

Chapter 327. Noise

[HISTORY: Adopted by the Municipal Council of the City of Clifton 1-8-1985 by Ord. No. 4943-85; amended in its entirety 7-3-2001 by Ord. No. 6213-01. Subsequent amendments noted where applicable.]

327a Table I 

327b Table II 

§ 327-1. 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 meaning 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 dissipating device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.

MULTIDWELLING-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 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 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 the imaginary line, including its vertical extension, that separates one parcel of real property from another; the vertical and horizontal boundaries of a dwelling unit that is part of a multidwelling unit building; or 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.

§ 327-2. Applicability.

- A. This noise ordinance 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) Multidwelling-unit buildings.
- B. This noise ordinance 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) Multidwelling-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.

§ 327-3. 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 Clifton 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 Clifton.

§ 327-4. Noise control officers.

- A. The provisions of this chapter shall be enforced 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 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 with the procedures set forth in § **327-5B** and **C** of this regulation 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 Clifton and cooperate with all other public bodies and agencies to the extent practicable.
 - (2) Review the actions of the City of Clifton 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 § **327-7** below.

[1] *Editor's Note: Tables I and II are included at the end of this chapter.*

- (5) Cooperate with noise control officers of adjacent municipalities in enforcing one another's municipal noise ordinances.

§ 327-5. 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 § 327-2A 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^[1] 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.
- [1] *Editor's Note: Tables I and II are included at the end of this chapter.*
- 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 multidwelling 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 multidwelling unit building. The allowable sound level standards for indoors are as shown in Tables I and II.
- D. Impulsive sound shall not equal or exceed 80 decibels at all times.

§ 327-6. Restricted uses and activities.

- A. Exemptions.
- (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 except as provided for in Subsection **B** below.
- B. Notwithstanding the provisions of Tables I and II,^[1] 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 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 at 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** shall be prohibited between residential units within the same multidwelling unit building. Measurements shall be taken indoors as per **§ 327-5B and C**.

[1] *Editor's Note: Tables I and II are included at the end of this chapter.*

§ 327-7. 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 at 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 other law.