BOROUGH OF GARWOOD

UNION COUNTY, NEW JERSEY

MUNICIPAL BUILDING
403 SOUTH AVENUE
GARWOOD, NEW JERSEY 07027

ORDINANCE NO. 25-25

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 115 ENTITLED "MISCELLANEOUS OFFENSES", ARTICLE I, "DISORDERLY AND OFFENSIVE CONDUCT", ARTICLE II "VIOLATIONS AND PENALTIES", AND CREATING NEW ARTICLES XI "PUBLIC PROPERTY" AND XII "DISORDERLY CONDUCT".

WHEREAS, the Borough of Garwood (the "Borough") has previously adopted Chapter 115, which sets forth regulations and enforcement regarding inappropriate conduct in the Borough; and

WHEREAS, the Borough Council seeks to amend the Chapter with updated regulations, enforcement, and penalties; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Garwood that Chapter 115 (Miscellaneous Offenses), Article I (Disorderly and Offensive Conduct), Article II (Violations and Penalties) of the Borough Code of the Borough of Garwood is hereby amended and new Articles XI (Public Property) and Article XII (Disorderly Conduct) are created as follows (additions underscored, deletions ~~struck-through~~):

ARTICLE I
Disorderly and Offensive Conduct

§ 115-1. Public peace and good order.

~~A. Noise.~~

(1) Definitions. The following definitions shall apply to this section:

~~NOISE DISTURBANCE — Any sound that:~~

(a) ~~Endangers the safety or health of any person;~~

(b) ~~Disturbs a reasonable person of normal sensitivities; or~~

(c) ~~Endangers personal or real property~~

PERSON — Any individual, corporation, company, association, society, firm, partnership or other legal entity.

DISTURBANCE OF PEACE — Any conduct or behavior that causes or is likely to cause public inconvenience, alarm, or discomfort to the residents of a residential area, including but not limited to:

(a) Excessive noise. Engaging in loud, disruptive noise between the hours of 10 p.m. and 7 a.m. that disturbs the peace and quiet of residential properties. This includes, but is not limited to, loud music, shouting, vehicle noise, or the operation of machinery.

(b) Loud gatherings or parties. Hosting or participating in gatherings or parties in residential areas that produce excessive noise or disrupt the quiet enjoyment of

neighbors.

(c) Verbal altercations. Engaging in shouting, yelling, or the use of loud or offensive language in a manner that disturbs the peace and quiet of residents.

(d) Disorderly conduct. Any physical altercation, violent behavior, or disruptive conduct in residential areas, including any behavior that may result in the creation of a public disturbance.

(e) Animal-related disturbances. The continuous or excessive barking, howling, or other noise from domestic animals that causes a disturbance to neighbors, especially during nighttime hours.

(f) Disruptive vehicle activity. Operating vehicles, motorcycles, or other motorized transportation in a manner that causes excessive noise, such as revving engines, loud music, or racing in residential areas.

PROPERTY LINE — Either:

(a) The imaginary line that separates one parcel of real property from another; or

(b) The vertical or horizontal boundaries of a dwelling unit that is one in a multi-dwelling-unit building.

RESIDENTIAL PROPERTY — Property used for human habitation.

~~(2) Prohibited acts. No person shall perform or cause the following acts, or suffer, allow or permit the following acts, on any property owned or leased by said person or otherwise under said person's control:~~

(a) ~~Sound reproduction system. Operating, playing or permitting the operation or playing of any radio, television, phonograph, or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device.~~

(b) ~~Loudspeakers and public address systems. The using or operating of any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 7:00 a.m. weekdays, 8:00 a.m. Saturdays and 9:00 a.m. Sundays, such that the sound therefrom creates a noise disturbance across a residential property line.~~

(c) ~~Animals and birds. Owning, possessing, or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential property line (for the purpose of this section, a noise disturbance from a barking dog shall be defined as that created by a dog barking continually for 10 minutes or intermittently for 30 minutes unless provoked).~~

(2) Prohibited Conduct in Residential Areas:

(a) Excessive noise. Playing loud music, using loudspeakers, or making any other form of noise that disrupts the peace and tranquility of residential neighborhoods.

(b) Loud gatherings or parties. Hosting parties or gatherings that create excessive noise or disturbance beyond reasonable levels, particularly during the nighttime hours.

(c) Verbal disturbances. Engaging in shouting, arguing, or using profane or offensive language that disrupts the quiet enjoyment of the neighborhood.

