

## CHAPTER 95: NOISE

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## GENERAL PROVISIONS

### § 95.01 TITLE.

This chapter may be cited as the “Noise Ordinance of the Township of Voorhees.”  
(’74 Code, § 89-1) (Ord. 259-1985, passed 1-14-85)

## **§ 95.02 FINDINGS AND PURPOSE.**

Whereas excessive sound and vibration are detrimental to the public health and welfare and the quality of life, a substantial body of science and technology exists by which excessive sound and vibration may be substantially abated and the people have a right to and should be ensured of an environment free from excessive sound and vibration that may jeopardize their health, welfare or safety or degrade the quality of life, therefore it is the policy of the township to prevent excessive sound and vibration which may jeopardize the health, welfare or safety of its citizens or degrade the quality of life.

('74 Code, § 89-2) (Ord. 259-1985, passed 1-14-85)

## **§ 95.03 TERMINOLOGY; DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All terminology used in this chapter and not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

**AMBIENT NOISE LEVEL.** The sound pressure level of the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources.

**A-WEIGHTED SOUND PRESSURE LEVEL.** The sound pressure level as measured on a sound level meter using the A-weighting network. The level so read shall be designated dB(A) or dBA.

**CONTINUOUS NOISE.** A steady, fluctuating or impact noise which exists essentially without interruption for a period of one hour or more.

**CYCLICALLY VARYING NOISE.** Steady, fluctuating or impulsive noise which may or may not contain a pure tone and which varies in sound pressure level such that the same level is obtained repetitively at reasonably uniform intervals of time.

**DECIBEL.** A logarithmic (dimensionless) unit of measure often used in describing the amplitude of sound. DECIBEL is denoted as dB.

**DEPARTMENT.** The County Department of Health or any municipal agency related to the noise control programs such as the Board of Health, the Community Development Department and the Police Department.

**DEVICE.** Any mechanism which is intended to produce or which actually produces noise when operated or handled.

**EMERGENCY VEHICLE.** A motor vehicle used in response to a public calamity or to protect persons or property from imminent danger.

**EMERGENCY WORK.** Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from an imminent exposure to danger.

**FLUCTUATING NOISE.** When the sound pressure level of a fluctuating noise varies more than 6 dB(A) during the period of observation, when measured with the slow-meter characteristic of a sound level meter, and does not equal the previously existing ambient noise level more than once during the period of observation.

**IMPULSIVE NOISE.** A noise characterized by brief excursions of sound pressure whose peak levels exceed the ambience by 10 dB. The duration of a single impulse is usually less than one second and requires the use of a sound level meter specially adapted for its measurement.

**MOTOR VEHICLE.** As defined in the Motor Vehicle Code of the state or any vehicles which are propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.

**MUFFLER.** Any apparatus whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end.

**NOISE.** Any sound which is unwanted or which causes or tends to cause an adverse physiological or psychological effect on human beings.

**NOISE DISTURBANCE.** Any sound which annoys, disturbs or perturbs reasonable persons with normal sensitivities or any sound which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

**PERSON.** Any individual, association, partnership or corporation, public or private.

**PLAINLY AUDIBLE NOISE.** Any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms.

**POWERED MODEL VEHICLES.** Any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as, but not limited to, model airplanes, boats, cars, rockets and which can be propelled by mechanical means.

**PROPERTY BOUNDARY.** An imaginary line at the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

**PUBLIC RIGHT-OF-WAY and PUBLIC SPACE.** Any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public government entity.

**PURE TONE.** Any noise which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, 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 frequencies of 500 hertz and above by 8 dB for frequencies between 160 and 400 hertz and 15 dB for frequencies less than or equal to 125 hertz.

**REPETITIVE IMPULSIVE NOISE.** Repetitive noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at a fast-meter characteristic will show changes in sound pressure level greater than 2 dB(A).

**RMS SOUND PRESSURE.** The square root of the time averaged square of the sound pressure, denoted  $P_{rms}$ .

**SOUND.** A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces, that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.

**SOUND LEVEL METER.** An instrument, including a microphone, amplifier, RMS detector and integrator or time averager, output meter and weighting networks, used to measure these sound pressure fluctuations. For enforcement of this chapter, the "sound level meter" (Model 215-4512 AM) of Quest Electronics, Oconomowoc, Wisconsin, shall be used unless the Noise Control Officer otherwise approves usage of any other "sound level meter."

**SOUND PRESSURE.** The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.

**SOUND PRESSURE LEVEL.** Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure which shall be 20 micropascals, denoted  $L_p$  or SPL.

**STATIONARY EMERGENCY SIGNALING DEVICES.** Any device, excluding those attached to motor vehicles, used to alert persons engaged in emergency operations. These include, but are not limited to, fire fighters, first-aid squad members and law enforcement officers, whether paid or volunteer.

