Township of North Brunswick, NJ
Tuesday, March 31, 2015

Chapter 238. PEACE AND GOOD ORDER

Article II. Noise

§ 238-4. Title.

This Article may be cited as the "Noise Control Ordinance of the Township of North Brunswick."

§ 238-5. Findings; scope.

A. Whereas, excessive sound is a serious hazard to the public health, welfare, safety and the quality of life; and whereas 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 an environment free from excessive sound, now, therefore, it is the policy of Township of North Brunswick to prevent excessive sound that may jeopardize the health, welfare or safety of the citizens or degrade the quality of life.

B. This Article shall apply to the control of sound originating from stationary sources within the limits of the Township of North Brunswick.

§ 238-6. Definitions.

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

COMMERCIAL AREA
A group of commercial facilities and the abutting public rights-of-way and public spaces.

COMMERCIAL FACILITY
Any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

A. Banking and other financial institutions.

B. Dining establishments.

C. Establishments for providing retail services.

D. Establishments for providing wholesale services.

E. Establishments for recreation and entertainment.

F. Office buildings.

G. Transportation.

H. Warehouses.

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration or similar actions, but excluding demolition of buildings or structures.

DECIBEL (dB)

The practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

DEMOLITION

Any dismantling, intentional destruction or removal of buildings or structures.

EMERGENCY WORK

Any work or action necessary to deliver essential 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 or abating lifethreatening conditions.

IMPULSIVE SOUND

Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include but are not limited to explosions, drop-forge impacts, bird-controlling devices (clackers) and the discharge of firearms.

INDUSTRIAL FACILITY

Any activity and its related premises, property, facilities or equipment involving the fabrication, manufacture or production of durable or nondurable goods.

MOTOR VEHICLE

Any vehicle that is propelled or drawn on land by an engine or motor.

MUFFLER

A sound-dissipative device or system for abating the sound of escaping gasses of an internal combustion engine.

MULTI-DWELLING-UNIT BUILDING

Any building wherein there are two or more dwelling units.

NOISE

Any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the state or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

NOISE CONTROL ADMINISTRATOR

The noise control officer designated as the official liaison with all municipal departments, empowered to grant permits for variances.

NOISE CONTROL OFFICER

An officially designated employee of the municipality, of a group of municipalities or of the county, trained in the measurement of sound and empowered to issue a summons for violation of this Article.

NOISE DISTURBANCE

Any sound that endangers the safety or health of any person; disturbs a reasonable person of normal sensitivities; or endangers personal or real property.

PERSON

Any individual, corporation, company, association, society, firm, partnership, joint-stock company, the state or any political subdivision, agency or instrumentality of the state.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk or alley that is leased, owned 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 an imaginary line including its vertical extension that separates one parcel of realty property from another or the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling-unit building.

RESIDENTIAL AREA

A group of residential properties and the abutting public rights-of-way and public spaces.

RESIDENTIAL PROPERTY

Property used for human habitation, including but not limited to:

A. Private property used for human habitation.

B. Commercial living accommodations and commercial property used for human habitation.

C. Recreational and entertainment property used for human habitation.

D. Community service property used for human habitation.

SOUND LEVEL

The sound pressure level measured in decibels with a sound level meter set for A-weighting; sound level is expressed in dBA.

SOUND LEVEL METER

An instrument used to measure sound level and which conforms to Type 1 or Type 2 standards as specified by American National Standards Institute (ANSI) Specification S1.4-1971.

WEEKDAY

Any day, Monday through Friday, that is not a legal holiday.

§ 238-7. Enforcement.

The provisions of this Article shall be enforced by the Code Enforcement Officer and the Police Department.

§ 238-8. Powers of Code Enforcement Officer.

The Code Enforcement Officer shall have the power to:

A. Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable.

B. Review the actions of other municipal departments and advise such departments of the effect, if any,

of such actions on noise control.

C. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this Article.

D. Grant permits for variances according to the provisions of § **238-10.6**, provided that the variances are consistent with regulations concerning noise control promulgated by the New Jersey Department of Environmental Protection, N.J.A.C. 7:29.

§ 238-9. Qualifications of noise control officers.

A person shall be qualified to enforce noise controls if the person has satisfactorily completed any of the following:

A. The Community Noise - Short Course offered by the Department of Environmental Science of Cook College, Rutgers, the State University;

B. A program of tutoring and on-the-job training offered by the New Jersey Department of Environmental Protection, Office of Noise Control, to its employees; or

C. Education or experience or a combination thereof certified by the above Department as equivalent to the provisions of Subsections **A** or **B** of this section.

§ 238-10. Administrative guidelines for noise measurement.

Noise measurements shall be taken according to procedures specified by N.J.A.C. 7:29B, except as provided in § **238-10.2B**.

§ 238-10.1. Duties and responsibilities of other departments.

A. All departments and agencies of the Township of North Brunswick shall carry out their programs according to law and shall cooperate with the Code Enforcement Officer and the Police Department in the implementation and enforcement of this Article.

B. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the Code Enforcement Officer prior to the approval of such projects to ensure that such activities comply with the provisions of this Article.

§ 238-10.2. Maximum sound levels; procedure for measurement.

A. No person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth in Table I[1] when measured at or within the real property line of the receiving property, except as provided in Subsection **B**.
[1]: *Editor's Note: Table I is included at the end of this chapter.*

B. When measuring noise within a dwelling unit of a multi-dwelling-unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room.

§ 238-10.3. Exemptions from sound level limits.

The following are exempt from the sound level limits of Table I[1]:

A. Noise from domestic power tools, lawn mowers and agricultural equipment when operated with a muffler between the hours of 7:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays, provided that they produce less than 85 dBA at or within any real property line of a residential property.

B. Sound from church bells and church chimes when a part of a religious observance or service.

C. Noise from construction activity, provided that all motorized equipment used in such activity is equipped with functioning mufflers, except as provided in Chapter **149**, Construction Work Restrictions, of the Code of the Township of North Brunswick.

D. Noise from snowblowers, snow throwers, and snowplows when operated with a muffler for the purpose of snow removal.

E. Noise from stationary emergency signaling devices that conforms to the provisions of N.J.A.C. 7:29.

F. Noise from an exterior burglar alarm of any building or motor vehicle, provided that such burglar alarm shall terminate its operation within 15 minutes after it has been activated.

[1]: *Editor's Note: Table I is included at the end of this chapter.*

§ 238-10.4. Prohibited acts.

A. No person shall cause, suffer, allow or permit to be made verbally or mechanically any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

B. No person shall cause, suffer, allow or permit the following acts:

(1) Sound reproduction systems. 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.

(2) Loudspeakers and public address systems. Using or operating of any loudspeaker, public address system or similar device between the hours of 8:00 p.m. and 8:00 a.m. in the following day, such that the sound therefrom creates a noise disturbance across a residential real property line.

(3) 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 real 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).

(4) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects, 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 business of scavenging or garbage collection, whether private or municipal, between the hours of 8:00 p.m. and 7:00 a.m. the following day except by permit, when the sound therefrom creates a noise disturbance across a residential real property line.

(5) 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 in which the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within 150 feet (46 meters) of a residential area between the hours of 8:00 p.m. and 8:00 a.m. of the following day.

§ 238-10.5. Nonapplicability.

A. The provisions of this Article shall not apply to:

(1) The emission of sound for the purpose of alerting persons to existence of an emergency except as provided in § **238-10.3E** or **F**;

(2) The emission of sound in the performance of emergency work; or

(3) The emission of sound in situations within the jurisdiction of the federal Occupational Safety and Health Act.

B. Noise from municipally sponsored or approved celebrations or events shall be exempt from the provisions of this Article.

§ 238-10.6. Variances.

A. Any person who owns or operates any stationary noise source may apply to the Code Enforcement Officer for a variance from one or more of the provisions of this Article. Applications for a permit of variance shall supply information, including but not limited to:

(1) The nature and location of the noise source for which such application is made.

(2) The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his/her client or the public if the permit of variance is not granted.

(3) The nature and intensity of noise that will occur during the period of the variance.

(4) The section or sections of this Article for which the permit variance shall apply.

(5) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.

(6) A specific schedule of noise control measures which shall be taken to bring the source into compliance with this Article within a reasonable time.

B. Failure to supply the information required by the Code Enforcement Officer shall be cause for rejection of the application.

C. A copy of the permit of variance must be kept on file by the Municipal Clerk for public inspection.

D. The Code Enforcement Officer shall charge the applicant a fee of $25 to cover expenses resulting from the processing of the permit of variance application.

E. The Code Enforcement Officer may, at his/her discretion, limit the duration of the permit of variance, which shall be no longer than one year. Any person holding a permit of variance and requesting an extension of time shall apply for a new permit of variance under the provisions of this section.

F. No variance shall be approved unless the applicant presents adequate proof that noise levels occurring during the period of the variance will not constitute a danger to public health; and compliance with

this Article would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.

G. In making the determination on granting a variance, the Code Enforcement Officer shall consider:

(1) The character and degree of injury to or interference with the health and welfare or the reasonable use of property which is caused or threatened to be caused.

(2) The social and economic value of the activity for which the variance is sought.

(3) The ability of the applicant to apply best practical noise control measures.

H. The permit of variance may be revoked by the Code Enforcement Officer if the terms of the permit of variance are violated.

I. A variance may be revoked by the Code Enforcement Officer if there is:

(1) Violation of one or more conditions of the variance;

(2) Material misrepresentation of fact in the variance application; or

(3) Material change in any of the circumstances relied upon by the Code Enforcement Officer in granting the variance.

§ 238-10.7. Violation and penalties.

A. Issuance of summons. Violation of any provision of this Article shall be cause for a summons to be issued by the Code Enforcement Officer.

B. Abatement orders.

(1) Except as provided in Subsection B(2)(b), in lieu of issuing a summons as provided in Subsection **A**, the Code Enforcement Officer may issue an order requiring abatement of any source of sound alleged to be in violation of this Article within a reasonable time period and according to guidelines which the Code Enforcement Officer may prescribe.

(2) An abatement order shall not be issued if any person willfully or knowingly violates any provision of this Article or if the Code Enforcement Officer has reason to believe that there will not be compliance with the abatement order.

C. Penalties.

(1) Any person who violates any provision of this Article shall be subject to a penalty for each offense of not more than $500, except as provided in Subsection **C(2)**.

(2) Any person who willfully or knowingly violates any provision of this Article shall be subject to a penalty for each offense of a sum of not less than $25 and not more than $500.

(3) If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

§ 238-10.8. Construal of provisions.

No provision of this Article 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 Article or from other law.