

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 17-2024

**AN ORDINANCE AMENDING CHAPTER 132 OF THE
PEMBERTON TOWNSHIP CODE ENTITLED “NOISE” TO
INCLUDE “DISTURBANCES”**

WHEREAS, the Township Code of the Township of Pemberton (hereafter “Township Code”) at Chapter 132, entitled “Noise” recognizes excessive noise levels as a disturbance to the general peace, health and welfare of Township residents, guests, businesses or others; and

WHEREAS, there are certain other behaviors, not codified in the Township Code that also cause disturbances to Township residents and businesses; and

WHEREAS, the Township Administration recommends that Township Council approve changes to Chapter 132 of the Township Code to prohibit other unacceptable behaviors that cause disturbance to Township Residents and businesses;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Pemberton as follows:

Chapter 132 of the Township Code, entitled “Noise,” is hereby amended as follows (new language appears in underline; deleted language appears in ~~stricken~~):

Chapter 132 Noise and Disturbances

ARTICLE IV DISTURBANCES

§ 132-14 Loitering and panhandling; offensive language; gaming; indecent exposure; disturbing lawful assemblages.

No person shall loiter or panhandle in or upon any street, sidewalk or public place or in or about any public building so as to interfere with the free and unobstructed use thereof by the public, nor utter or make any loud, indecent, abusive or offensive language or noise thereon; nor engage in any game of chance for money or other valuable thing in such public place; nor make any indecent exposure or exhibition of any kind, or do or commit any disturbance or breach of the peace in or upon any street, avenue or place, public or private, in the Township of Pemberton; nor disturb by any violent, obscene, abusive or threatening language or disorderly or indecent behavior of any kind any lawful congregation or assembly of any kind or description in any place, lands or building within the limits of the Township of Pemberton.

For the purposes of this Section, “loitering” is defined as remaining in or near a place in an idle or apparently idle or aimless manner; dawdling; or remaining in a certain place such as a public street or public location for no apparent reason.

§ 132-15 Creating disturbances on private property.

No person shall indulge in and utter loud, offensive or indecent language in and about private property in such a manner or such a degree of loudness as to be injurious to public health or to interfere with or prevent the sleep or repose of any person or persons in the vicinity thereof or to disturb the peace and quiet of the neighborhood.

§ 132-16 Interference with retail or wholesale business practices.

No person shall purposely interfere with, hinder, disturb, or obstruct any retail or wholesale business operation, function or activity, nor shall any person purposely interfere with, hinder, disturb, or obstruct any retail or wholesale business owner, employee, agent, or personnel acting in furtherance of the interests of that business with the intent to prevent, undermine or otherwise obstruct the lawful retail or wholesale practices of that business. This section does not apply to conduct considered lawful competitive economic practices.

§ 132-17 Enforcement.

Article IV shall be enforced by the Pemberton Township Police Department; violation of the provisions hereof shall be assessed penalties consistent with § 132-13B.

IT IS FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PEMBERTON TOWNSHIP COUNCIL

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ORDINANCE NO. 17-2024**

NOTICE OF PUBLIC HEARING

**AN ORDINANCE AMENDING CHAPTER 132 OF THE
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The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on April 3, 2024 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on April 17, 2024 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:00 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST: *Amy P. Cosnoski*
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK