

ORDINANCE BH-2-78

**AN ORDINANCE TO CONTROL NOISE WITHIN THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS, NEW JERSEY**

WHEREAS, excessive noise is a serious hazard to the public health and welfare, safety, and the quality of life;

WHEREAS, people have a right to and should be ensured an environment free from excessive sound; and

WHEREAS, the Noise Control Act of 1971, N.J.S. 13:1G-1 and following, authorizes municipal boards of health, subject to the approval of the New Jersey Department of Environmental Protection, to adopt ordinances regulating noise within their jurisdictions.

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Township of Chatham in the County of Morris, New Jersey, as follows:

ARTICLE 1. SHORT TITLE

This ordinance shall be known and cited as the “Noise Control Ordinance of the Township of Chatham.”

ARTICLE 2. DEFINITIONS

For purposes of this ordinance the following words or terms shall have the meanings set forth in this Article. All terminology not defined in this Article shall have the meaning ascribed in applicable publications of the American National Standards Institute (ANSI) or its successor body.

2.01 **Construction**. Any site preparation, excavation, grading, assembly, erection, paving, substantial repair, alteration or similar action, but excluding demolition, for or of any structures, utilities, public or private rights of way or other property.

2.02 **Demolition**. Any dismantling, intentional destruction or removal of structures, utilities, public or private rights of way or other property.

2.03 **Motor Vehicle**. Any vehicle (except an interstate commercial carrier) which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, tractors, motorcycles, motor scooters, minibikes, go-carts, mopeds, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.

2.04 **Noise**. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological physiological effect on humans.

2.05 **Noise Disturbance**. Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs the comfort or repose of a reasonable person of normal sensitivities.

2.06 **Noise Sensitive Zone**. Any property devoted to one or more of the following uses: school, church, library open to the public, hospital, nursing home, professional practice, or public or private offices.

2.07. **Person**. Any individual, association, partnership or corporation, and any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State or Federal agency not associated with national defense.

2.08 **Real Property Boundary**. Any imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

2.09 Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity or frequency.

2.10 Sound Level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

2.11 Sound Level Meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels and meets ANSI S-1.4.

2.12 Sound Pressure. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space as produced by sound energy.

ARTICLE 3. NOISE DISTURBANCES PROHIBITED

3.01 General Prohibition. No person shall within the Township of Chatham unreasonably make, continue, or cause to be made or continued, any noise disturbance across a residential real property boundary or within a noise sensitive zone.

3.02 Specific Noise Prohibitions . Without in any way limiting or affecting the provisions of Section 3.01, the following acts, and the causing thereof, are specifically declared to be in violation of this ordinance:

a. Noises Associated with Motor Vehicles.

(1) Horns. The sounding of any horn or warning device on any motor vehicle except when required by law, or when necessary to give timely warnings of the approach of the motor vehicle or as a warning of impending danger to persons driving other motor vehicles or to persons upon a street. The sounding of any horn or warning device on any motor vehicle which emits an unreasonably loud or harsh sound. The sounding of any horn or warning device on any motor vehicle for any unnecessary or unreasonable period of time.

(2) Mufflers. The operating of a motor vehicle unless it is equipped with a muffler or other sound dissipative device in good working order and in constant operation, which muffler or device effectively prevents loud or explosive noises from the motor vehicle and regardless of where operated meets any and all requirements of State law applicable to the motor vehicle.

(3) Commercial Transport. The making of excessive, unnecessary and avoidable noises in the operation of any motor vehicle.

(4) Loading and Unloading. Creating loud, excessive and unnecessary noise in connection with the loading or unloading of any motor vehicle or in the opening or destruction of bales, boxes, crates or containers delivered by any motor vehicle.

(5) Refuse Collection. Collecting, loading or transporting garbage, trash, cans, bottles or other refuse by persons engaged in the business of garbage or refuse collection, whether private or municipal, at any time on Sundays or any time other than between the hours of 7:00 a.m. or 7:00 p.m., prevailing time, on any other days.

(6) Miscellaneous Night Noises. The warming up or idling of any motor vehicle, and the unnecessary and repeated idling, acceleration and deceleration or starting and stopping of any motor vehicle, between the hours of 11:00 p.m. and 7:00 a.m. the following day, prevailing time.

b. Construction or Demolition Work. The carrying on of any construction or demolition work at any time on Sundays, or at any time other than between the hours of 8:00 a.m. and 6:00 p.m., prevailing time, on Saturdays, or between the hours of 7:00 a.m. and 6:00 p.m., prevailing time, on any other days.

The provisions of this subsection shall not apply to interior or exterior repairs or interior alterations when the work is actually performed entirely by a homeowner or occupant between the hours of 8:00 a.m. and 10:00 p.m., prevailing time, provided that the work is done without creating any noise disturbance across a residential real property boundary.

