

3-12 NOISE CONTROL.

3-12.1 Definitions and Standards. All terminology used in this section, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

"A-weighted sound level" shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

"Commercial area" shall mean any area designated for commercial or business uses under the zoning ordinance of the borough.

"Commercial facility" shall mean 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;

"Community services facility" shall mean any nonresidential facility used to provide services to the public, including but not limited to:

- a. Club meeting halls, offices, and facilities;
- b. Organization offices and facilities;
- c. Facilities for the support and practice of religion;

d. Private and parochial schools.

"Construction" shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition.

"Decibel (dB)" shall mean a unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (twenty micronewtons per square meter).

"Demolition" shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

"Emergency" shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

"Emergency work" shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

"Enforcement agency" shall mean the police department of the borough, and any of its authorized officers.

"Gross vehicle weight rating (GVWR)" shall mean the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

"Impulsive sound" shall mean sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

"Industrial area" shall mean an area designated for any industrial use under the zoning ordinance of the borough.

"Industrial facility" shall mean any activity and its related premises, property, facilities, or equipment involving the fabrication.

or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

"Motor carrier vehicle engaged in interstate commerce" shall mean any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (Pub Law 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

"Motor vehicle" shall mean any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

"Motorboat" shall mean any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, water ski towing devices and hover craft.

"Motorcycle" shall mean an unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

"Muffler or sound dissipative device" shall mean a device for abating the sound of escaping gases of an internal combustion engine.

"Noise" shall mean any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans as specified and prohibited in N.J.A.C. 7:29-1.2.

"Noise disturbance" shall mean any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property as specified and prohibited by subsection 3-12.8 of this section.

"Noise sensitive zone" shall mean any area designated pursuant to this section for the purpose of ensuring exceptional quiet.

"Person" shall mean any individual, association, partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

"Powered model vehicle" shall mean any self-propelled airborne, waterborne, or landborne plane, vessel, or vehicle, which is not designated to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

"Public right-of-way" shall mean any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

"Public space" shall mean any real property or structures thereon which are owned or controlled by a governmental entity.

"Pure tone" shall mean any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this section, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

"Real property boundary" shall mean a 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 intrabuilding real property divisions.

"Residential area" shall mean an area designated for any residential use under the zoning ordinance of the borough.

"RMS sound pressure" shall mean the square root of the time averaged square of the sound pressure, denoted P_{rms} .

"Sound" shall mean 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 and frequency.

"Sound level" shall mean 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" shall mean an instrument used in accordance with the provisions of N.J.A.C. 7:29B-1 to measure sound pressure level, sound level, octave band sound pressure level, or peak sound pressure level, separately or in any combination thereof.

"Sound pressure" shall mean the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

"Sound pressure level" shall mean the level of a sound measured in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

"Stationary emergency signalling device" shall mean any device, excluding those attached to motor vehicles, used to alert persons engaged in emergency operations. These include, but are not limited to, firefighters, first aid squad members, and law enforcement officers, whether paid or volunteer.

"Vibration" shall mean an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

"Weekday" shall mean any day Monday through Friday which is not a legal holiday.

3-12.2 Powers and Duties of the Enforcement Agency.

a. Agency. The noise control program established by this section shall be administered by the enforcement agency.

b. Powers of the Enforcement Agency. In order to implement and enforce this section and for the general purpose of sound and vibration abatement and control, the enforcement agency shall have, in addition to any other authority vested in it, the power to:

1. Studies. Conduct, or cause to be conducted, research, monitoring, and other studies related to sound and vibration.

2. Education.

(a) Conduct programs of public education regarding:

(1) The causes, effects and general methods of abatement and control of noise and vibration; and

(2) The actions prohibited by this section and the procedures for reporting violations; and

(b) Encourage the participation of public interest groups in related public information efforts.

3. Coordination and cooperation.

(a) Coordinate the noise and vibration control activities of all municipal departments;

(b) Cooperate to the extent practicable with all appropriate state and federal agencies;

(c) Cooperate or combine to the extent practicable with appropriate county and municipal agencies; and,

(d) Enter into contracts, with the approval of the borough council, for the provision of technical and enforcement services.

