

Chapter 222 - NOISE

[HISTORY: Adopted by the Council of the City of Jersey City: Art. I, 5-4-1971 as Ch. 16, Art. I, of the 1971 Jersey City Code, as readopted 9-19-1978 by Ord. No. S-128; Art. II, 5-4-1971 as Ch. 26, Art. VI, of the 1971 Jersey City Code, as readopted 9-19-1978 by Ord. No. S-128. Amendments noted where applicable.]

GENERAL REFERENCES

Noise from animals — See <u>Ch. 90</u>	Noise in parks and recreation areas — See <u>Ch. 239</u> .
Circuses, carnivals and public assemblages — See <u>Ch. 122</u> .	Peddling, soliciting and canvassing — See <u>Ch. 245</u> .
Fees and charges — See <u>Ch. 160</u> .	

ARTICLE I - Noise Restrictions

[Adopted 5-4-1971 as Ch. 16, Art. I, of the 1971 Jersey City Code, as readopted 9-19-1978 by Ord. No. S-128]

§ 222-1. - Findings; policy.

- A. The making and creation of loud, unnecessary or unusual noises within the City of Jersey City is a condition which has existed for some time and the extent and volume of such noises is increasing.
- B. The making, creating or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city.
- C. The necessity in the public interest for the provisions and prohibitions hereinafter enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city and its inhabitants.

§ 222-2. - General standards.

- A. No person shall make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- B. No person on property owned by him or her or under lease or other arrangements shall allow or give permission to any person on the property to utter or make loud, unnecessary or unusual noises or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

§ 222-3. - Specific standards. [Amended 9-22-1981 by Ord. No. MC-29; 6-9-1988 by Ord. No. C-750]

- A. The following acts and noises are declared to be loud, disturbing and unnecessary noises in violation of this Article, but this enumeration shall be deemed to be illustrative only and not an exclusive enumeration of such noises:
 - (1) Horns and signaling devices.
 - (a) The sounding of any horn or signaling device on any automobile, motorcycle, public conveyance or other vehicle on any street or public place of the city, except as a danger warning.

- (b) The creation by means of any such signaling device of any unreasonably loud or harsh sound.
 - (c) The sounding of any such device for an unnecessary and unreasonable period of time.
 - (d) The uses of any horn, whistle or other device operated by engine exhausts.
- (2) Radios, tape players, compact disc players, phonographs, amplified musical instruments, motor vehicle sound systems and similar devices. Playing or permitting the playing of any radio, tape player, compact disc player, phonograph, amplified musical instrument, motor vehicle sound system or similar device:
- (a) In such a manner as to create a noise disturbance across real property boundaries or within a noise sensitive zone.
 - (b) When played in any motor vehicle, in such a manner as to create a noise disturbance outside the vehicle or as to be plainly audible at a distance of fifty (50) feet.
 - (c) When played in any motor vehicle in such a manner as to create a sound level of sixty-five (65) decibels on the A-scale as read by the slow response of a sound level meter when read at the curblineline of the adjoining street from 7 a.m. to 10 p.m. or in such a manner as to produce sound which is plainly audible to anyone other than occupants of the motor vehicle between 10 p.m. and 7 a.m.
 - (d) When played on any street or sidewalk, playground, school, park or common area of any building, in such a manner so as to create a noise disturbance.
 - (e) When played by any passenger on a common carrier, in such a manner as to be heard by any other passenger.
 - (f) When played in any residential neighborhood so as to produce sixty-five (65) decibels on the A-scale as read by the slow response of a sound level meter when measured at a distance of twenty-five (25) feet or at the next adjoining full property line between the hours of 7 a.m. and 10 p.m. or when played between the hours of 10 p.m. and 7 a.m. on any street, playground, school, park, or common area of any building in such a manner as to be heard by anyone other than the operator of the device.
- (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of advertising or attracting the attention of the public to any building or structure without the prior written authorization of the Health Officer, or his or her designee, upon such terms as will not impair public health as determined by the Health Officer using reasonable standards; except that no loudspeaker or amplifier may be used or operated upon any street or from any building or vehicle for the purpose of advertising or attracting the attention of the public from 9:30 p.m. to 10:00 a.m. the following day on Monday through Saturday and from 9:30 p.m. on Saturday to 10:00 a.m. the following Monday.