The provisions of this subsection shall not apply to specific construction work in case of an emergency declared by the Township Engineer or Township Superintendent of Public Works as to a public works project or in case of an emergency declared by the Township Construction Official as to a private project, provided that any such declaration is based upon a finding that the public health and safety will be impaired unless specific work is performed during the times prohibited by this subsection.

c. Domestic Power Tools. Operating any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device outdoors in residential areas at any time other than between the hours of 8:00 a.m. and 10:00 p.m. prevailing time, on Saturdays and Sundays, or between the hours of 7:00 a.m. and 10:00 p.m., prevailing time, on any other days.

d. Motors, Engines, Fans and Pumps. Operating any motors, engines, fans, blowers or pumps, including by way of example but not limitation, air conditioning systems, compression devices and pool filtering systems, which create a noise disturbance across a residential real property boundary or within a noise sensitive zone.

e. Amplifiers, Loudspeakers, Radios, Television Sets, Musical Instruments and Similar Devices. Using or operating, either indoors or in any vehicle, any amplifier, loudspeaker, radio receiving set, television set, musical instrument, phonograph, tape recorder or other equipment or device for the producing, reproducing or amplification of sound at any time with a volume louder than is necessary for the convenient hearing of persons who are in the room or vehicle where such equipment or device is operated and who are voluntary listeners thereto. The use or operation of any such equipment or device between the hours of 11:00 p.m. and 8:00 a.m. the following day, prevailing time, in such a manner as to be plainly audible (1) at a distance of 100 feet from the building or vehicle in which it is located or (2) through a dwelling unit partition wall of a multi-family structure shall be prima facie evidence of a violation of this subsection.

None of the equipment, instruments or devices hereinabove mentioned shall be used outdoors at any time in a manner that will create any noise disturbance across a residential real property boundary unless such operation is in connection with a public or other special event authorized by the governing body of the Township and such operation and use is in accordance with the specific terms and conditions set forth in the authorization.

f. Sounds by Humans. Yelling, shouting, hooting, whistling or singing on the public streets or within residential areas or noise sensitive zones between the hours of 11:00 p.m. and 8:00 a.m. the following day, prevailing time.

g. Animal and Bird Sounds. Owning, keeping, possessing or harboring any dog or other animal or bird which frequently or for continued periods barks, howls, cries or squawks when such sounds are plainly audible beyond the limits of the property upon which the animal or bird is kept.

3.03. Measured Sound Pressure Levels. No person shall within the Township of Chatham use or operate any equipment, machine, facility or instrumentality which produces or causes to be produced any sound having a sound pressure level which, measured at the point of annoyance complained of,

a. shall exceed 65 decibels between the hours of 8:00 a.m. and 8:00 p.m., prevailing time, or 50 decibels between the hours. of 8:00 p.m. and 8:00 a.m. the following day, prevailing time, or

b. shall be more than 10 decibels above the sound level present when the noise source complained of is silenced, provided, however, that in no instance shall it be necessary to reduce the noise level below 40 decibels between the hours of 8:00 a.m. and 8:00 p.m., prevailing time, or below 30 decibels between the hours of 8:00 p.m. and 8:00 a.m. the following day, prevailing time, and further provided that this subsection (b) shall not apply to industrial and commercial stationary sound sources.

This section is applicable when and where the character and nature of any sound or noise lends itself to measurement, but nothing in this section shall be construed in any way to limit any other provision of this ordinance.

This section is intended as establishing standards for the level or duration of community noise which are more stringent than those established pursuant to the Noise Control Act of 1971, N.J.S. 13:1G-1 and following, and any code, rules or regulations promulgated pursuant thereto, but not as otherwise affecting the standards heretofore or hereafter established or promulgated pursuant to said Act by any State code, rules or regulations thereunder.

ARTICLE 4. EXEMPTIONS.

The provisions of this ordinance shall not apply to any of the following: (a) the emission of sound for the purpose of alerting persons to the existence of an emergency; (b) church bells or chimes; (c) celebrations and parades scheduled by a governmental entity; or (d) any activity exempt from the provisions of local control by State or Federal law.

ARTICLE 5. ENFORCEMENT.

The provisions of this ordinance are enforceable by representatives of the Board of Health of the Township of Chatham and by members of the Police Department of the Township of Chatham.

ARTICLE 6. PENALTIES.

Any person who shall violate any provision of this ordinance shall be subject to a fine of not more than \$200.00 and not less than \$5.00 for each offense. In the case of a continuing violation, each day that the violation continues shall constitute a separate offense.

ARTICLE 7. REMEDIES NOT EXCLUSIVE.

The provisions of this ordinance are not intended to be exclusive or to supersede any other remedies provided by law or ordinance.

ARTICLE 8. SEPARABILITY OF PROVISIONS

If any clause, sentence, paragraph, section or article of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but such judgment shall apply only to the provision involved directly in the controversy in which such judgment was rendered.

ARTICLE 9. EFFECTIVE DATE.

This ordinance shall become effective as provided by law and upon approval by the New Jersey Department of Environmental Protection.

Adopted: June 29, 1978

BOARD OF HEALTH OF THE
THE TOWNSHIP OF CHATHAM

Attest:

By _____
Elizabeth D. Kuhn, President

Nancy D. Howie, Secretary