAL USE ZONE**

WHEREAS; the Municipal Building, Police Station, the proposed new Police Station and the Emergency Services Building located at the corner of Cherry Lane and West Main Street and designated as Block 137, Lot 17.01 on the Mendham Township Tax Map are situated in the R-10 residential zoning district; and

WHEREAS; it is necessary, desirable and appropriate to change the zone for this site to one which mirrors the actual constitution of the municipal uses; and

WHEREAS, the Township Committee of the Township of Mendham has determined that no suitable existing zoning designation appropriately fits this classification of use.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Mendham, the County of Morris, NJ as follows:

SECTION ONE: Chapter 21, “Zoning Regulations” of Ordinances of the Township of Mendham, Section 21-2, Establishment of Districts, is hereby supplemented by a new Subsection: M-1 - MUNICIPAL USES Zone”

Permitted Uses in the M-1 zone shall be as follows:

1. Structures accommodating the administration n of municipal government.
2. Structures accommodating Police, Fire, and Emergency Medical Services.
3. Library uses.
4. Such accessory structures deemed necessary and advisable to support the principal permitted uses.
5. Places of public assembly.
6. Such other uses of a public nature as may be deemed appropriate by the Township Committee.

Permitted Accessory uses in the zone include all such supporting uses and infrastructure necessary to maintain and support the principal permitted uses.

Multiple principal uses age specifically permitted on any one site.

Section 16-10, Design Standards of the Land Use Ordinance shall not be deemed applicable to the M-1 Municipal Uses Zone.

SECTION TWO: The Mendham Township Zoning Map shall be amended to designate Block 137, Lot 17.01 as the M-1 Municipal Uses Zone.

SECTION THREE: Any ordinances inconsistent with this ordinance are hereby amended or repealed to the extent of such inconsistency.

SECTION FOUR: This ordinance shall take effect upon final adoption and publication as provided by law.

ORDINANCE NO. 13-2021
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING CHAPTER 229 "NOISE"

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MENDHAM, NEW JERSEY, AS FOLLOWS:

SECTION 1. Existing Chapter 229 entitled "NOISE" is hereby deleted in its entirety and replaced with the following new Chapter 229 entitled "Noise"

Chapter 229. Noise

§ 229-1. Specific noise prohibitions.

- A. Unless exempted under the provisions of this article, no person shall cause to be made, directly or indirectly, any loud noise which disturbs, injures or endangers the health, comfort, safety or welfare of others within the Township of Mendham.
- B. The following specific acts are declared to be loud, disturbing and unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive:
 - i) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck or other vehicle on any street, road or public place, except as a warning pursuant to the provisions of N.J.S.A. 33:3-69, a whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.
 - ii) Radio and television sets, phonographs, etc. The use of any radio or television receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a 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 this section.
 - iii) Loudspeakers and amplifiers for advertising. The use of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising.
 - iv) Exhausts. The discharge into the open air of the exhaust of any internal-combustion engine except through an adequate muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - v) Construction or repairing of buildings. The erection (including 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 case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues, and which permit may be renewed for a period of three days or less while the emergency continues.
 - vi) Schools, courts, churches. The creation of any excessive noise adjacent to any school, institution of learning, house of worship or judicial court while the same are in use, provided that conspicuous signs are displayed on the adjacent streets indicating that the same is a school, church or court street. £1 1
[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
 - vii) Hawkers and peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
 - viii) Drums, bells and the like. The use of any drum, bell, horn, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise by any creation of noise or sound.
 - ix) Mobile loudspeakers. The use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.
 - x) Yelling, shouting and the like. Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or any persons in the vicinity.
- C. If any person who is not exempted under the provisions of this article shall cause to be made any of the noises prohibited under this article, and if said noises shall be proved to be in violation of the sound levels prescribed herein, said proof shall be sufficient to prove a violation of this article.

§ 229-2. Exceptions.

The prohibitions contained in this article shall not apply to persons:

- A. Who are engaged in the performance of any public or governmental function, such as the sounding of a church or school bell or a police, fire, ambulance, air raid or like disaster warning, alert or alarm, whether such alarm is for an actual emergency purpose or for practice or drilling purposes.
- B. Who are engaged in religious, charitable, recreational, civic or political activity by means of a sound truck or other amplifying device, for nonprofit purposes, provided that such persons shall have first filed with the Mayor and Borough Council of the Township of Mendham an application for a permit setting forth the sponsorship, date, hours and routes

of such activity and the Mayor and Borough Council shall have issued a permit after having ascertained that such activity is not in conflict, in terms of hours, route, traffic volume and like factors, with any other previously scheduled activity.

- C. Who are engaged in any activity specifically permitted or required by any ordinance, resolution, statute or governmental regulation.

§ 229-3. Additional remedy.

As an additional remedy, the maintenance or operation of any device, instrument, vehicle or machinery in violation of any provision hereof which causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health, or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 229-4. Violations and penalties.

Violation of any of the provisions of this article shall be punishable as provided in Chapter 1, General Provisions, Article I, General Penalty. Section 1-17

§ 229-5. Definitions.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this article have the same meaning as those defined in N.J.A.C. 7:29.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

DEMOLITION

Any dismantling, destruction or removal of buildings, structures or roadways.

DEPARTMENT

The New Jersey Department of Environmental Protection.