4. Review of Actions of Other Departments. Request any other department or agency responsible for any proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that the action is not consistent with the section.

5. Review of Public and Private Projects. Review public and private projects subject to mandatory review or approval by other departments, for compliance with this section, if such projects are likely to cause sound or vibration in violation of this section.

6. Inspections.

(a) Upon presentation of proper credentials, enter and inspect any private property or place, and inspect any report or records at any reasonable time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a

search warrant or other court order may be sought by the enforcement agency from a court of competent jurisdiction upon showing of a probable cause to believe that a violation of this section may exist. Such inspection may include administration of any necessary tests.

(b) Stop any motor vehicle, motorcycle, or motorboat operated on a public right-of-way, public space, or public waterway reasonably suspected of violating any provision of this section, and issue a notice of violation or abatement order which may require the motor vehicle, motorcycle or motorboat to be inspected or tested.

7. Records. Require the owner or operator of any commercial or industrial activity to establish and maintain records and make reports.

8. Measurements by the Owner or Operator. Require the owner or operator of any commercial or industrial activity to measure the sound level of or the vibration from any source in accordance with the methods and procedures and at such locations and times as the enforcement agency may reasonably prescribe and to furnish reports of the results of such measurements to the enforcement agency. The enforcement agency may require the measurements to be conducted in its presence.

9. Product Performance Standard Recommendations.

(a) Develop and recommend to the borough council provisions regulating the use and operation of any product, including the specification of maximum allowable sound emission levels of such product.

(b) Develop and recommend to the borough council provisions prohibiting the sale of products which do not meet specified sound emission levels, where such provisions are not in conflict with the applicable federal legislation found in 42 USC §4917(c)(1) and (2), and applicable regulations.

10. Noise Sensitive Zone Recommendations. Prepare recommendations, to be approved by ordinance for the designation of noise sensitive zones which contain noise sensitive activities. Existing quiet zones shall be considered noise sensitive zones until otherwise designated. Noise sensitive activities include, but are not limited to, schools, libraries open to the public, churches, hospitals, and nursing homes.

c. Duties of Enforcement Agency. In order to implement and enforce this section effectively, the enforcement agency shall within a reasonable time after the effective date of the section:

1. Standards, Testing Methods, and Procedures. Develop and recommend to the borough council standards, testing methods and procedures.

2. Investigate and Pursue Violations. Investigate and pursue possible violations of this section.

3. Truck Routes and Transportation Planning.

(a) Study the existing transportation systems, such as truck routes within the community; determine areas with sensitivity to sound and vibration caused by transportation; recommend changes or modifications to transportation systems to minimize the sound and vibration impact on residential areas and noise sensitive zones.

(b) Assist in or review the total transportation planning of the community, including planning for new roads and highways, bus routes, airports, and other systems for public transportation, to ensure that the impact of sound and vibration receives adequate consideration.

4. Capital Improvements Guidelines. Establish noise assessment guidelines for the evaluation of proposed improvements for capital improvements. These guidelines shall assist in the determination of the relative priority of each improvement in terms of noise impact.

5. State and Federal Laws and Regulations.

(a) Prepare and publish a list of those products manufactured to meet specified noise emission limits under federal, state, or community law for which "tampering" enforcement will be conducted; and

(b) Make recommendations for amendments to this section to ensure consistency with all state and federal laws and regulations.

6. **Planning to Achieve Long Term Noise Goals.** Develop a generalized sound level map of the borough, a long term plan for achieving quiet in the borough, and recommend integration of this plan into the planning process of the borough.

7. **Administer Grants, Funds and Gifts.** Administer noise program grants and other funds and gifts from public and private sources, including the state and federal governments.

8. **Periodic Report.** Evaluate and report, every year following the effective date of this section, on the effectiveness of the borough noise control program and make recommendations for any legislative or budgetary changes necessary to improve the program. This report shall be made to the borough council.