**STATIONARY NOISE SOURCE.** Any device, fixed or movable, which is located or used or geographically defined, real property other than a public right-of-way.

**STEADY NOISE.** A sound pressure level which remains essentially constant during the period of observation, i.e., the fluctuations are too small to meet the criterion for fluctuating noise.

**VIBRATION.** A temporal spatial oscillation of displacement, velocity or acceleration in a solid material.

**WEEKDAY.** Any Monday, Tuesday, Wednesday, Thursday or Friday which is not a legal holiday.

('74 Code, § 89-3) (Ord. 259-1985, passed 1-14-85)

#### **§ 95.04 EMERGENCY EXCEPTION.**

Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition following a public calamity shall not be subject to the provisions of this chapter. Nothing in this section shall be construed to permit law enforcement, ambulance, fire or other emergency personnel to make excessive noise in the performance of their duties when such noise is clearly unnecessary. The use of stationary emergency signaling devices shall be for emergency use only.

('74 Code, § 89-12) (Ord. 259-1985, passed 1-14-85)

## **NOISE PROHIBITIONS**

#### **§ 95.15 LOUD, EXCESSIVE NOISES PROHIBITED.**

It shall be unlawful for any person to make, continue or cause to be made or continued any excessive or unusually loud noise or to create a noise disturbance within the limits of the Township except as provided in this chapter.

('74 Code, § 89-10) (Ord. 259-1985, passed 1-14-85) Penalty, see § 95.99

#### **§ 95.16 PROHIBITIONS ENUMERATED.**

The following acts, among others, are declared to be loud, disturbing or excessive noise in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

(A) Horns and signaling devices. The sounding of any horn or signaling device on any motor vehicle on any public right-of-way, except as a danger warning signal or as provided in the Vehicle Code of the State of New Jersey.

(B) Radios, television sets and similar devices.

(1) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other device for the production or reproduction of sound, except as provided for in division (C) below, in such a manner as to cause noise disturbance.

(2) Operating any such device between the hours of 10:00 p.m. and the following 7:00 a.m. in such a manner as to be plainly audible across real property boundaries or through partitions common to two parties within a building or plainly audible at 50 feet from such device when operated within a motor vehicle parked on a public right-of-way or on a public space.

(C) Exterior loudspeakers. Using or operating any mechanical device or loudspeaker in a fixed or movable position exterior to any building or mounted upon any aircraft or motor vehicle such that the sound therefrom is plainly audible at or beyond the property boundary of the source or on a public way, except as provided for in §§ 95.04, 95.32 and 95.33.

(D) Street sales. Selling anything by shouting or by outcry within any area of the Township zoned primarily for residential uses, except by permit.

(E) Animals. Owning, keeping, possessing or harboring any fowl or animal for a continued duration which, by frequent or habitual howling, barking, meowing, squawking or other noisemaking, causes a noise disturbance across a residential property boundary. The provisions of this section shall not apply to all private or public facilities, including any animal pounds which hold animals for veterinary medical treatment.

(F) Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans or otherwise 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.

(G) Construction noise. Operating or causing to be operated any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, in residential or commercial land use categories, with sound control devices that would constitute tampering or operation in any other manner in violation of any regulation of the United States Environmental Protection Agency or between the hours of 10:00 p.m. and 7:00 a.m. the following day on weekdays and between 10:00 p.m. Friday night and 9:00 a.m. Saturday morning, Sunday morning and legal holidays (except by permit).

(H) Impulsive sources. The use of explosives or the firing of guns or other explosive devices without first obtaining a permit, as required by §§ 95.32 and 95.33.

(I) Motor vehicle racing events. Operating or permitting the operation of any motor vehicle racing event at any place except an authorized track and in a manner approved by the Township Committee to minimize noise disturbance.

(J) Powered model vehicles. Operating or permitting the operation of powered model vehicles between the hours of 10:00 p.m. and 7:00 a.m. the following morning. Maximum sound pressure levels during the permitted period of operation shall conform to those set forth in Table 1 of § 95.17 and shall be measured at the property boundary of the source or at a distance of 100 feet if it is operated in a public place.

(K) Refuse-compacting vehicles. The operating or permitting to be operated of any motor vehicle which can compact refuse and which creates, during the compacting cycle, a sound pressure level in excess of 94 dB(A) when measured at 50 feet from any point of the vehicle or between the hours of 10:00 p.m. and 7:00 a.m. the following day (in residential use districts).

(L) Quiet zones. Creating any unnecessary or unusually loud noise within the quiet zone of any school, library, hospital, nursing home, court or other designated area where exceptional quiet is necessary, while the same are in use, provided that conspicuous signs are displayed in adjacent or contiguous streets indicating that the same is a quiet zone.

