

## Chapter 8.48

## NOISE CONTROL

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## 8.48.010 Title.

This chapter shall be known and may be cited as the "noise control ordinance of the city of Elizabeth." (Prior code § 97A-1)

## 8.48.020 Enumeration of prohibited noises.

A. General Prohibitions. It is unlawful for any person, firm or corporation to make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. Non-commercial public speaking or public assembly activities legally conducted on any public space or public right-of-way shall be exempt from the operation of this section.

B. Specific Prohibitions. The following acts and the causing thereof, among others, are declared to be loud, disturbing, excessive or unnecessary noises in violation of this chapter, but the enumeration shall not be deemed to be exclusive, namely:

1. Horns and Signaling Devices. The sounding of any horn or other signaling device on any motor vehicle, except as a danger warning or as is required by the Motor Vehicle Act of the state of New Jersey;

2. Radios, television sets, sound amplifiers and similar devices;

a. Operating or permitting the use or operation of any radio receiving set, television set, musical instrument, drum, phonograph or other device for the production or reproduction of sound, except as provided for in subsection (B)(3) of this section hereafter set forth,

b. Operating any such device on weekdays between the hours of 9:00 p.m. and 7:00 a.m. the following day and, in the event the following day is a Sunday or legal holiday, between the hours of 9:00 p.m. and 9:00 a.m. the following day, in such a manner as to be plainly audible or to create a noise disturbance across a real property boundary or through partitions common to two parties within the same building,

c. Operating any such device in such a manner as to be plainly audible or to create a noise disturbance at fifty (50) feet from such device when operated in a public space or public right-of-way, when operated in or on a motor vehicle on a public space or public right-of-way or in such a manner as to be audible to any person other than the operator when operated on a common carrier by any passenger;

3. Loudspeakers. Using or operating any loudspeaker, loudspeaker system or similar device for commercial advertising or for noncommercial purposes in a fixed or movable position, in the interior or exterior of any building or mounted upon any aircraft, motor vehicle or motorboat in such a manner that the sound therefrom is plainly audible or creates a noise disturbance between the hours of 9:00 p.m. and 7:00 a.m. the following day and, in the event the following day is a Sunday or legal holiday, between the hours of 9:00 p.m. and 11:00 a.m. the following day;

4. Street Sales, Yelling, Shouting, Etc. Offering for sale or selling anything by shouting or other outcry within any residential, industrial or business area of the city and hooting, whistling, shouting, yelling or singing in the public streets between the hours of 11:00 p.m. and 7:00 a.m. the following day on a weekday or 9:00 a.m. on Sundays or legal holidays, so as to annoy or disturb the quiet, comfort or repose of any person in any office or in any dwelling, hotel or other type of residence or of any person in the vicinity;

5. Animals and Birds. Owning, keeping, possessing or harboring any dog, cat, bird or other animals which, by frequent, continual or habitual howling, barking, meowing, squawking or other noise-making, cause a noise disturbance. The provisions of this subsection shall also apply to all public and private facilities, including animal pounds, shelters or kennels which hold or treat animals or pet shops, menageries or other establishments that own, hold, harbor, sell or display animals;

6. Loading and Unloading Operations. Loading, unloading, opening, closing and other handling of boxes, crates, containers, building materials, garbage cans or similar objects in residential areas between the hours of 10:00 p.m. and 7:00 a.m. the following day or to 9:00 a.m. if the following day is a Sunday or a legal holiday;

(7) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawnmower or garden tool, snowblower or similar devices used outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day and between the hours of 9:00 p.m. and 9:00 a.m. if the following day is a Sunday or legal holiday;

8. Powered Models. Operating or permitting the operation of powered model boats, vehicles or airplanes so as to create a noise disturbance between the hours of 9:00 p.m. and 7:00 a.m. the following day if it is a weekday and to 9:00 a.m. on Sundays and legal holidays;

9. Motor Vehicles, Motorboat or Aircraft Repair and Testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorboat, boat motor, aircraft or portable or stationary motor in such a manner as to cause a noise disturbance across a residential real property boundary;

10. Tampering.

a. The removal or rendering inoperative by any person, other than for the purpose of maintenance, repair or replacement, of any noise control device or element of device or noise label,

b. The alteration or modification of any noise control device or sound muffling element on any motor vehicle or motorcycle;