[Amended 8-18-1988 by Ord. No. C-792]

- (4) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (5) Defect in vehicle load or vehicle. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such condition as to create loud and unnecessary grating, grinding, rattling or other noise.
- (6) Construction, repair or alteration of buildings. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with the permission of the Construction Official. Such a permit may be granted for a period not to exceed three (3) days or less while the emergency continues, and such permit may be renewed for periods of three (3) days or

less while the emergency continues. If the Construction Official determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and, if he or she shall further determine that loss or inconvenience would result to any party in interest, he or she may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work. ^[1]

- (7) Schools, courts, churches, hospitals. The creation of any excessive noises on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed in such streets indicating it contains a school, hospital or court or church.
- (8) Hawkers, peddlers. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
- (9) Permitting the engine of any vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three (3) minutes while parking, standing or stopping unless the engine is being used to operate a loading, unloading or processing device.

[Added 11-10-1992 by Ord. No. 92-161]

- (10) Permitting the engine of any bus to idle at a layover or terminal location, whether or not enclosed, when the ambient temperature is forty degrees Fahrenheit (40° F.) or higher. A bus engine shall not be deemed to be idling if the operator is running the engine in order to raise the air pressure so as to release the air brakes; provided, however, that this shall not exceed a period of three (3) minutes.

[Added 11-10-1992 by Ord. No. 92-161]

- B. For the purpose of this section, "noise disturbance" means any sound which endangers or injures the safety or health of humans or animals or disturbs a reasonable person of normal sensitivities.
- C. The following acts are prohibited in the City of Jersey City:
 - (1) Possessing or carrying a boom box which is in operation on any street, sidewalk, school, playground or public area.
 - (2) Installing or possessing or operating in any motor vehicle garaged in Jersey City a radio, tape player or sound system other than the original equipment in which:
 - (a) The number of speakers exceeds four (4);
 - (b) Any speaker exceeds six and one-half (6 1/2) inches in width or height or exceeds one hundred (100) watts in power output; or
 - (c) Any speaker is external to the passenger compartment.
- D. "Boom box" means any radio, tape player, compact disc player or loudspeakers, combination of radio, tape player, compact disc player and loudspeakers or similar device which is operated to produce sixty-five (65) decibels on the A-scale as read by the slow response of a sound level meter when measured at twenty-five (25) feet or at the next adjoining full property line, and is:
 - (1) Designed to be operated while being transported or carried by a single person;
 - (2) Capable of being operated while carried or transported by a single individual; or
 - (3) Contains speakers in excess of six and one-half (6 1/2) inches in width or height or exceeds one hundred (100) watts in power output.
- E. This section shall not prohibit: **[Amended 9-11-2013 by Ord. No. 13-081]**
 - (1) Any parade or concert or concert practice, provided that the Director of Public Safety receives notice at least two (2) days in advance.
 - (2)

Any event sponsored or conducted by the City of Jersey City, the State of New Jersey or any of their governmental agencies.

- (3) Any event conducted by any block association or civic association, provided that the Director of Public Safety receives notice at least two (2) days in advance.
- F. For the purpose of this section, "decibel" is defined as a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals [twenty (20) micronewtons per square meter].

Footnotes:

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Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 222-4. - Audible burglar alarms. [Added 6-10-1992 by Ord. No. 92-051; amended 12-22-1992 by Ord. No. 92-192; 3-22-1995 by Ord. No. 95-020]