EMERGENCY WORK

Any work or action necessary to deliver essential public services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

IMPULSIVE SOUND

Either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

MOTOR VEHICLE

Any vehicle that is propelled other than by human or animal power on land.

MUFFLER

A properly functioning sound-dissipative device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.

MULTI-DWELLING-UNIT BUILDING

Any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple-family houses, townhouses and attached residences.

MULTI-USE PROPERTY

Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
- B. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent.

NOISE CONTROL OFFICER

An employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities; or a municipality with a department-approved noise control ordinance and the employee has received noise enforcement training and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons in order to be considered a noise control officer.

PLAINLY AUDIBLE

Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The Noise Control Officer need not determine the title, specific words or the artist performing the song.

PRIVATE RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a nongovernmental entity.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a governmental entity.

PUBLIC SPACE

Any real property or structures thereon that are owned, leased or controlled by a governmental entity.

REAL PROPERTY LINE

Either:

- A. The imaginary line, including its vertical extension, that separates one parcel of real property from another;
- B. The vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling-unit building; or
- C. On a multi-use property, the interface between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

WEEKDAY

Any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

WEEKENDS

Beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§ 229-6. Applicability.

- A. This article applies to sound from the following property categories:
 - i) Industrial facilities;
 - ii) Commercial facilities;
 - iii) Public service facilities;
 - iv) Community service facilities;
 - v) Residential properties;
 - vi) Multi-use properties;
 - vii) Public and private rights-of-way;
 - viii) Public spaces; and
 - ix) Multi-dwelling-unit buildings.
- B. This article applies to sound received at the following property categories:
 - i) Commercial facilities;
 - ii) Public service facilities;
 - iii) Community service facilities;
 - iv) Residential properties;
 - v) Multi-use properties; and
 - vi) Multi-dwelling-unit buildings.
- C. Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.3, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§ 229-7. Declaration of findings and policy.

- A. Whereas, excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and whereas, a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas, the people have a right to, and should be ensured of, an environment free from excessive sound.
- B. Now, therefore, it is the policy of the Township of Mendham to prevent excessive sound that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life.
- C. This article shall apply to the control of sound originating from sources within the Township of Mendham.

§ 229-8. Noise Control Officers.

- A. The provisions of this article shall be enforced by Noise Control Officers. A person shall be qualified to be a Noise Control Officer if the person meets the criteria set forth in the definition above and completes, at a frequency specified by the Department in N.J.A.C. 7:29-2.11, a noise certification and recertification course which are offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University of New Jersey, or any other noise certification or recertification course which is offered by an accredited university and approved by the Department.
- B. Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in § 229-9B and C of this article and with the definition of "real property line" as contained herein.
- C. Noise Control Officers shall have the power to:

- i) Coordinate the noise control activities of all departments in the Township of Mendham and cooperate with all other public bodies and agencies to the extent practicable.
- ii) Review the actions of the Township of Mendham and advise of the effect, if any, of such actions on noise control.
- iii) Review public and private projects subject to mandatory review or approval by other departments or boards for compliance with this article.
- iv) Investigate and pursue possible violations of this article for sound levels which equal or exceed the sound levels set forth in Tables I and II when measured at a receiving property located within the designated jurisdiction of the Noise Control Officer, in accordance with § 229-11 below.
- v) Cooperate with noise control officers of adjacent municipalities in enforcing one another's municipal noise ordinances.

§ 229-9. Maximum permissible sound levels.

- A. No person shall cause, allow or permit the operation of any source of sound on any source property listed in § 229-6A above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I and II when measured at or within the real property line of any of the receiving properties listed in Tables I and II, except as specified in Subsection B below.^{C1 1}
 [1] Editor's Note: Tables I and II are included at the end of this chapter.
- B. When measuring total sound or residual sound within a multi-use property or within a residential unit when the property line between it and the source property is a common wall, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room most affected by the noise. Residual sound shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound or residual sound, all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use, such as hallways, closets and bathrooms.
- C. Indoor measurements shall only be taken if the sound source is on or within the same property as the receiving property, as in the case of a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building) or multi-dwelling-unit building. In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, such as in multi-dwelling-unit building. The allowable sound level standards for indoors are as shown in Tables I and II.
- D. Impulsive sound. Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as impulsive sound and shall meet the requirements as shown in Table I.
 - i) Table I, Maximum Permissible A-Weighted Sound Levels^{PI}
 [2] Editor's Note: Table I is located at the end of this chapter.
 - ii) Table 11, Maximum Permissible Octave Band Sound Pressure Levels in Decibels.^{I31}
 [3] Editor's Note: Table II is located at the end of this chapter.

§ 229-10. Restricted uses and activities.

- A. Exemptions.
 - i) Except as provided in Subsection B below, the provisions of this article shall not apply to the exceptions listed at N.J.A.C. 7:29-1.4.
 - ii) Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II, except as provided for in Subsection B below.
 - iii) Snow and ice removal activities conducted within 24 hours following the end of the weather event.
- B. Notwithstanding the provisions of Tables I and II, the following standards shall apply to the activities or sources of sound set forth below:
 - (i) Noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 7:00 p.m. and 8:00 a.m. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II shall apply to noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment.
 - (ii) Commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on a residential property, or within 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 7:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays. In addition, at all other times, commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet the limits set forth in Tables I and II. All motorized equipment used in these activities shall be operated with a muffler.

C.