(d) Physical altercations. Participating in fights or other physical disturbances that threaten public peace.

(e) Animal disturbances. Failing to control animals that produce continuous noise, including excessive barking or howling, which disturbs the peace of nearby residents.

(f) Vehicle noise. Operating motor vehicles, motorcycles, or any other transport in a manner that produces loud, disruptive noise in residential areas.

(3) Prohibited Conduct throughout the Borough of Garwood:

(a) Loading and unloading. Loading, unloading, opening, closing or other handling of newspapers, boxes, crates, bundles, containers, building materials, liquids, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form, or the compacting of refuse by persons engaged in the scavenging business, between the hours of 10:00 p.m. and 7:00 a.m. weekdays, 8:00 a.m. Saturdays and 9:00 a.m. Sundays, when the sound therefrom creates a noise disturbance across a residential property line.

(b) Standing motor vehicles. Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period of longer than five minutes in any hour while the vehicle is stationary within 150 feet of any residential property line between the hours of 10:00 p.m. and 7:00 a.m. weekdays, 8:00 a.m. Saturdays and 9:00 a.m. Sundays.

(c) Construction and demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating or demolition work between the hours of 10:00 p.m. and 7:00 a.m. weekdays, 8:00 a.m. Saturdays and 9:00 a.m. Sundays.

(d) Exhausts. Permitting or causing the discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or motor vehicle except through a muffler or other device which effectively prevents a noise disturbance.

(e) Yelling, shouting. Yelling, shouting, hooting, whistling or singing on the public streets, or within 150 feet of any residential property line, between the hours of 10:00 p.m. and 7:00 a.m. weekdays, 8:00 a.m. Saturdays and 9:00 a.m. Sundays.

(f) Horns. The sounding of a horn or warning device on any automobile, motorcycle, bus or other vehicle, except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger to persons driving other vehicles, or to persons upon the street. No person shall sound a horn or warning device on any automobile, motorcycle, bus or other vehicle which emits an unreasonable loud or harsh sound or for any unnecessary or unreasonable period of time.

(g) Equipment. The utilizing of any equipment, machine or other mechanical device between the hours of 10:00 p.m. and 7:00 a.m. weekdays, 8:00 a.m. Saturdays and 9:00 a.m. Sundays, when the sound therefrom creates a noise disturbance across a residential property line.

(4) Exceptions. The provisions of this article shall not apply to:

(a) Noncommercial public speaking and public assembly activity lawfully conducted on any public space or public right-of-way at any time other than between the hours of 10:00 p.m. and 7:00 a.m. weekdays, 8:00 a.m. Saturdays and 9:00 a.m. Sundays.

(b) Noise from municipally ~~sponsored~~ hosted celebrations or events.

(c) The emission of sound by any public entity or public utility in the performance of any emergency work to deliver essential services, including, but not limited to, water, gas, electricity, telephone, sewer facilities or public transportation facilities, or to remove fallen trees on public rights-of-way, or to abate life-threatening conditions.

(d) Emergency situations. Conduct that occurs as part of an emergency response by law enforcement, fire, medical, or other emergency personnel.

(e) Government-sanctioned events. Public events, festivals, or other activities that are permitted or licensed by the Borough or other governmental authorities and are subject to prior approval.

(f) Construction and maintenance. Noise resulting from necessary construction, repairs, or maintenance work, provided such activities occur during reasonable hours as defined by local code or ordinance. In the event of emergency circumstances, such as urgent repairs to essential infrastructure or public utilities, construction and maintenance work may take place outside of established hours to address immediate safety concerns or environmental hazards.

(g) Generators. The use of portable or standby generators is generally subject to restrictions to ensure the safety, noise control, and overall harmony of the community. However, the use of generators is permitted during officially declared states of emergency or other natural events when such equipment is necessary to provide adequate power to a structure. During these times, residents may operate generators to maintain essential services such as refrigeration, heating, cooling, or medical equipment. Once the emergency or event has passed and normal power is restored, generator use must cease in accordance with standard policy.

(5) Penalties for Violation

(a) First Offense. Any person found in violation of this ordinance shall be issued a citation and shall be subject to a fine not exceeding $250, and/or a written warning.

(b) Second Offense. Any person found in violation of this ordinance after having received a written warning or citation for a prior offense within 6 months shall be subject to a fine not exceeding $500 or imprisonment for up to 15 days, or both.

