

TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 22-038

1ST READING AUG. 16, 2022  
2ND READING & PUBLIC HEARING Sept. 20, 2022  
WITHDRAWN \_\_\_\_\_ LOST \_\_\_\_\_

DATE TO MAYOR \_\_\_\_\_  
DATE RESUBMITTED TO COUNCIL \_\_\_\_\_  
DATE EFFECTIVE \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

\_\_\_\_\_  
TOWNSHIP ATTORNEY

\_\_\_\_\_  
TITLE

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 311, NOISE, § 311-2, DEFINITIONS**

*Be It Ordained* by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Chapter 311, Noise, § 311-2, Definitions*, as amended and supplemented, be further amended and supplemented as follows:

**Chapter 311**

**NOISE**

**§ 311-1. Declaration of Findings and Policy**

.....

**§ 311-2. Definitions**

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance 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 of buildings or structures.

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**PLAINLY AUDIBLE**

Any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI 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 non-governmental entity.

**[PRIVATE]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 structure thereon that are owned, leased, or controlled by a governmental entity.

**EXPLANATION**

Matter UNDERLINED thus in this legislation is new matter.  
Matter contained in BRACKETS [thus] is to be omitted from the law.

**TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY**

**ORDINANCE**

No. **22-038**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, CHAPTER 311, NOISE, § 311-2, DEFINITIONS**

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**§ 311-3. Applicability**

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Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓					✓	ANTHONY P. CARABELLI, JR.						
PASQUALE "PAT" PAPERIO, JR.	✓				✓		PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						
CHARLES F. WHALEN	✓						CHARLES F. WHALEN						
NANCY PHILLIPS				✓			NANCY PHILLIPS						

X - Indicates Vote    A.B. - Absent    N.V. - Not Voting    ORD. - Moved    SEC. - Seconded

REJECTED \_\_\_\_\_

\_\_\_\_\_  
JEFFREY S. MARTIN, MAYOR

\_\_\_\_\_  
DATE

APPROVED \_\_\_\_\_

RECONSIDERED BY COUNCIL \_\_\_\_\_

\_\_\_\_\_  
OVERRIDE VOTE

AYE \_\_\_\_\_

NAY \_\_\_\_\_

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**EXPLANATION**    Matter UNDERLINED thus in this legislation is new matter.  
Matter contained in **BRACKETS [thus]** is to be omitted from the law.