11. Noisy Vehicles. The use of any automobile, motorcycle, bus, truck, trailer or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, rattling, grinding, clanging or other annoying noises;

12. Racing. Operating or permitting the operation of any motor vehicle racing events at any place except an authorized track and in a manner approved by the city to minimize noise disturbances, unless preempted by state regulations dealing with motor vehicle racing events;

13. Standing Motor Vehicles. Operating or permitting the operation of the motor of any motor vehicle whose manufacturer's gross weight is in excess of ten thousand (10,000) pounds or any attached auxiliary equipment for a period longer than three minutes in any hour while such vehicle is stationary on a public right-of-way in a residential district or in any designated quiet zone or on private property in a residential, industrial or business zone and is not within a completely enclosed structure or not adequately baffled;

14. Noise-Sensitive Zones.

a. Creating or causing the creation of any sound within any quiet zone designated pursuant to Section 8.48.030, so as to disrupt the activities normally conducted within the zone, provided that conspicuous signs are displayed indicating the presence of the zone,

b. Creating or causing the creation of any sound within any quiet zone so designated pursuant to Section 8.48.030, containing a hospital, nursing home or similar activity, so as to interfere with the functions of such activity or disturb or annoy patients in the activity, provided that conspicuous signs are displayed indicating the presence of the zone;

15. Construction. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work, on weekdays between the hours of 9:00 p.m. and 7:00 a.m. the following day or 9:00 a.m. on Sundays or legal holidays, such that the sound therefrom is audible across a residential real property boundary or within a quiet zone, except for emergency work for public service utilities or by permit issued by proper authority;

16. Advertising. Using or operating or causing the use or operation of any sound device or apparatus in, on or near or adjacent to any public street, park or place for advertising purposes. The use of any trade, business or corporate name or the name of any person, proprietor or vendor in such advertising shall be presumptive evidence that such advertising was conducted by that person, business or corporation;

17. Outdoor Loudspeakers. The use of any radio apparatus, talking machine, loudspeaker or amplifier attached thereto in such a manner that the loudspeaker shall cause sound from such radio apparatus or talking machine to be projected directly therefrom outside any building or out of doors, or the use of any radio apparatus, talking machine, loudspeaker or amplifier which is in any way fastened to or connected with any outside wall or window in any building or structure so that the sound therefrom is projected outside such wall or window for the purpose of harassment or for attracting attention. Nothing herein contained shall be construed to prevent the operation of a radio apparatus or talking machine used in a reasonable manner by any person within any building or structure, provided that the radio apparatus or talking machine or loudspeaker is not so arranged that such loudspeaker shall project the sound therefrom directly outside of any building or out of doors;

18. Stationary 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 devices, except for emergency purposes or for testing,

b. Sounding or permitting the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes, from any place for more than five minutes in any hourly period. Houses of religious worship shall be exempted from the operation of this provision. Sounding or permitting the sound of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is automatically terminated after ten (10) minutes of activation;

19. 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 reproduces or amplifies sound in any place of public entertainment at a sound level that creates excessive or unusually loud noise within or without such place of public entertainment; and

20. 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 boundary of the source if on private property, or at fifty (50) feet from the source if on a public space or public right-of-way. For 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. (Prior code § 97A-2)

New Jersey, shall be enforced by the police department of the city. The enforcement of all other types of violations shall be the concurrent jurisdiction of the department of health, welfare and housing (bureau of health) and the police department of the city. (Prior code § 97A-8)

#### 8.48.030 Quiet zones.

Streets within the city that pass through zones which contain noise-sensitive activities may be designated as quiet zones and may be so identified by appropriate signs. Noise-sensitive zones shall include, but are not limited to, operation of schools, libraries open to the public, churches during services, hospitals, nursing homes and courts in session. (Prior code § 97A-3)

#### 8.48.040 Exceptions to provisions.

The provisions of this chapter shall not apply to:

A. Noises 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.

B. Noises caused by law enforcement, ambulance, fire or other emergency personnel in the performance of their duties or for the purpose of alerting persons to the existence of an emergency.

C. Sounds from church bells, chimes or organs. (Prior code § 97A-4)

#### 8.48.050 Terminology.

All terminology used in this chapter not otherwise defined shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. (Prior code § 97A-7)

#### 8.48.060 Enforcement.

Violations of the terms of this chapter occurring on any street, highway or public way by a motor vehicle, as defined in Title 30 of the Revised Statutes of the state of