- i) Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities.
- ii) Motorized snow blowers, snow throwers, and lawn equipment with attached snowplows shall be operated at all times with a muffler.
- iii) An exterior burglar alarm of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five minutes for continuous airborne sound and 15 minutes for impulsive sound after it has been activated.
- iv) Personal or commercial vehicular-music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a residential property line between the hours of 10:00 p.m. and 8:00 a.m.
- v) Personal vehicular-music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.
- vi) Self-contained portable handheld music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound from such equipment shall not be plainly audible by any person other than the operator.
- vii) Sound levels exceeding the limits set forth in Table I and Table II shall be prohibited between residential units within the same multi-dwelling-unit building. Measurements shall be taken indoors as per§ 229-9B and C.

§ 229-11. Enforcement.

- A. Violation of any provision of this article shall be cause for an enforcement document to be issued to the violator by the Noise Control Officer according to procedures set forth in N.J.A.C. 7:29-1.6. The recipient of an enforcement document shall be entitled to a hearing in the Municipal Court having jurisdiction to contest such action.
- B. Any person who violated any provision of this article shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.
- C. No provision of this article shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this article or from other law.

Noise
229 Attachment 1

Township of Mendham
Table I
Maximum Permissible A-Weighted Sound Levels

No person shall cause, allow, or permit the operation of any source of sound on any source property listed in § 229-6A in such a manner as to create a sound level that equals or exceeds the sound levels listed below.

	Receiving Property Category					
	Residential Property or Residential Portion of a Multi-Use Property				Commercial Facility, Public Service Facility, Nonresidential Portion of a Multi-Use Property or Community Service Facility	Commercial Facility* or Nonresidential Portion of a Multi-Use Property
	Outdoors		Indoors		Outdoors	Indoors
Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)	Octave Band Sound Pressure Level (dB)
Time	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours	24 hours
Maximum A-weighted sound level standard, dB	65	50	55	40	65	55

* Note: In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.

**Table II,
Maximum Permissible Octave Band Sound Pressure Levels in Decibels**

1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in § 229-6A in such a manner as to create a sound pressure level that equals or exceeds the sound levels listed below in one or more octave bands.
2. When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus two decibels in the bands containing the principal source frequencies, discontinue the measurement.

	Receiving Property Category					
	Residential Property or Residential Portion of a Multi-Use Property				Commercial Facility, Public Service Facility, Nonresidential Portion of a Multi-Use Property or Community Service Facility	Commercial Facility*or Nonresidential Portion of a Multi- Use Property
	Outdoors		Indoors		Outdoors	Indoors
Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)		Octave Band Sound Pressure Level (dB)	Octave Band Sound Pressure Level (dB)
Time:	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	63	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

SECTION 2.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION 3.

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4.

This Ordinance shall take effect after final passage and publication pursuant to law.

**TOWNSHIP OF MENDHAM
MORRIS COUNTY – NEW JERSEY**

ORDINANCE 14-2021

**AN ORDINANCE OF THE TOWNSHIP OF MENDHAM PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND
APPROPRIATING \$100,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND**

BE IT ORDAINED by the Township Committee of the Township of Mendham, in the County of Morris, New Jersey, as follows:

Section 1. The funding for the following Capital Improvements is hereby authorized and such cost is not to exceed \$100,000: All expenses relating to the construction and occupancy of a new police facility located at 4 West Main Street, Brookside.

Section 2. The funding for the above stated Capital Improvement Various Improvements is hereby appropriated from the Capital Improvement Fund.

Section 3. This ordinance shall take effect and adoption following passage and publication as provided by law.

PROPOSED MODEL NUISANCE ORDINANCE

9-13-21

Noise expert list 2-4

Case Law to support 5-7

Comparison to Model DEP Ord. 8-9

Proposed Model Nuisance Ord. 10-12

10-18

Arnold W. Schmidt, Chair – Has a Bachelor of Science degree in Environmental Science and is a NJ Licensed Registered Environmental Health Specialist (Ret.). In 2018 he retired after working for Union County for 30 years where he coordinated and supervised the County Environmental Health Compliance and Enforcement programs for NJ environmental regulations including Air Pollution, Noise, Solid Waste, Pesticides and Water. He was initially certified as a “Noise Control Officer” in 1988 and was involved in thousands of inspection and complaint investigations including hundreds of noise complaint investigations. He has served on the NJ Noise Control Council since being appointed in 2006 and is a member of the NJ Environmental Health Association. Prior to working for the County he worked for 12 years as an Associate Toxicologist and Regulatory Affairs Coordinator for Revlon Research Inc. in Edison, NJ and the Bronx, NY where he performed, monitored and audited pre-clinical and clinical studies and was study director for sub-chronic and acute toxicology studies. He also was responsible for facility operations to assure compliance with FDA, GLP, DEA, NJDOH and internal regulations. Living in Franklin Township (Somerset County) he is on the Township Environmental Commission of which he was Chair for three years. He is also an appointed member of the Township Open Space Advisory Committee and the Shade Tree Commission.

Stephen M. Szulecki, Vice Chair, M.S., INCE, - Mr. Szulecki has a Bachelor of Science degree and a Master of Science degree in Environmental Sciences from Rutgers, the State University of New Jersey. He has served as Director of the Rutgers Air Pollution Training Programs from 1991 to 2000 and 2010 to present. He also served as Acting Director of the Rutgers Noise Technical Assistance Center in 1991.