(M) Power equipment. Operating or permitting to be operated any powered saw, sander, drill, grinder, garden equipment or tools of like nature, used primarily for domestic purposes, outdoors in residential zones between the hours of 10:00 p.m. and 7:00 a.m. the following day.

(N) Stationary emergency signaling devices.

(1) Testing of only the electromechanical functioning of a stationary emergency signaling device shall occur at the same time each day that a test is performed, but not before 8:00 a.m. or after 8:00 p.m. Any such testing shall only use the minimum cycle test time. In no cases shall such test time exceed ten seconds.

(2) Testing of the complete emergency signaling system, including the electromechanical functioning of the signaling device and the personnel response to the signal, shall not occur more than once each calendar month. Such testing shall not occur before 8:00 a.m. or after 8:00 p.m. The ten-second time limit on the electromechanical functioning of the signaling device shall not apply to such system testing.

(3) Stationary emergency signaling devices shall be used only for testing in compliance with applicable provisions of this chapter and for emergency purposes where personnel and equipment are mobilized.

('74 Code, § 89-11) (Ord. 259-1985, passed 1-14-85) Penalty, see § 95.99

### **§ 95.17 MAXIMUM PERMISSIBLE LEVELS BY LAND USE.**

(A) It shall be unlawful for any person to operate or permit to be operated any stationary source of noise in such a manner as to create a sound pressure level which exceeds the limits set forth for the receiving land use (land use category) in Table I when measured at the property boundary. When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between the different land use categories.

**TABLE I**

Receiving Land Use Category	Sound Pressure	
	Time	Level Limit [db(A)]
Residential, open space, agricultural, or institutional	7 a.m. - 10 p.m.	65
	10 p.m. - 7 a.m.	50
Commercial or business	At all times	65
Industrial or manufacturing	At all times	75

('74 Code, § 89-15)

(B) For any stationary source of noise which emits a pure tone, a cyclically varying noise or repetitive impulsive noise, the limits set forth above in this section shall be reduced by 5 dB(A).

(C) Notwithstanding compliance with division (B) of this section, it shall be unlawful for any person to operate or permit to be operated any stationary source of noise which emits a pure tone, cyclically varying noise or repetitive impulsive noise which creates a noise disturbance.

('74 Code, § 89-16)

(Ord. 259-1985, passed 1-14-85) Penalty, see § 95.99

**§ 95.18 MOTOR VEHICLE NOISE LEVELS.**

(A) No person shall operate a motor vehicle on a public right-of-way at any time in such manner that the sound pressure level emitted by said vehicle exceeds the levels set forth in Table II when measured at the location established by division (B) below. No person shall knowingly create an excessive noise as described in this chapter by operating a motor vehicle without a muffler or a sound-dissipation device on a public right-of-way at any time.

**TABLE II**

	Sound Pressure Level*	
	[dB(A)]	
	Speed Limit	
	35 mph	35 mph
Vehicle Class	or Less	or More
All motor vehicles with a manufacturer's gross vehicle rating of 10,000 pounds or more, and any combination of vehicles towed by such motor vehicle	86	90
Any motorcycle	82	86
Any other motor vehicle and any combination of vehicles towed by such motor vehicle	76	82

\* Note: Levels must be the same as the Federal Environmental Protection Agency.

(B) For the purpose of division (A), the standard measurement height shall be four feet (1.2 meters) and the standard horizontal measurement distance from the center line of the traffic lane being monitored shall be 50 feet (15 meters). Whenever it is not feasible to use 50 feet, the distance may be shortened to 25 feet (7.5 meters), in which case the values in Table II of division (A) above shall be increased by 6 dB(A).

('74 Code, § 89-17)

(C) No person shall operate a power-propelled vehicle or recreational device off a public right-of-way in such a manner that the sound pressure level emitted therefrom exceeds the limits set forth in Table III when measured at a distance of 50 feet. This section shall apply to all motorized vehicles and recreational devices, whether publicly or privately owned or whether or not duly registered or licensed.

**TABLE III**

	Sound Pressure Level
Vehicle Class	[dB(A)]
All motor vehicles	86

('74 Code, § 89-18) (Ord. 259-1985, passed 1-14-85)

Penalty, see § 95.99

### **§ 95.19 LAND USE AND CONSTRUCTION.**

(A) Approval for commercial or industrial land use. No new commercial or industrial construction shall be approved unless it can be shown that the construction will meet § 95.17 of this chapter for land use categories existing at the time of construction.

('74 Code, § 89-19)

(B) Approval for roadway construction. No new road construction or modifications to existing roads will be approved unless the construction operations are in compliance with the provisions of § 95.16(G) of this chapter.

('74 Code, § 89-20)

(C) Zoning changes; restrictions. No zoning change, adjustment, variance or exception which affects the land use categories will be permitted unless the use to be allowed will not violate the provisions of this chapter.