3-12.3 Duties and Responsibilities of Other Departments.

a. **Departmental Actions.** All departments and agencies shall, to the fullest extent consistent with law, carry out their programs in such a manner as to further the policy of this section.

b. **Department Cooperation.** All departments and agencies shall cooperate with the enforcement agency to the fullest extent in enforcing this section.

c. **Departmental Compliance with Other Laws.** All departments and agencies shall comply with federal and state laws and regulations and the provisions and intent of this section respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.

d. **Project Approval.** All departments whose duty it is to review and approve new projects or changes to existing projects, that result, or may result, in the production of sound or vibration shall consult with the enforcement agency prior to any such approval.

e. **Contracts.** Any written contract, agreement, purchase order, or other instrument whereby the borough is committed to the expenditure of an amount of dollars requiring competitive bidding under state law or other contracts which by their nature generate noise shall contain provisions requiring compliance with this section.

f. **Low Noise Emission Products.** Any product which has been certified by the administrator of the United States Environmental Protection Agency pursuant to Section 15 of the Noise Control Act as a low noise emission product and which he determines is suitable for use as a substitute, shall be procured by the borough and used in preference to any other product provided that such certified product is reasonably available and had a procurement cost which is not more than 125 percent of the cost of the least expensive type of product for which it is certified as a substitute.

g. **Capital Improvement Program.** All departments responsible for a capital improvements budget and program shall prepare an analysis of the noise impact of any proposed improvements in accordance with the noise assessment guidelines established by the enforcement agency. Proposed capital improvements include land acquisition, building construction, highway improvements, and utilities and fixed equipment installation.

3-12.4 Prohibited Acts.

a. **Noise Disturbances Prohibited.** No person shall make, continue, or cause to be made or continued, 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 subsection.

b. **Specific Prohibitions.** The following acts, and the causing thereof, are declared to be in violation of this section:

1. **Radios, Television Sets, Musical Instruments and Similar Devices.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:

(a) Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise

disturbance across a real property boundary or within a noise sensitive zone.

(b) In such a manner as to create a noise disturbance at 50 feet or 15 meters from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters; or,

(c) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier;

(d) This section shall not apply to noncommercial spoken language covered under paragraph b, 2.

2. Loudspeakers and Public Address Systems. Using or operating for any purpose any loudspeaker, public address system, or similar device (1) such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone; or (2) between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.

3. Street Sales. Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the borough, except in a stadium or sports arena.

4. Animals and Birds. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create noise disturbance across a residential real property boundary or within a noise sensitive zone. This provision shall not apply to public zoos.

5. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone. The municipal garbage contractor shall adhere to these requirements between 6:00 p.m. and 5:00 a.m. pursuant to its contract with the borough.

6. **Construction.** Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work:

(a) Between the hours of 10:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on weekends or holidays, such that the sound therefrom creates a noise or a noise disturbance across a residential real property boundary or within a noise sensitive zone, except for emergency work of public service utilities.

(b) At any other time such that the sound level at or across a real property boundary exceeds 65 dBA for the daily period of operation or as provided by N.J.A.C. 7:29-1.2.

(c) This section shall not apply to the use of domestic power tools subject to paragraph b. 17.

7. **Vehicle or Motorboat Repairs and Testing.** Repairing, rebuilding, modifying, or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise or noise disturbance across a residential real property boundary or within a noise sensitive zone.

8. **Airport and Aircraft Operations.**

(a) The enforcement agency shall consult with all airport authorities and airport operators to recommend changes in airport operations to minimize noise disturbance.

(b) Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin, or in any manner regulate the movement of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations.

9. **Places of Public Entertainment.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound in any place of public entertainment, including the interior and exterior portions of the premises, at a sound level greater than

the dBA provided in N.J.A.C. 7:29-1.2, as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating, "Warning: Sound levels within may cause permanent hearing impairment." At no time can the levels provided in subsection 3-12.8 of this section be exceeded. Such places of public entertainment shall not exceed the levels prescribed in N.J.A.C. 7:29-1.2 beyond the property of the source if on a private property or at 50 feet or 15 meters from the source if on a public space or public right-of-way.

10. Explosives, Firearms, and Similar Devices. The use or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way.

11. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise or noise disturbance across a residential real property boundary, in a public space or within a noise sensitive zone between the hours of 10:00 p.m. and 7:00 a.m. the following day. Maximum sound levels in a public space during the permitted period of operation shall conform to those set forth for residential land use in Table I of subsection 3-12.8 and shall be measured at a distance of 50 feet or 15 meters from the vehicle.