- A. No owner of a motor vehicle shall have in operation an audible burglar alarm thereon unless such burglar alarm shall be capable of and shall automatically terminate its operation within five (5) minutes of its being activated in the case of a motor vehicle. No audible burglar alarm on a motor vehicle shall be capable of being activated unless there is direct physical contact with that motor vehicle. Notwithstanding this provision, any member of the Department of Public Safety shall have the right to take such steps as may be necessary to disconnect any such alarm installed on a motor vehicle at any time during the period of its activation. ^[2] [**Amended 9-11-2013 by Ord. No. 13-081**]
- B. This section shall apply to any motor vehicle on which an audible burglar alarm has been installed when parked on a public highway or parking lot open to the public, and at any other time when the alarm is capable of being activated regardless of when such alarm was installed.
- C. Notwithstanding the provisions of Subsections A and B, any police officer may arrange for the removal of a motor vehicle from a public highway when an audible burglar alarm installed on such vehicle is activated in violation of this section. The owner of the vehicle shall be liable for all fees of removal, including but not limited to the fees for towing and for storage following removal of the vehicle.
- D. All audible burglar alarms which are purchased for use on motor vehicles kept or garaged in the City of Jersey City shall be registered with the Division of Traffic and Street Maintenance within twenty (20) days of purchase of an audible burglar alarm. Forms shall be provided by and obtained with the Division of Traffic and Street Maintenance. A one-time registration fee as provided in Chapter 160, Fees and Charges, shall be collected by the Division of Traffic and Street Maintenance, and a coded decal for identification shall be issued. The list of registered audible alarms shall be forwarded by the Division of Traffic and Street Maintenance to the Police Central Complaint Bureau. Registration shall include the name, address, including apartment number and telephone number of the owner of the vehicle, the make, model and, if applicable, the serial number of the alarm and such other information necessary for the enforcement of this Article. For the purpose of this chapter, it shall be presumed that a vehicle is kept or garaged in the City of Jersey City if it is registered in the name of a resident of the City of Jersey City or an individual who is employed within the City of Jersey City or a business which is located in the City of Jersey City. ^[3]
- E. Any person who violates any provision of this section or any rule promulgated hereunder shall be liable to a fine of not less than one hundred dollars (\$100.) or more as provided in Chapter 1, General Provisions, § 1-25. ^[4]

Footnotes:

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NOTE: The New Jersey Tort Claims Act, N.J.S.A. 59:3-3 immunizes public employees (police officers) where they perform acts in execution and enforcement of any law.

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Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.§ 222-5. - Violations and penalties.^[5]

Any person who violates any provision of this Article, except for § 222-4, upon conviction thereof, shall be punishable as provided in Chapter 1, General Provisions, § 1-25.

Footnotes:

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Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE II - Sound Trucks

[Adopted 5-4-1971 as Ch. 26, Art. VI, of the 1971 Jersey City Code, as readopted 9-19-1978 by Ord. No. S-128]

§ 222-6. - Definitions.

As used herein, the following terms shall have the meanings indicated:

MOBILE AMUSEMENT DEVICE - A carousel, whip, merry-go-round or any other movable vehicle capable and used in transporting the same from point to point throughout the city.

SOUND-AMPLIFYING EQUIPMENT - Any machine or device for the amplification of the human voice, music or any other sound. "Sound-amplifying equipment" shall not be construed as including standard automobile radios, when used and heard only by occupants of the vehicle in which installed, or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

SOUND TRUCK - Any motor vehicle or horse-drawn vehicle having mounted thereon or attached thereto any sound-amplifying equipment.

§ 222-7. - Noncommercial use of sound trucks.

- A. Registration required. No person shall use or cause to be used a sound truck with its sound-amplifying equipment in operation, excepting mobile amusement devices, for noncommercial purposes in the city before filing a registration statement with the City Clerk in writing. This registration statement shall be filed in duplicate and shall state the following:
- (1) The name and home address of the applicant.
 - (2) The address of the place of business of the applicant.
 - (3) The license number and motor number of the sound truck to be used by the applicant.
 - (4) The name and address of the person who owns the sound truck.
 - (5) The name and address of the person having direct charge of the sound truck.
 - (6) The names and addresses of all persons who will use or operate the sound truck.
 - (7) The purpose for which the sound truck will be used.
 - (8) A general statement as to the section or sections of the city in which the sound truck will be used.
 - (9) The proposed hours of operation of the sound truck.
 - (10) The number of days of proposed operation of the sound truck.
 - (11) A general description of the sound-amplifying equipment which is to be used.
 - (12) The maximum sound producing power of the sound-amplifying equipment to be used in or on the sound trucks. State the following:
 - (a) The wattage to be used.
 - (b) The volume in decibels of the sound which will be produced.
 - (c) The approximate maximum distance for which sound will be thrown from the sound truck.

