

**ORDINANCE NO. 30-2020  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 3 “POLICE REGULATIONS”, ADDING SECTION 3-13 “PUBLIC NUISANCES” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, the Borough Code sets forth certain the policies, procedures, fees and regulations that apply to the Bloomingdale Police Department; and

**WHEREAS**, the Chief of Police of the Bloomingdale Borough Police Department, the Borough Council and the Borough Ordinance Committee have reviewed the current Code and determined that it is necessary to amend the Code to include section 3-13 to address ‘public nuisances’; and

**NOW THEREFORE BE IT ORDAINED**, by the Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, as follows:

**SECTION 1.** Chapter 3 “Police Regulations”, Section 3-13 “Public Nuisances” shall be added to read as follows:

**3-13.1 Definitions.**

As used in this Section the following terms shall have the meanings indicated.

*Noise Control Investigator (NCI).* Means an employee of the Borough of Bloomingdale that has not received noise enforcement training as specified in N.J.A.C. 7:29. A Noise Control Investigator may enforce ordinances that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

*Plainly Audible.* Means any sound that can be detected by 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 NCI need not determine the title, specific words or the artist performing the song.

*Real Property Line.* Means either (a) the vertical boundary that separates one parcel of property (i.e. lot and block) from another residential or commercial property; (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 as defined herein, the vertical or horizontal boundaries between the 2 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 is a building interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note: this definition shall

not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g. a strip mall).

*Sound Production Device.* Means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

### **3-13.2 Disturbing the Peace.**

a. Noise and Sound. It shall be unlawful for any person to make, cause or permit to be made, upon any premise owned, occupied or controlled by him/her or upon any public street within the Borough of Bloomingdale, 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, which is plainly audible and excessive across a real property line and unreasonably disturbs or interferes with the peace, comfort and repose of any resident. Sound production devices, as defined in this Section shall not be operated in a manner that disturbs the lives, comfort and peace of the residents. This shall include any other noise or sounds that are plainly audible and excessively loud, harsh or unusual in time and occurrence. Unusual time shall include, but not necessarily be limited to the hours between 10:00 p.m. and 7:00 a.m. on weekdays and between 11:00 p.m. and 9:00 a.m. on weekends.

b. Reserved.

### **3-13.3 Urinating or Defecating in Public, Semi-Public, or in the Public View.**

No person shall urinate or defecate in or upon any street, highway, road, alley, sidewalk, thoroughfare or in a public or semi-public place or in the public view, except within designated restrooms, or outdoors upon any private property without the consent of the property owner or lawful occupant. For the purposes of this Subsection only, "public place," "semi-public place" or "public view" is defined as a location where the prohibited conduct may reasonably be expected to be viewed or could be viewed by others.

### **3-13.4 Enforcement.**

The provisions of this Section shall be enforced by the Chief of Police or his/her designee. In addition, the Chief of Police or his/her designee are designated Noise Control Investigators as defined in this Section and are authorized to enforce the provisions of Chapter 3 Section 13.2, including but not limited to, times of day and/or distance determinations on public and/or private property and does not require the use of a sound level meter to make such determination.

### **3-13.5 Violations and Penalties.**

a. A separate offense shall be deemed committed on each day during or on which a violation occurred or continued.

b. Any person who shall violate or shall permit to be violated any of the terms or provisions of this Section shall, upon conviction, be liable to the penalty stated in Chapter 1 Section 1-5.

All other portions of this Section of the Code remain unchanged.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 4.** This law shall take effect immediately upon final passage, approval and publication as required by law.

**PUBLIC NOTICE**

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**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey held on August 18, 2020, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on September 1, 2020 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk’s Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

**Purpose/Summary of Ordinance No. 30-2020:**

To amend Chapter 3 “Police Regulation” of the code of the Borough of Bloomingdale to add section 3-13 “Public Nuisances” It has been recommended by the Borough’s Chief of Police, Council, and Ordinance Review Committee to include this section including: 3-13.1 Definitions, 3-13.2 Disturbing the Peace, 3-13.3 Urinating or Defecating in Public, Semi-Public, or in the Public View, 3-13.4 Enforcement, 3-13.5 Violations and Penalties.

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Breeanna Calabro, RMC  
Municipal Clerk

ATTEST:

BOROUGH OF BLOOMINGDALE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

\_\_\_\_\_  
Breeanna Calabro, Clerk

By: \_\_\_\_\_  
Jonathan Dunleavy, Mayor