Mr. Szulecki's other professional role is as Vice President of The Noise Consultancy, LLC, a consulting group which is involved exclusively with environmental and occupational noise issues. He assists private- and public-sector clients in NJ and throughout the country with assessing noise issues, achieving regulatory compliance, designing and implementing noise mitigation measures, and providing expert witness services in land use and adjudicatory hearings. Clients include: companies in the pharmaceutical, food services, retail, manufacturing and industrial sectors; federal, state and local governmental entities and individuals. He has extensive experience with the use of CadnaA (3-dimensional, graphical acoustical modeling software), Traffic Noise Model (TNM) developed for the Federal Highway Administration and others tools used in the assessment and control of noise.

Mr. Szulecki has participated as a research scientist, at Rutgers University, on federal and state grant funded projects related to community noise. These projects involved train and highway noise and development of regulations for the NJ State Agricultural Development Committee regarding wind turbines and utility-scale solar arrays, “solar farms.”

Mr. Szulecki presented a research paper at the Institute of Noise Control Engineers (INCE) annual conference, in Baltimore, MD, based on findings of the federally-funded research conducted at Rutgers University. He has made presentations at other meetings and conferences. In 2014, he served as the primary investigator for a project funded by the National Shipbuilders Research Program (NSRP is funded by the US Navy) to assess and develop practical control strategies for portable ventilation blowers used during construction and renovation of aircraft carriers and submarines.

Mr. Szulecki has attended NJ Noise Control Council (NCC) meetings since October 2009 and was formally appointed by the NJ Governor in 2014. As a member of the NCC he served as the primary author of the *Guidelines for the Investigation of Noise Complaints*, a guidance document produced by the NCC and approved by the NJDEP, to assist those engaged in noise enforcement as well as those in the regulated community.

Joseph Lepis Jr. - Is a graduate in mechanical/civil engineering from Stevens Institute of Technology in 1971 and graduated from the "Environmental Management Institute of the University of Southern California". This was a Post-Graduate level Federal EPA middle management training course. ‡ Joe completed one year of law school at New York Law School and attended over 75 Federal EPA, NJDEP and Rutgers environmental training courses. He was selected in the 1970's to work with the Federal EPA Region II Noise office for code development and seminars directed at government officials to adopt local noise codes. Since 1980 Joe has participated with NJDEP and the Noise Control Council to develop local model codes and to amend the State Noise Code. † Joe introduced concepts of urban enforcement to codes which were developed by suburban oriented minds. He has attended over 50 FAA, EPA and Port Authority meetings regarding Newark Airport aircraft noise and traffic patterns. He has responded to hundreds of noise complaints and used this experience to help make the codes equally protective of urban dwellers. He has been a member of the NCC since 1987 and was Chairman for 12 years and Vice Chair for 8 years.

Dr. Iris G. Udasin - Ex Officio - Is a professor of Environmental and Occupational Medicine for Rutgers Robert Wood Johnson medical school. Dr. Udasin graduated from SUNY Stony Brook with a BS in biology in 1978 and received her MD from SUNY Downstate in 1982. She completed her residency in internal medicine at Rutgers in 1985 and completed further training in Environmental and Occupational Medicine at Rutgers. She is board certified in Internal medicine and Environmental and Occupational medicine.

Dr. Udasin is Director of The Clinical Center of the Environmental and Occupational Health Institute at Rutgers. She is the New Jersey Principal Investigator of the World Trade Center Medical Monitoring and Treatment program. She is also Director of employee health for Rutgers Robert Wood Johnson Medical School. Her clinical practice includes treatment, surveillance and prevention of health effects of occupational and environmental exposures to pollutants including noise.

In addition to treatment and monitoring of workers, Dr. Udasin teaches residents, medical students, graduate and undergraduate students concerning health issues related to exposure to noise and other toxins.

Norman R. Dotti, PE, PP, INCE - Has worked as a consulting acoustical engineer since 1971. He is a licensed Professional Engineer and licensed Professional Planner in New Jersey. He is the Principal of Russell Acoustics, LLC, consulting engineers specializing in noise and vibration measurement, analysis and control.

He has a Bachelor's degree in engineering from Stevens Inst. of Technology and a Master's from NJIT. Post-graduate courses in noise control engineering, instrumentation, product design, speech analysis, digital filters and others. He developed and taught the Advanced Noise Control course for U.S. DOL at the OSHA Training Institute for over a decade. Developed and taught Industrial Noise Control I & II courses for B&K Instruments, a major acoustical instrumentation manufacturer, for over a decade. Taught short courses in acoustics for industries, State and Federal governments. Done classified acoustical development for U.S. DOD.

He has testified as expert witness in acoustical engineering in New Jersey at local municipal board hearings, municipal courts, county courts, State and Federal courts.

Clients include developers, manufacturers, engineering firms, individuals, NJ agencies and municipalities. Principal areas of work are New Jersey, New York and Pennsylvania, with occasional work in other parts of the U.S. and other countries. Projects include measuring existing sound levels, mitigation measures, analysis of proposed projects, instrumentation systems for monitoring sound levels, and computer modeling of complex acoustical projects.

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He was first appointed to the New Jersey Noise Control Council in 2005 by Governor Cody, and reappointed in 2014 by Governor Christie. He is also a member of the Acoustical Society of America and Institute of Noise Control Engineers (by exam).