('74 Code, § 89-21)

(Ord. 259-1985, passed 1-14-85) Penalty, see § 95.99

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 95.30 NOISE CONTROL ENFORCEMENT OFFICERS.**

The noise control program required by this chapter shall be administered by the County Department of Health Noise Control Officer. The County Noise Control Officer shall have overall responsibility to coordinate, implement and enforce this chapter. In addition, sanitary inspectors, police officers, building inspectors and zoning officers are also delegated by the Township Committee to enforce this chapter in their respective job-related capacities.

('74 Code, § 89-4) (Ord. 259-1985, passed 1-14-85)

### **§ 95.31 DEPARTMENTAL PROGRAMS AND COOPERATION.**

(A) All departments shall, to the fullest extent consistent with their authorities under other ordinances administered by law, carry out their programs in such a manner as to further the policy stated in § 95.02 of this chapter.

('74 Code, § 89-5)

(B) All departments shall cooperate with the Noise Control Officer to the fullest extent in enforcing the noise regulations of this chapter.

('74 Code, § 89-6)

(C) Each department, whose duty it is to review and approve new projects or changes to existing projects that result or may result in the emission of noise, shall consult with the Noise Control Officer prior to any such approval.



('74 Code, § 89-7)

(Ord. 259-1985, passed 1-14-85)

### **§ 95.32 ISSUANCE OF PERMITS.**

The Noise Control Officer is authorized to grant permits as required by any provision of this chapter, subject to such limitations as to area, noise levels, time limits and other terms and conditions as he determines are appropriate to protect public health, safety and welfare from the noise emanating therefrom. This section shall in no way effect the duty to obtain any other permit or license required by law for such activities.

('74 Code, § 89-13) (Ord. 259-1985, passed 1-14-85)

### **§ 95.33 EXEMPTION FOR TIME TO COMPLY.**

(A) Upon good cause shown by the owner of any noise source, the Township Committee or the County Noise Control Officer of the County Department of Health shall have the power to grant an exemption from the operation of this chapter in order to allow sufficient time for installation of needed control equipment, facilities or modifications to achieve compliance, not to exceed ten days, provided that such exemption may be renewed as necessary, but only if satisfactory progress toward compliance is shown.

(B) Any person seeking an exemption shall file a petition with the Noise Control Officer. The Noise Control Officer shall promptly give written notice of such petition to any person who has, in writing, requested notice of such exemption petitions and shall publish notice of such petition in a newspaper of general circulation within this municipality. The Noise Control Officer shall promptly investigate such petition and shall consider the views of all persons who might be adversely affected by the grant of an exemption. If the Noise Control Officer, in his discretion, concludes that a hearing would be advisable or if any person files a written request for a hearing or written objection to the grant of such exemption within 15 days of the notice provided herein, a hearing shall be held on the petition. A tape recording shall be kept of any such hearing, such tape recordings to be kept in the custody of the Noise Control Officer.

(C) In granting or denying an exemption, the Township Committee or the County Noise Control Officer of the County Department of Health shall appoint a review body to hear the case. This body shall then file and publish a written order, stating the facts and reasons leading to its decision.

('74 Code, § 89-14) (Ord. 259-1985, passed 1-14-85)

### **§ 95.34 REVIEW AND REVISION OF STANDARDS.**

If at any time the County Noise Control Officer has reason to believe that a county standard, regulation or action of any department regarding noise does not conform to the intent of § 95.02 of this chapter, he may request such department to consult with him on the advisability of revising such standards or regulations to conform.

('74 Code, § 89-8) (Ord. 259-1985, passed 1-14-85)

### **§ 95.35 CONTRACTUAL AGREEMENTS.**

Any written agreement, purchase order or instrument whereby the Township is committed to the expenditure of funds in return for goods or services, or both, shall not be entered into unless such

agreement, purchase order or instrument contains provisions requiring that any equipment or activities which are subject to the provisions of this chapter will be operated or conducted without causing violation of this chapter.

('74 Code, § 89-9) (Ord. 259-1985, passed 1-14-85)

### **§ 95.36 REMEDIES.**

(A) The operation or maintenance of any noise source in violation of any provision of this chapter shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction or in any other manner available for the abatement of public nuisances.

(B) Any remedy available pursuant to this chapter shall be considered separate and not exclusive of any other remedy available hereunder.

('74 Code, § 89-23) (Ord. 259-1985, passed 1-14-85)

### **§ 95.99 PENALTY.**

Any person, firm or corporation which shall be found guilty of violating any provision of this chapter shall, for each offense, be fined a sum of not more than \$500 and not less than \$10. Every day of violation shall constitute a separate offense.

('74 Code, § 89-22) (Ord. 259-1985, passed 1-14-85)