- B. Registration statement and amendment. All persons using or causing to be used sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to this section within forty-eight (48) hours after any change in the information therein furnished.
- C. Registration and identification. The City Clerk shall return to each applicant under this section of this Article one (1) copy of said registration statement duly certified by the Clerk as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound-amplifying equipment is in operation, and said copy shall be promptly displayed and shown to any police officer of the city upon request.
- D. Regulations for use. Noncommercial use of sound trucks with sound-amplifying equipment in operation shall be subject to the following regulations:
- (1) The only sounds permitted shall be music or human speech.
 - (2) Operations shall be permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m. and between the hours of 4:30 p.m. and 6:30 p.m.
 - (3) Sound-amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour, except when said truck is stopped or impeded by traffic. Where stopped by traffic, the sound-amplifying equipment shall not be operated for longer than one (1) minute at each such stop.
 - (4) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches or courthouses during the hours when such buildings are in actual use.
 - (5) No sound truck with its amplifying device in operation shall be operated on the following streets between the points designated: Journal Square, Bergen Avenue, between Journal Square and Montgomery Street; Kennedy Boulevard between Cottage Street and Tonnele Avenue; Newark Avenue between Coles Street and Henderson Street; Grove Street between Newark Avenue and Montgomery Street; Henderson Street between Newark Avenue and Montgomery Street; Brunswick Street between Newark Avenue and Grand Street; West Side Avenue between Montgomery Street and Culver Avenue; Martin Luther King Drive between Communipaw Avenue and McAdoo Avenue; Ocean Avenue between Bramhall Avenue and Merritt Street; Monticello Avenue between Storms Avenue and Communipaw Avenue; Pacific Avenue between Communipaw Avenue and Grand Street; Central Avenue between Hoboken Avenue and the Union City boundary lines.
 - (6) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
 - (7) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

§ 222-8. - Commercial advertising by sound truck.

- A. License required. No person shall operate or cause to be operated any sound truck in the city for commercial advertising purposes with sound-amplifying equipment in operation, excepting mobile amusement devices, unless a license has been obtained from the City Clerk. The fee for said license shall be as provided in Chapter 160, Fees and Charges. ^[6]
- B. Application for license. Persons applying for the license required under this section shall file with the City Clerk an application in writing giving in the application the information required in the registration statement under § 222-7 of this Article.
- C. Issuance of license. The City Clerk shall issue a license under this section upon payment of the required license fee unless the application required in this section reveals that the applicant would violate the regulations prescribed in this section or the provisions of some other ordinance of this city.
- D.

Possession and display of license. A licensee shall keep such license in his or her possession in the sound truck during the time the sound truck's sound-amplifying equipment is in operation. The license shall be promptly displayed and shown to any police officer of the City of Jersey City upon request.

- E. Regulations for use. No person shall operate, or cause to be operated, any sounds truck for commercial sound advertising purposes in violation of the regulation set forth in this Article.

Footnotes:

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Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE III - Quiet Zone

§ 222-10. - Quiet Zone. [Added 6-12-02 by Ord. No. 02-073; amended 10-23-2002 by Ord. No. 02-116; 1-12-2005 by Ord. No. 04-151]

- A. A Quiet Zone is hereby established with its inclusive borders being the Hudson River on the east, Monticello Avenue/Martin Luther King Drive on the west, the Morris Canal/New Jersey Turnpike Extension/Caven Point Avenue/Carteret Avenue/Ege Avenue on the south, and Union City, City Line on the north.
- B. Except as a danger warning or where required by law, causing or permitting the following noises on or about any street, sidewalk, or public place within this Quiet Zone shall be prohibited:
- (1) The sounding of any horn or signaling device on any automobile, motorcycle, truck, public conveyance (e.g., business, train) or other vehicle.
 - (2) The playing of radios, tape players, compact disc players, phonographs, amplified musical instruments, motor vehicle sound systems, boom boxes and other similar devices in a manner which creates a noise disturbance.
- C. For the purpose of this article, "noise disturbance" means any sound which endangers or injures the safety or health of humans or animals or disturbs a reasonable person of normal sensitivities.
- D. This article shall not prohibit any event sponsored, conducted, licensed, permitted, or otherwise approved by the City of Jersey City, the State of New Jersey or any of their governmental agencies.
- E. This article shall not exempt anyone from the noise prohibitions found in Chapter 222, Articles 1 and 2, of the Jersey City Code.