Randy Hauser – Ex Officio – Graduated with a Bachelor of Science degree from NJIT 1977 in Environmental Engineering Technology, an MA in 1978 from NYU in Occupational Safety and Health, and I got an MBA from Fordham, Lincoln Center campus in 1983. I Randy worked for United States Metals Refining Company, 1978-79 in the Safety Dept and the Environmental Dept. and has been employed by the NJ State Dept of Labor as an Occupational Health Consultant since January 1980. In this capacity Randy conducts hazard surveys, mostly of industrial establishments, perform comprehensive industrial hygiene reviews, assess compliance with mandated OSHA programs, and assess safety and health management systems for effectiveness in maintaining workplaces free of hazards. Randy also provides training in an as needed basis on occupational health topics at workplaces.

Eric B. Lieberman, Esq. – Ex Officio – Eric B. Lieberman, Esq. – Ex Officio - Has a Juris Doctorate from Rutgers School of Law. Eric and has been a practicing attorney since 1994 and since 2002 has been with the New Jersey Department of Health. Within the Department of Health, Division of Consumer Environmental and Occupational Health he is the Project Leader for the Wholesale Drug Program and is responsible for registration and regulation of all wholesale distributors of prescription and OTC drugs and medical devices in New Jersey.

Jack A. Zybura, P.E., INCE Bd. Cert. - is a Project Manager at Lewis S. Goodfriend & Associates, consulting engineers in acoustics. He provides services for a diverse range of projects, including the acoustical design of interior spaces, evaluation and control of noise and vibration from mechanical equipment, OSHA noise exposure studies, sound and impact isolation design and testing, and acoustical assessments for industrial, commercial, educational, and residential facilities. Mr. Zybura is a licensed Professional Engineer in New Jersey, Pennsylvania, and Oregon, and is Board Certified by the Institute of Noise Control Engineering. He holds a Bachelor of Science degree in Acoustical Engineering & Music from the University of Hartford, and is an active member of the Acoustical Society of America, American Industrial Hygiene Association, American Society of Mechanical Engineers, ASTM International, and Institute of Noise Control Engineering

David Triggs – Has been employed by the New Jersey Department of Environmental Protection (Department) since 1989. He has served as the Department's Liaison to the New Jersey Noise Control Council (Council) from 2001 to the present. His additional noise-related responsibilities include the review and approval of municipal noise ordinances, attending Council meetings, acting as rule manager whenever the State Noise Control Regulations under N.J.A.C. 7:29-1 sunset, managing the Rutgers Noise Technical Assistance Center's contract with the Department, monitoring state-wide noise control investigator's noise certification, updating the Department's noise control website and answering general questions and noise complaints from the public.

Salvatore Fama – Ex Officio – Holds a Masters of Science degree in Environmental & Occupational Health from Hunter College of the City University of New York, and a Bachelor of Science degree in Environmental Science from St. John's University. He is a certified hazardous materials manager (CHMM) and a certified public manager (CPM). Mr. Fama has twenty-plus years of experience in the environmental health & safety field and has worked for a number of large private and governmental organizations as a physical scientist and industrial hygienist. Currently, he manages the New Jersey Motor Vehicle Commission's Office of Health & Safety.

John Lago – Ex Officio – Represents the New Jersey Department of Community Affairs on the Council. He has a Masters in Urban Affairs and a Bachelor's in political science from Virginia Tech.

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STATE v. CLARKSBURG INN

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Superior Court of New Jersey Appellate Division STATE of New Jersey, Plaintiff-Respondent, v. CLARKSBURG INN, Defendant-Appellant.

Decided: March 11, 2005

Before Judges NEWMAN, AXELRAD and HOLSTON, JR. Richard J. Simon, New Brunswick, argued the cause for appellant. Simon L. Kaufman, Edison, argued the cause for respondent (Lomurro, Davison, Eastman & Munoz, attorneys; Mr. Kaufman, on the brief). The opinion of the court was delivered by

Defendant, Clarksburg Inn (Inn), appeals the January 30, 2004 order of the Superior Court, Law Division, Monmouth County entered after a trial de novo on the record of the September 29, 2003 trial before the Millstone Township Municipal Court, finding defendant guilty of two violations of Millstone Township Anti-Noise Ordinance No. 3-15 (Ordinance) on February 1, 2003 and June 20, 2003, respectively. Defendant does not challenge the factual conclusions reached by the Law Division. Instead, defendant seeks a reversal of the two guilty verdicts based on two grounds. The first claim is that the Ordinance is unconstitutional on its face because it is impermissibly vague and overbroad. Second, it is unconstitutional as applied, because the Ordinance was applied in a subjective manner without taking into account the reasonableness of defendant's conduct. We affirm.

Defendant makes the following arguments for our consideration on this appeal.

POINT I

THE DEFENDANT'S CONVICTIONS BELOW SHOULD BE VACATED BECAUSE THE MILLSTONE ANTI-NOISE ORDINANCE IS IMPERMISSIBLY VAGUE, AND VIOLATES THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT.

- A. An ordinance is unconstitutional and violates due process if persons of common intelligence must necessarily guess at its meaning and differ as to its application.
- B. Millstone Ordinance No. 3-15 is unconstitutionally vague and unenforceable.
- C. A constitutionally sound noise ordinance contains objective criteria for definitions and enforcement, such as sound decibel levels.
- D. The Law Division's decision should be reversed because sufficient credible evidence present in the record does not exist to uphold its conclusion that the ordinance is constitutional.

