

## Chapter 287

### NOISE

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**[HISTORY: Adopted by the City Council of the City of Rahway 7-9-1984 by Ord. No. A-12-84 as Ch. 146, Art. V, of the 1984 Code; amended in its entirety 7-13-1998 by Ord. No. O-22-98 . Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Amusements, exhibitions and performances — See Ch. 137.

Public health nuisances — See Ch. 291..

Headphones — See Ch. 253.

Peace and good order — See Ch. 307.

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#### § 287-1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this chapter have the same meanings as those defined in N.J.A.C. 7:29.

**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 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. 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
- B. A municipality with a department-approved noise control ordinance and the employee has received noise enforcement training and is currently certified in noise enforcement. The employee 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 facilities. 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 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 interface 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.

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

### **§ 287-2. 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; and
- (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; and
- (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.

### **§ 287-3. Declaration of findings and policy.**

- A. Whereas, excessive sound is a serious hazard to the public health, welfare, safety and the quality of life; and whereas, a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas, the people have a right to, and should be ensured of, an environment free from excessive sound; now, therefore, it is the policy of the City of Rahway to prevent excessive sound that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life.
- B. This chapter shall apply to the control of sound originating from sources within the City of Rahway.

### **§ 287-4. Noise control officers.**

- A. The provisions of this chapter shall be enforced as applicable, by either noise control officers or any law enforcement officer empowered to enforce the laws of the State of New Jersey. All provisions which require the measurement of sound levels by the use of a sound level measurement device or other similar device shall be enforced only by noise control officers. 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 is 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 § 287-5B and C 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 City of Rahway and cooperate with all other public bodies and agencies to the extent practicable;
  - (2) Review the actions of the City of Rahway 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,<sup>1</sup> when measured at a receiving property located within the designated jurisdiction of the noise control officer, in accordance with § 287-7 below;
  - (5) Cooperate with noise control officers in adjacent municipalities in enforcing one another's municipal noise ordinances.

**§ 287-5. 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 § 287-2A 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 II 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 multi-use 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 (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 multi-dwelling-unit 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. Impulsive sound shall not equal or exceed 80 decibels at all times.
- (1) Table I. No person shall cause, suffer, allow, or permit the operation of any source of sound on

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1. Editor's Note: Tables I and II are located within § 287-5.

any source property listed in § 287-2A above in such a manner as to create a sound level that equals or exceeds the sound levels listed below:

**TABLE I, MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS**

(a) Outdoors.

<b>Receiving Property Category</b>	<b>Residential Property, or Residential Portion of a Multi-Use Property</b>	<b>Commercial Facility, Public Service Facility, Nonresidential Portion of a Multi-Use Property, or Community Service Facility</b>
Time	7:00 a.m. - 10:00 p.m./ 10:00 p.m. - 7:00 a.m.	24 hours
Maximum A-Weighted Sound Level Standard (dB)	65/50	65

(b) Indoors.

<b>Receiving Property Category</b>	<b>Residential Property, or Residential Portion of a Multi-Use Property</b>	<b>Commercial Facility* or Nonresidential Portion of a Multi-Use Property</b>
Time	7:00 a.m. - 10:00 p.m./ 10:00 p.m. - 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 commercial facility that is producing the sound.

(2) Table II.

**TABLE II, MAXIMUM PERMISSIBLE OCTAVE BAND SOUND PRESSURE LEVELS IN DECIBELS**

- (a) No person shall cause, suffer, allow or permit the operation of any source of sound on any source property listed in § 287-2A above in such a manner as to create a sound pressure level that equals or exceeds the sound levels listed below in one or more octave bands.
- (b) When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus two dB in the bands containing the principal source frequencies, discontinue the measurements.

<b>Receiving Property</b>	<b>Residential Property, or Residential Portion of a Multi-Use Property</b>		<b>Residential Property, or Residential Portion of a Multi-Use Property</b>	
	<b>OUTDOORS Octave Band Sound Pressure Level (dB)</b>	<b>OUTDOORS Octave Band Sound Pressure Level (dB)</b>	<b>INDOORS Octave Band Sound Pressure Level (dB)</b>	<b>INDOORS Octave Band Sound Pressure Level (dB)</b>
<b>Octave Band Center Frequency (Hz)</b>	<b>7:00 a.m. - 10:00 p.m.</b>	<b>10:00 p.m. - 7:00 a.m.</b>	<b>7:00 a.m. - 10:00 p.m.</b>	<b>10:00 p.m. - 7:00 a.m.</b>
31.5	96	86	86	76
63	82	71	72	61
125	74	61	64	51
250	67	53	57	43
500	63	48	53	38
1,000	60	45	50	35
2,000	57	42	47	32
4,000	55	40	45	30
8,000	53	38	43	28

<b>Receiving Property</b>	<b>Commercial Facility, Public Service Facility, Nonresidential Portion of a Multi- Use Property or Community Service Facility</b>	<b>Commercial Facility*, or Non- residential Portion of a Multi-Use Property</b>
<b>Octave Band Center Frequency (Hz)</b>	<b>OUTDOORS Octave Band Sound Pressure Level (dB)</b>	<b>INDOORS Octave Band Sound Pressure Level (dB)</b>
	<b>24 Hours</b>	<b>24 Hours</b>
31.5	96	86
63	82	72
125	74	64
250	67	57

500	63	53
1,000	60	50
2,000	57	47
4,000	55	45
8,000	53	43

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

**§ 287-6. Restricted uses and activities.**

A. Exceptions.

- (1) Except as provided in Subsection B below, the provisions of this chapter shall not apply to the exceptions listed at N.J.A.C. 7:29-1.4.
- (2) Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II,<sup>2</sup> except as provided for in Subsection B below.

B. Notwithstanding the provisions of Tables I and II, 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, 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

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2. Editor's Note: Tables I and II are included in § 287-5.

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 snow plows 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 as to be plainly audible at a distance of 50 feet in any direction from the operator 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 Tables I and Table II shall be prohibited between residential units within the same multi-dwelling-unit building. Measurements shall be taken indoors as per § 287-5B and C.

**§ 287-7. Enforcement; violations and penalties.**

- A. Violations 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 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 \$3,000. 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 any other law.