12. Vibration. Operating or permitting the operation of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property of the source if on private property or at 50 feet or 15 meters from the source if on a public space or public right-of-way. For the purposes of this section, "vibration perception threshold" means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

13. Stationary Nonemergency Signaling Devices.

(a) Sounding or permitting the sounding of any signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency

purposes, from any place, for more than one minute in any hourly period.

(b) Devices used in conjunction with places of religious worship shall be exempt from the operation of this provision.

14. Emergency Signaling Devices.

(a) The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in paragraph b, 14(b).

(b) (i) Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 8:00 a.m. or after 9:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds. (ii) Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur before 8:00 a.m. or after 6:00 p.m. The time limit specified in (i) shall not apply to such complete system testing.

(c) Sounding or permitting the sounding of any exterior burglar alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within six minutes of activation.

15. Motorboats. Operating or permitting the operation of any motorboat in any lake, river, stream, or other waterway in such manner as to exceed a sound level of 65 dBA at 50 feet or 15 meters of the nearest shoreline, whichever distance is less.

16. Noise Sensitive Zones.

(a) Creating or causing the creation of any sound within any noise sensitive zone designated pursuant to subsection 3-12.2, so as to disrupt the activities normally conducted within the zone, provided that conspicuous signs are displayed indicating the presence of the zone; or

(b) Creating or causing the creation of any sound within any noise sensitive zone, designated pursuant to subsection 3-12.2, containing a hospital, nursing home, or similar activity, so as to interfere with the functions of such activity or disturb or annoy the patients in the activity, provided that conspicuous signs are displayed indicating the presence of the zone.

17. Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day so as to cause a noise or a noise disturbance across a residential real property boundary.

18. Tampering. The following acts or the causing thereof are prohibited:

(a) The removal or rendering inoperative by any person other than for purposes of maintenance, repair, or replacement, of any noise control device or element of design or noise label of any product identified under subsection 3-12.2, paragraph c, 5.

(b) The moving or rendering inaccurate or inoperative of any sound monitoring instrument or device positioned by or for the enforcement agency, provided such device or the immediate area is clearly labeled to warn of the potential illegality.

(c) The use of a product, identified under subsection 3-12.2, paragraph c, 5, which has had a noise control device or element of design or noise label removed or rendered inoperative, with knowledge that such action has occurred.

3-12.5 Sound Levels by Receiving Land Use.

a. Maximum Permissible Sound Levels by Receiving Land Use. No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use as regulated for industrial, commercial, public service, or community service facilities in N.J.A.C. 7:29-1.2.

b. Correction for Character of Sound. For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in subsection 3-12.5a. shall be reduced by 5dBA.

3-12.6 Motor Vehicle Maximum Sound Levels.

a. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in N.J.A.C. 7:29-1.2.

b. Adequate Mufflers or Sound Dissipative Devices.

1. No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation;

2. No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle;

3. The enforcement agency may, by guidelines, list those acts which constitute typical violations of this section.

c. Motor Vehicle Horns and Signaling Devices. The following acts and the causing thereof are declared to be in violation of this section.

1. The sounding of any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public space, except as a warning of danger or to alert a person of the presence of the person sounding the horn.

d. Refuse Collection Vehicles. No person shall:

1. On or after two years following the effective date of this section, operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse and which creates, during the compacting cycle, a sound level in excess of 88 dBA when measured at 50 feet or 15 meters from any point on the vehicle; or

2. Operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse, between the hours of 6:00 p.m. and 5:00 a.m. the following day in a residential area or noise sensitive zone.

c. Standing Motor Vehicles. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than ten minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within 150 feet or 46 meters of a residential area or designated noise sensitive zone, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

f. Recreation Motorized Vehicles Operating Off Public Rights-of-Way. No person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in N.J.A.C. 7:29-1.2 at a distance of 50 feet or 15 meters or more from the path of the vehicle when operated on a public space or at or across the boundary of private property when operated on private property. This section shall apply to all recreational motorized vehicles whether or not duly licensed and registered, including, but not limited to, commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

g. Motor Vehicle Music Amplification or Reproduction Systems. The following acts and the causing thereof are declared to be a violation of this section:

1. 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 9:00 a.m.

2. 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 9:00 a.m. and 10:00 p.m.