POINT II

THE MUNICIPAL COURT ERRED BY APPLYING THE ORDINANCE IN A SUBJECTIVE MANNER, AND NOT TAKING INTO ACCOUNT THE REASONABLENESS OF THE DEFENDANT'S CONDUCT.

On February 1, 2003, the Clarksburg Inn was issued Summons 2003-000701 on a complaint of excessive noise. On May 27, 2003, the case was listed for trial before Judge Gelson at the Millstone Township Municipal Court. Following a conference between the municipal prosecutor, defense counsel and witnesses, the Township agreed to defer prosecution for ninety days, and if there were no further complaints of noise

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violations, the summons would be dismissed. There was an agreement that the noise level from music would be lowered and monitored, that there would be no live bands or music on the deck, and that no noise would be audible from a distance of 100 feet away.

Defendant Violated the terms of the agreement on June 20, 2003 and July 12, 2003. Summons 2003-000618 was issued for the June 20, 2003 violation and Summons 2003-000620 was issued for the July 12, 2003 violation.

On September 9, 2003, the matter was listed for trial before Judge Gelson. The judge proceeded on the summonses for the February 1 and June 20, 2003 violations. The court did not proceed with the July 12, 2003 violation.

The State's first witness, Roger Weltner, testified that he lived eighty-one feet from Clarksburg Inn on the same side of the street and that he had been enduring ongoing disturbances from loud music from the Inn, a bar/package store, since June 26, 2002. Weltner stated that on February 1, 2003, he was at home in his bedroom with the windows closed. He was disturbed by "very loud" music, which he could clearly hear from a live band playing at the Inn. He could not sleep. Weltner found it necessary to call the State Police three times that evening: first at 9:47 p.m., again at 11:02 p.m. and a third time at 11:45 p.m. The noise remained continually loud and disturbing throughout the evening. Finally, after a third call, the loud noise emanating from the Inn subsided.

Weltner testified that the second incident occurred when he arrived home from work at 4:00 p.m. on June 20, 2003. A disc jockey was playing music on the deck of the Inn. Weltner was disturbed by the sound level of the noise being generated from defendant's premises, which was "very loud" to the extent that he could actually discern the words being sung from that distance. Before he came home, his wife had called the Inn to complain about the noise. Weltner again called the State Police who responded, and the loud noise ended.

Roger Strickland, the State's second witness, testified to living 270 feet from defendant's premises on the opposite side of the street. On February 1, 2003 at approximately 9:00 p.m., he was inside his home with the windows closed watching television when he was disturbed by "clearly audible" loud noise and music coming from the Inn. The noise was so loud that it drowned out the sound of his television and caused his windows to vibrate. He testified that the noise was annoying and disturbing and persisted until after midnight.

Strickland further testified that on June 20, 2003 at approximately 4:00 p.m., he was again disturbed by loud noise and music coming from the Inn. The noise was clearly audible from 270 feet away but seemed to him like it was only ten feet away. The music was so loud that he could hear the lyrics. The noise disturbed Strickland's peace and quiet. Strickland was so annoyed that he contacted defendant's attorney to complain about the noise.

Dris Kowalic testified to living 500 to 600 feet from the Inn. During the winter months of 2003, he was disturbed by loud music coming from the Inn every weekend. His windows were closed, but he could still hear the music, loud bass, and people singing from that distance. The disturbance stopped for about two weeks after the May 27, 2003 municipal court proceeding but then continued to be loud on the weekends. The noise was so loud and disturbing that Kowalic could only sleep in the back room of his home.¹

State Trooper M. Budrewicz testified that on February 1, 2003, he went to the Clarksburg Inn three times on noise complaints from Weltner and Strickland. The first two times, he spoke to a man named Watkins, who was the "guy in charge" at the Inn. The trooper asked that the noise be turned down. When the trooper returned the third time, he issued a summons.

The defense presented no witnesses. Neither the State nor defense counsel made a closing statement. Judge Gelson found the Clarksburg Inn guilty as to both summonses. The sentence for the first summons was a \$500 fine and \$30 costs. The sentence on the second summons was \$750 fine and \$30 costs. The payment of fines was stayed pending appeal.

On September 30, 2003, the Clarksburg Inn appealed. After a trial de novo on the municipal court record in the Law Division on January 30, 2004, Judge Kreizman found defendant guilty as to both summonses, entered a judgment of conviction and imposed the same sentence as the municipal court.

I

"A trial court's interpretation of the law and the legal consequences that flow from established facts are not entitled to any special deference." Manalapan Realty v. Township Comm. of Manalapan, 140 N.J. 366, 378, 658 A.2d 1230 (1995) (citing State v. Brown, 118 N.J. 595, 604, 573 A.2d 886 (1990)). Therefore, our review of defendant's constitutional challenge to Millstone Township's noise ordinance as impermissibly vague in violation of the due process clause of the Fourteenth Amendment is de novo.

Defendant contends that based on the language of the Ordinance, the legality of a person's conduct is judged solely by the subjective opinions of complaining citizens and police officers. Defendant claims that the

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subjective nature of the Ordinance's wording renders the Ordinance unconstitutional since it is impermissibly vague.