(c) Subsequent Offenses. For any person found in violation of this ordinance on 3 or more occasions within 12 months, the individual shall be subject to a fine not exceeding $1,000, imprisonment for up to 15 days, and may be subject to further legal action under applicable state or local laws.

(d) Court Action. Any person charged with violating this ordinance shall be entitled to a hearing before the Borough of Garwood Municipal Court or appropriate judicial authority.

(6) Enforcement

(a) The Garwood Police Department shall have the authority to enforce the provisions of this ordinance, including the issuance of citations, fines, and, when necessary, the arrest of individuals violating this ordinance.

(b) Law enforcement officers are authorized to respond to complaints from residents, investigate incidents of disturbance, and take immediate action to restore peace when necessary.

(7) Severability

If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in full force and effect.

ARTICLE II
Violations and Penalties

§ 115-4. Penalty.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be liable to a fine of not more than $1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The aforementioned penalties are applicable only to an Article in this Chapter which does not already have a specific penalty provision included within it.

§ 115-5. Continuing violations.

The imposition of a penalty, or penalties, for any violation of this chapter shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations forthwith, or within such reasonable times as prescribed by the Judge of the Municipal Court, but not exceeding 30 days. If said violations are not corrected within the time prescribed by the Court, then and in that event, the continued violation shall constitute a separate offense hereunder.

ARTICLE XI

Public Property

§ 115-37. Destruction of public property.

(1) Definitions. The following definitions shall apply to this section:

PERSON — Any individual, corporation, company, association, society, firm, partnership or other legal entity.

PUBLIC PROPERTY – Property owned, leased, or controlled by the Borough of Garwood, including but not limited to:

1. Streets, sidewalks and roadways.
2. Parks, recreational facilities, and playgrounds.

3. Buildings, structures, and other facilities owned by the Borough.
4. Public monuments, statues, and artwork.
5. Streetlights, traffic signs, and other traffic control devices.
6. Any other property, real or personal, owned by the Borough of Garwood.

(2) Prohibited Conduct. It shall be unlawful for any person, business, or entity to:

(a) Damage or deface public property by vandalism, graffiti, the destruction of physical structures, or any other act that results in the impairment, destruction, or alteration of public property.

(b) Tamper with or remove public property, including street signs, traffic control devices, park equipment, or other Borough-owned items.

(c) Destroy or alter public monuments, statues, artwork, or other cultural property owned by the Borough.

(d) Dump or dispose of materials, substances, or waste on public property that may cause damage or pose a hazard to public health, safety, or the environment.

(3) Penalties for Violation

(a) Civil Liability. Any person or entity found guilty of violating the provisions of this ordinance shall be responsible for the full cost of repairing, replacing, or restoring the damaged property, in addition to any fines or penalties imposed.

(b) Fines:

- First offense. A fine not exceeding $500 or imprisonment for up to 15 days, or both.
- Subsequent offenses. A fine not exceeding $1,000 or imprisonment for up to 30 days, or both.

(c) Restitution. In addition to any fines, the violator may be required to pay restitution for the actual damages caused, including the cost of materials, labor, and any other associated expenses incurred by the Borough in repairing the damaged property.

(d) Criminal charges. In cases where the damage is deemed severe, intentional, or part of an ongoing pattern of destructive behavior, the violator may be subject to criminal charges under applicable state or federal law, which may include additional fines and/or imprisonment.

(4) Enforcement

(a) The Garwood Police Department shall have the authority to enforce the provisions of this ordinance and to investigate incidents of public property damage.

(b) The Garwood Department of Public Works shall assist in assessing the damage to public property and determining the cost of repair or replacement.

(c) Law enforcement officers are authorized to issue citations, make arrests, and take any appropriate action to enforce this ordinance.

(5) Report of Damages

(a) Any resident or individual who witnesses or becomes aware of damage to public property is encouraged to report the incident to the Garwood Police Department or the Borough's Department of Public Works.

(b) The Borough will maintain a system for residents to report damages, and investigations will be conducted.

(6) Exceptions. This ordinance shall not apply to damage caused by:

(a) Authorized persons or entities performing maintenance, construction, or other activities as approved by the Borough, including work by the Borough's employees or contractors.

(b) Acts of God or other natural disasters, including but not limited to floods, hurricanes, tornadoes, earthquakes, or other weather-related events, provided such events were not caused by negligence or unlawful conduct.

(7) Severability

If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in full force and effect.