3. These provisions apply to non-music playing as well as music.

3-12.7 Exceptions.

a. **Emergency Exception.** The provisions of this section shall not apply to (a) the emission of sound for the purpose of alerting persons to the existence of an emergency, or (b) the emission of sound in the performance of emergency work, or (c) any others provided in N.J.A.C. 7:29-1.4.

b. The provisions relating to playing of music by live bands or recorded reproductions shall not apply to community functions and block parties approved by the mayor and council by resolution which shall set forth the dates and hours when this exception shall be applicable.

3-12.8 Enforcement.

a. **Immediate Threats to Health and Welfare.**

1. The enforcement agency shall order an immediate halt to any sound which exposes any person, except those excluded pursuant to paragraph a, 2, to continuous sound levels in excess of those shown on Table I or to impulsive sound levels in excess of those shown in Table II. Within five days following issuance of such an order, the enforcement agency shall apply to the appropriate court for an injunction to replace the order.

2. No order pursuant to paragraph a, 1 shall be issued if the only person exposed to sound levels in excess of those listed in Tables I and II are exposed as a result of (1) trespass; (2) invitation upon private property by the person causing or permitting the sound; (3) employment by the person of the person causing or permitting the sound.

3. Any person subject to an order issued pursuant to paragraph a, 1 shall comply with such order until (1) the sound is brought into compliance with the order, as determined by the enforcement agency; or (2) a judicial order has superseded the enforcement agency order.

TABLE I

NOISE DISTURBANCE (CONTINUOUS SOUND LEVELS)
(measured at 50 feet or 15 meters)

<u>Continuous Sound Level Limit (dBA)</u>	<u>Duration</u>
90	24 hours
93	12 hours
96	6 hours
99	3 hours
102	1.5 hours
105	45 minutes
108	22 minutes

Use equal energy time-intensity trade-off if level varies; find energy equivalent over 24 hours.

TABLE II

NOISE DISTURBANCES (IMPULSIVE SOUND LEVELS)
(measured at 50 feet or 15 meters)

<u>Impulsive Sound Level Limit (dB)</u>	<u>Number of Repetitions per 24 hour period</u>
145	1
135	10
125	100

b. Other Remedies. No provision of this section 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 section or from other law.

c. Severability. If any provision of this section is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this section shall not be invalidated. It is the intent of this section to regulate noise within the Borough of Union Beach and to comply with all statutes and codes duly adopted and promulgated, including but not limited to, N.J.A.C. Chapter 29 NOISE CONTROL and Chapter 29B NOISE DETERMINATION. Should any provisions of this section be inconsistent with specific

provisions of said statutes or codes, the codes shall take precedence over this section. For any provisions of this section, not contained in or covered by the codes, this section shall be applicable.

d. Penalty. Any person, firm or corporation violating any provision of this section shall be fined not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, and/or subject to a maximum of 90 days in jail or both, and a separate offense shall be deemed committed on each day during or on which an offense occurs or continues.

3-13 FEES TO BE PAID TO OBTAIN PRETRIAL DISCOVERY.

3-13.1 Pretrial Discovery Fees. The following fees shall be paid by any person or that person's authorized attorney or representative in order to obtain pretrial discovery on the items listed below or other records requested for a lawful purpose from the Borough of Union Beach Police Department:

1-10 pages	\$0.75 per page
Next 11-20 pages	\$0.50 per page
After 20 pages	\$0.25 per page
Photographs	\$5.00 per photograph
Cost for any discovery sent by mail	\$0.25 per envelope plus actual postage
Copy of video tape	\$20.00
Copy of motor vehicle accident reports (N.J.S.A. 39:4-131)	\$5.00 for first 3 pages
(If MVA reports are requested other than in person)	\$1.00 per page thereafter

3-14 DESIGNATED SCHOOL CROSSINGS.

3-14.1 Purpose. Laws of New Jersey 1999 Chapter 185 mandates that vehicular homicide is a crime of the first degree under certain circumstances including commission of the offense by an intoxicated individual in violation of N.J.S.A. 39:4-50a. while driving through a school crossing as defined by N.J.S.A. 39:1-1 if the municipality, by ordinance or resolution, has designated the school crossings as such.