Criminal statutes should be clear and understandable in order to achieve two goals: notice of illegality and clear standards for enforcement. "[I]f a law is so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application," it is considered void and unenforceable." State v. Rogers, 308 N.J.Super. 59, 65, 705 A.2d 397 (App.Div.) (quoting Town Tobaccoist v. Kimmelman, 94 N.J. 85, 118, 462 A.2d 573 (1983)), certif. denied, 156 N.J. 385, 718 A.2d 1214 (1998) (internal citation omitted).

A municipal ordinance under review by a court enjoys a presumption of validity and reasonableness. First Peoples Bank of New Jersey v. Township of Medford, 126 N.J. 413, 418, 599 A.2d 1248 (1991). Municipal ordinances are liberally construed in favor of the municipality and are presumed valid. State v. Golin, 363 N.J.Super. 474, 481, 833 A.2d 660 (App.Div.2003). It is the burden of the party seeking to overturn the ordinance to prove otherwise. Id. at 481-82, 833 A.2d 660. "However, because municipal court proceedings to prosecute violations of ordinances are essentially criminal in nature, penal ordinances must be strictly construed." Id. at 482, 833 A.2d 660 (citing State, Tp. of Pensaiken v. Schaad, 160 N.J. 156, 171, 733 A.2d 1159 (1999)). A penal ordinance that fails to provide legally fixed standards and adequate guidelines for police and others who enforce the laws violates due process. Ibid. While the ordinance or statute does not have to be specific in all regards, it should be "afforded flexibility and reasonable brea[d]th," given the nature of the problem and the wide range of human conduct." State v. Stafford, 365 N.J.Super. 6, 15, 837 A.2d 1118 (App.Div.2003) (quoting Chez Sez VIII, Inc. v. Poritz, 297 N.J.Super. 331, 351, 688 A.2d 119 (App.Div.), certif. denied, 149 N.J. 409, 694 A.2d 194, cert. denied, 522 U.S. 932, 118 S.Ct. 337, 139 L.Ed.2d 262 (1997)).

The vagueness doctrine sets forth the principle that "the law must 'give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly.'" Ibid. (quoting Grayned v. City of Rockford, 408 U.S. 104, 108, 92 S.Ct. 2294, 2298, 33 L.Ed.2d 222, 227 (1972)). "To withstand a void-for-vagueness challenge, a penal ordinance must define the offense 'with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.'" Golin, supra, 363 N.J.Super. at 482-83, 833 A.2d 660 (quoting Kolender v. Lawson, 461 U.S. 352, 357, 103 S.Ct. 1855, 1858, 75 L.Ed.2d 903, 909 (1983)).

The governing body of every municipality may make, amend, repeal and enforce ordinances to preserve the public peace and order and to prevent disturbing noises. N.J.S.A. 40:48-1. In addition, any municipality may make, amend, repeal and enforce ordinances as it may deem necessary and proper for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants. N.J.S.A. 40:48-2.

Millstone Ordinance No. 3-15 provides, in relevant part:

3-15.1 Noise Prohibited. It shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others.

3-15.2 Definition of Noise. Without intending to limit the generality of subsection 3-15.1, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section:

a. Radios; Televisions; Phonographs. The playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of one hundred (100) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

[(emphasis added).]

Defendant contends that the language in Section 3-15.1 of the Ordinance is ambiguous. Defendant claims that the terms "loud," "unnecessary" and "unusual" are subjective and lack any objective component. Also unclear are the terms and phrases "likely to annoy," "disturb," "injure" or "endanger the comfort, repose, health, peace or safety of others." Further, defendant argues that the phrase "clearly audible" in the Ordinance is vague. We disagree.

In State v. Holland, 132 N.J.Super. 17, 21, 331 A.2d 626 (App.Div.1975), the defendant was found guilty of violating a noise ordinance, which read, in relevant part:

(a) The making, creation or permitting of any unreasonably loud, disturbing or unnecessary noise in the Village is hereby prohibited.

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MODEL DEP ORDINANCE		PROPOSED NUISANCE ORDINANCE	
Determining factor	Legal support for	DEP - DBA - no changes to mode	PLAINLY AUDIBLE -adaptive
Enforcement	Supported by case law	yes - train police as noise control officers	yes - train police as noise control officers
Violations/fines	Training	yes	Yes in proposal
Equipment	Training	Yes - cost is ? per officer	NONE
Ongoing training and equipment	Equipment	Yes - cost is ? per officer	NONE
Difficulty to understand the ordinance and	Ongoing training and equipment	Yes	NONE
Is Ag activity exempt	Difficulty to understand the ordinance and	High	Low
Ag ancillary activity	Is Ag activity exempt	Yes AG activities as defined by state are plowing fields or planting, harvesting, processing of Ag output	SAME
music allowed?	Ag ancillary activity	yes RTF protected - background live or recorded - secondary to the sale of agricultural product which is the main	SAME
CONCERTS	music allowed?	NOT RTF PROTECTED	SAME

What happens if just have a nuisance ordinance		CAN YOU HAVE A MODEL DEP AND HOW MANY MUNICIPALITIES HAVE A MODEL ORD.?		What is Best for Mendham Twp	Note:
any municipality without a model dep ordinance falls under the exact same ordinance which is administered by county board of health with same dba levels and enforcement at no cost to municipality		Yes and they don't conflict as Model is dba and nuisance is not DBA	only 89 of 566 municipalities have the model ord so about 16% - unknown buy likely the majority have a nuisance ordinance	Model seems dba oriented but also seems to be more for urban areas versus quiet rural areas	Twp needs a special event permit process for live music for date, time, parking, traffic mgt etc - for home owners/wedding and any commercial business/farm - 1-2 events a year
SAME	SAME	SAME	SAME	For decades the Nuisance ord. worked. Consultant feels with case study law and fines for violations it will be better than dba based	Twp needs a special event permit process for live music for date, time, parking, traffic mgt etc - for home owners/wedding and any commercial business/farm -