ARTICLE XII

Disorderly Conduct

§ 115-38. Disorderly conduct prohibited.

(1) Definitions. The following definitions shall apply to this section:

PERSON — Any individual, corporation, company, association, society, firm, partnership or other legal entity.

DISORDERLY CONDUCT — Any act, action, or behavior by a person that causes or is likely to cause public inconvenience, annoyance, alarm, or harm to the safety and well-being of others, including but not limited to:

(a) Fighting or violent behavior. Engaging in physical altercations or threats or violence that disturb the peace of others.

(b) Public intoxication. Being in a public place while under the influence of alcohol, drugs, or any controlled substance, to the extent that such behavior poses a danger to oneself or others.

(c) Excessive noise. Engaging in loud, unreasonable noise that disrupts public

peace or the quiet enjoyment of public spaces or residential areas.

(d) Disturbing the peace. Engaging in conduct that unreasonably disturbs or interferes with others' ability to enjoy public spaces, including through the use of offensive language, gestures, or threats.

(e) Obstruction of public places. Blocking or obstructing pedestrian or vehicular traffic in a manner that disrupts the normal flow of movement or creates a safety hazard.

(2) Prohibited Conduct. It shall be unlawful for any person to engage in disorderly conduct as defined in the Definitions section within the limits of the Borough of Garwood. Specifically, no person shall:

(a) Engage in any form of fighting, physical altercation, or violent behavior in public spaces.

(b) Intoxicate themselves to the point of endangering their own safety or the safety of others in public spaces.

(c) Produce excessive, unreasonable, or disruptive noise in public places.

(d) Use offensive, profane, or vulgar language in a manner that disturbs or disrupts public peace, particularly when directed at individuals or groups.

(e) Obstruct or impede the normal flow of traffic, whether pedestrian or vehicular, in a public place.

(3) Penalties for violation. Any person who violates the provisions of this ordinance shall be subject to the following penalties:

(a) A fine not exceeding $500 for a first offense.

(b) A fine not exceeding $1,000 or imprisonment for up to 15 days for subsequent offenses.

(c) If the conduct results in injury to another person or property damage, the violator may be subject to additional criminal charges and penalties as provided by applicable state law.

(4) Enforcement

(a) The Garwood Police Department shall have the authority to enforce the provisions of this ordinance, including the issuance of citations, fines, and, when necessary, the arrest of individuals violating this ordinance.

(b) Law enforcement officers are authorized to respond to complaints from residents, investigate incidents of disturbance, and take immediate action to restore peace when necessary.

(5) Severability

If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, the remainder of the ordinance shall remain in full force and effect.

BE IT 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

BE IT 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

BE IT FURTHER ORDAINED, that this Ordinance shall take effect after final passage and publication in accordance with applicable law.

☐ Rejected ☐ Approved

_____ _____
Jen Blumenstock, Mayor Date

Reconsidered by Council _____Override Vote Yes ___ No ___

DATE OF INTRODUCTION:
DATE OF ADOPTION:

RECORDED VOTE OF COUNCIL													
	Date:					**Date:**					**Date:**		
	First Reading/Introduction					**Final Reading/Adoption**					**Tabled**		
Council Members	**M**	**S**	**Yay**	**Nay**	**N V**	**Ab**	**M**	**S**	**Yay**	**Nay**	**N V**	**Ab**	**M**	**S**	**Yay**	**Nay**
K. Boto																
S. Foley																
V. Kearney																
M. Lazarow																
C. Padusniak																
C. Nolde																
✓- Indicates Vote	***NV: Not Voting/Abstain***					***AB: Absent***			***M: Motion***			***S: Seconded***				

CLERK CERTIFICATION

I, Patricia Vazquez, Acting Borough Clerk of the Borough of Garwood, County of Union do hereby certify that the foregoing Ordinance was introduced at a Regular Meeting of the Borough of Garwood held on Thursday, September 25, 2025, and thereafter duly advertised in the legal newspaper of the Borough of Garwood at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on _____, _____, 2025, at which time any person interested therein will be given an opportunity to be heard.

_____
Patricia Vazquez, Acting Borough Clerk

Notice is hereby given that the foregoing Ordinance 25-25 was finally adopted at a meeting of the Borough of Garwood held on _____, _____, 2025 at 7:00 pm in the Borough Municipal Building, 403 South Avenue, Garwood, New Jersey 07027.

_____
Patricia Vazquez, Acting Borough Clerk