

Chapter 142

NOISE

[HISTORY: Adopted by the Township Council of the Township of Stafford 6-18-1985 by Ord. No. 85-51; amended in its entirety 1-20-1998 by Ord. No. 98-07. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 60.

Peace and good order — See Ch. 153.

Regulation of basketball — See Ch. 63.

Unlicensed vehicles — See Ch. 203.

Parks — See Ch. 151.

Zoning — See Ch. 211.

§ 142-1. Findings; policy.

- A. Whereas, excessive noise is a serious hazard to the public health and welfare and the quality of life; and a substantial body of science and technology exists by which excessive noise may be substantially abated; and the people have a right to and should be ensured an environment free from noise that may jeopardize their health or welfare or degrade the quality of life; and the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy; and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and the peace and quiet of the inhabitants of the Township of Stafford.
- B. Now, therefore, it is the policy of the Township of Stafford to prevent excessive sound that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life. This chapter shall apply to the control of sound originating from sources within the Township of Stafford.

§ 142-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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 gases 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 Stafford Township police officer and/or code enforcement officer who has received noise enforcement training and is currently certified in noise enforcement. The officer 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 distance 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.

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

§ 142-3. Applicability.

- A. This chapter applies to sound from the following property categories:

- (1) Industrial facilities.
- (2) Commercial facilities.
- (3) Public service facilities.
- (4) Community service facilities.
- (5) Residential properties.
- (6) Multi-use properties.
- (7) Public and private rights-of-way.
- (8) Public spaces.
- (9) Multi-dwelling unit buildings.

- B. This chapter applies to sound received at the following property categories:

- (1) Commercial facilities.
- (2) Public service facilities.
- (3) Community service facilities.
- (4) Residential properties.
- (5) Multi-use properties.
- (6) 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.

§ 142-4. Noise control officers.

- A. It shall be the duty and the responsibility of a properly certified Stafford Township police officer or code enforcement officer to enforce the provisions of this chapter. 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 to the procedures set forth in § 142-5C and D of this chapter and with the definition of "real property line" as contained herein.
- C. Noise control officers shall have the power to:
- (1) Coordinate the noise control activities of all departments in the Township of Stafford and cooperate with all other public bodies and agencies to the extent practicable.
 - (2) Review the actions of the Township of Stafford and advise of the effect, if any, of such actions on noise control.
 - (3) Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this chapter.
 - (4) Investigate and pursue possible violations of this chapter for sound levels which equal or exceed the sound levels set forth in Tables I and II,¹ when measured at a receiving property located within the designated jurisdiction of the noise control officer, in accordance with § 142-7 below.
 - (5) Cooperate with noise control officers of adjacent municipalities in enforcing one another's municipal noise ordinances.

§ 142-5. Maximum permissible sound levels.

- A. No person shall cause, suffer, allow or permit the operation of any source of sound on any source property listed in § 142-3A 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 II² 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.
- B. When measuring total sound or residual sound within a multiuse 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

1. Editor's Note: Tables I and II are included in § 142-5D.

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(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 multidwelling 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 a 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.

(1) Table I, Maximum Permissible A-Weighted Sound Levels.

- (a) No person shall cause, suffer, allow or permit the operation of any source of sound on any source property listed in § 142-3A above in such a manner as to create a sound level that equals or exceeds the sound levels listed below:

[1] Outdoors.

	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	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours
Maximum A-weighted sound level standard (dB)	65	50	65

[2] Indoors.

	Receiving Property Category		
	Residential Property or Residential Portion of a Multi-Use Property	Commercial Facility*, or Nonresidential Portion of a Multi-use Facility	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours
Maximum A-weighted sound level standard (dB)	55	40	55

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

(2) Table II.³

§ 142-6. Restricted uses and activities.

- A. Except as provided in Subsection C below, the provisions of this chapter shall not apply to the exceptions listed at N.J.A.C. 7:29-1.4.
- B. Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II, except as provided for in Subsection C below.
- C. Notwithstanding the provisions of Tables I and II,⁴ the following standards shall apply to the activities or sources of sound set forth below:
 - (1) Noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I and II. 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 do not apply to noncommercial or nonindustrial power tools and landscaping and yard maintenance equipment.
 - (2) 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 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 or federal holidays, unless such activities can meet the limits set forth in Tables I and II. In addition, commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work,

3. Editor's Note: Table II, Maximum Permissible Octave Band Sound-Pressure Levels in Decibels, can be found at the end of this chapter.

4. Editor's Note: Table I and II are included in § 142-5D.

utilized on commercial or industrial property shall meet the limits set forth in Tables I and II between the hours of 10:00 p.m. and 7:00 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 do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.

- (3) 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.
- (4) Motorized snowblowers, snow throwers and lawn equipment with attached snowplows shall be operated at all times with a muffler. At all times, the limits set forth in Tables I and II do not apply.
- (5) 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. At all times, the limits set forth in Tables I and II do not apply.
- (6) 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.
- (7) 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.
- (8) Self-contained, portable, hand-held 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.
- (9) 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 § 142-5B and C.
- (10) Generators may only be "exercised" or operated for maintenance purposes between the hours of 9:00 a.m. and 5:00 p.m. on Mondays through Fridays. **[Added 11-24-2020 by Ord. No. 2020-37]**

§ 142-7. Enforcement.

- A. Violation of any provision of this chapter 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 a Municipal Court having jurisdiction to contest such action.

- B. Any person who violates any provision of this chapter shall be subject to a civil penalty for each offense of not more than \$1,000. 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 chapter 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 chapter or from other law.

§ 142-8. Severability; repealer.

- A. If any provision or portion of a provision of this chapter is held to be unconstitutional, preempted by federal or state law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- B. All ordinances or parts of ordinances which are inconsistent with any provisions of this chapter are hereby repealed as to the extent of such inconsistencies.