PROPOSED 9-13-21 Nuisance Noise Ordinance (some heading reference need reformatting but left for reference herein)

ORDINANCE NO. 13-2021
AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
AMENDING CHAPTER 229 "NOISE"

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MENDHAM, NEW JERSEY, AS FOLLOWS:

SECTION 1. Existing Chapter 229 entitled "NOISE" is hereby deleted in its entirety and replaced with the following new Chapter 229 entitled "Noise

Chapter 229. Noise

§ 229-1. Specific noise prohibitions.

- A. Unless exempted under the provisions of this article, no person shall cause to be made, directly or indirectly, any loud noise which disturbs, injures or endangers the health, comfort, safety or welfare of others within the Township of Mendham.
- B. The following specific acts are declared to be loud, disturbing and unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive:
- i) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck or other vehicle on any street, road or public place, except as a warning pursuant to the provisions of N.J.S.A. 33:3-69, a whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.
 - ii) Radio and television sets, phonographs, etc. The use of any sound production device in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with volume louder than is necessary for convenient hearing for the person or persons who are in the room, vehicle or close physical proximity in which such machine or any sound production device is operated and who are voluntary listeners thereto. The operation of any such sound production device so that it is plainly audible at a distance of 100 feet from the building, structure, vehicle or source where located shall be prima facie evidence of a violation of this section.
 - iii) Loudspeakers and amplifiers for advertising. The use of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising.
 - iv) Exhausts. The discharge into the open air of the exhaust of any internal-combustion engine except through an adequate muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - v) Construction or repairing of buildings. The erection (including 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 case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues, and which permit may be renewed for a period of three days or less while the emergency continues.
(Saturday/Sunday rules?)

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- vi) Schools, courts, churches. The creation of any excessive noise adjacent to any school, institution of learning, house of worship or judicial court while the same are in use, provided that conspicuous signs are displayed on the adjacent streets indicating that the same is a school, church or court street.£1 1
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

vii) Hawkers and peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

viii) Drums, bells and the like. The use of any drum, bell, horn, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise by any creation of noise or sound.

ix) Mobile loudspeakers. The use of mechanical loudspeakers or amplifiers on vehicles or aircraft for commercial advertising purposes.

x) Yelling, shouting and the like. Yelling, shouting, hooting, whistling or singing on the public streets, or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or any persons in the vicinity.

C. If any person who is not exempted under the provisions of this article shall cause to be made any of the noises prohibited under this article, and if said noises shall be proved to be in violation of the sound levels prescribed herein, said proof shall be sufficient to prove a violation of this article.

§ 229-2 Exceptions.

The prohibitions contained in this article shall not apply to persons:

- A. Who are engaged in the performance of any public or governmental function, such as the sounding of a church or school bell or a police, fire, ambulance, air raid or like disaster warning, alert or alarm, whether such alarm is for an actual emergency purpose or for practice or drilling purposes.
- B. Who are engaged in religious, charitable, recreational, civic or political activity by means of a sound truck or other amplifying device, for nonprofit purposes, provided that such persons shall have first filed with the Mayor and the Township Council of Mendham an application for a permit setting forth the sponsorship, date, hours and routes of such activity and the Mayor and Council shall have issued a permit after having ascertained that such activity is not in conflict, in terms of hours, route, traffic volume and like factors, with any other previously scheduled activity.
- C. Who are engaged in any activity specifically permitted or required by any ordinance, resolution, statute or governmental regulation
- D. (note: need an ordinance and permit process for special events for residents and businesses that allow exemption for certain day and hours – maybe 1 or 2 a year maximum for special events such as a backyard wedding or farm concert that would be exempt for that designated time)

§ 229-3. Additional remedy.

As an additional remedy, the maintenance or operation of any sound production device, instrument, vehicle or machinery in violation of any provision hereof which causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health, or peace of residents in the area shall

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be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

§ 229-5. Definitions

Noise Control OFFICER

Shall be any employee of Mendham Township designated as such but shall include Police Officers.

PLAINLY AUDIBLE

Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, any permanent, temporary or trailer sound producing equipment or the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The Noise Control Officer need not determine the title, specific words or the artist performing the song or the pitch or decibel levels of any range.

§ 229-11. Enforcement

- A. Violation of any provision of this article shall be cause for an enforcement document to be issued to the violator by the Noise Control. The recipient of an enforcement document shall be entitled to a hearing in the Municipal Court having jurisdiction to contest such action.
- B. Any person who violated any provision of this article shall be subject to a civil penalty for each offense of not more than \$500 for first violation, \$1,000 for second violation and \$2,000 for third violation during a calendar year. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.
- C. No provision of this article shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this article or from other law.

SECTION 2

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION 3

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4

This Ordinance shall take effect after final passage and publication pursuant to law.

INTRODUCED: 8/13/2021

ADVERTISED:

PUBLIC HEARING: 9/12/2021

ADOPTED:

ADVERTISED:

ATTEST:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

Maria F. Coppinger Township Clerk

Sarah Neibart, Mayor

12-9-12