

Chapter 184. Noise Pollution

[HISTORY: Adopted by the City Council of the City of East Orange 2-22-1982 by Ord. No. 3-1982^[1]. Amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. II.

Peace and good order — See Ch. 198.

[1] *Editor's Note: This ordinance also repealed former Ch. 184, Noise, adopted 3-25-1968 by Ord. No. 20-1968, as amended.*

§ 184-1. Unnecessary noise unlawful.

It shall be unlawful for any person to make, continue, suffer, permit, allow or cause to be made or continued, upon any premises or in any vehicle owned, occupied or controlled by him or upon any public street, thoroughfare or parking lot or in any public park, playground, gathering place or means of public transportation, any excessive, unnecessary or unusually loud noise which either annoys, injures, disturbs or endangers the comfort, health, repose, peace or safety of others within the City or which are so harsh, prolonged or unusual in their use, time and place as to annoy, disturb or endanger the comfort, health, repose, peace or safety of others in the City. Loud, disturbing, injurious, unnecessary and unlawful noises in violation of this section include, but are not limited to, the following enumerated acts:

A. Noise-producing devices.

[Amended 5-12-1986 by Ord. No. 6-1986; 11-14-1988 by Ord. No. 34-1988]

- (1) The 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 as to be plainly audible at a distance of 50 feet.
 - (c) When played in any motor vehicle in such a manner as to create a sound level of 65 decibels on the A-scale as read by the slow response of a sound level meter when read at the curblin of the adjoining street, at any time, or in such a manner as to produce sound which is plainly audible to anyone other than occupants of the motor vehicle.
[Amended 4-24-1989 by Ord. No. 6-1989]
 - (d) When played on any street or sidewalk, playground, school, park or common area of any building in such 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 65 decibels on the A-scale as read by the slow response of a sound level meter when measured at a distance of 25 feet or at the next adjoining full property line between the hours of 9:00 a.m. and 10:00 p.m., or when played between the hours of 10:00 p.m. and 9:00 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.

- (2) 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.
 - (3) The following acts are prohibited in the City of East Orange:
 - (a) Possessing or carrying a boombox which is in operation on any street, sidewalk, school, playground or public area.
 - (b) Installing or possessing or operating in any motor vehicle garage in East Orange a radio, tape player or sound system other than the original equipment in which:
 - [1] The number of speakers exceeds four.
 - [2] Any speaker exceeds 6 1/2 inches in width or height or exceeds 100 watts in power output.
 - [3] Any speaker external to the passenger compartment.
 - (4) "Boombox" means any radio, tape player, compact disc player or loudspeakers; combination of radio, tape player, compact disc player and loudspeakers; or similar devices which are operated to produce 65 decibels on the A-scale, as read by the slow response of a sound level meter when measured at 25 feet or at the next adjoining full property line, and which:
 - (a) Are designed to be operated while being transported or carried by a single person;
 - (b) Are capable of being operated while carried or transported by a single individual; or
 - (c) Contain speakers in excess of 6 1/2 inches in width or height or exceed 100 watts in power output.
 - (5) This section shall not prohibit:
 - (a) Any parade or concert or concert practice, provided that the Police Chief receives notice at least two days in advance.
 - (b) Any event sponsored or conducted by the City of East Orange, the State of New Jersey or any of their governmental agencies.
 - (c) Any event conducted by any block association or civic association, provided that the Police Chief receives notice at least two days in advance.
 - (6) For the purpose of this chapter, "decibel" is defined as a unit for measuring the volume of a sound equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
- B. The sounding of any horn or signal device on any automobile, motorcycle, bus, train or other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonably loud or harsh sounds; and the sounding of any signal device for any unreasonable or unnecessary period of time.
- C. Advertising or attempting to attract the attention of the passing public or persons inside any structure by means of hawking, crying out or playing, using, operating or permitting to be played, used or operated, any radio, television, musical instrument, phonograph, loudspeaker, calliope, sound truck, sound amplifier or other machine or device for the producing or reproducing of sound on the streets, thoroughfares or public places of the City, or in any place where the sound therefrom is cast directly upon the streets or public places, or which is so placed or operated that the sound therefrom can be heard to the annoyance or inconvenience of passersby or of persons in neighboring premises.
- D. Machinery or equipment, or construction or industrial activity, emitting sounds in proximity to residential buildings which are unreasonably loud and disturbing to the residents thereof, shall not be used or conducted other than between the hours of 7:00 a.m. and 6:00 p.m., and then only if unavoidable and to the extent necessary therefor. Where any such use other than during the hours aforesaid is unavoidable, application for a temporary permit therefor shall be made to the Construction Official, who may authorize such use if, in his opinion, such use between the hours of 6:00 p.m. and 7:00 a.m. is, in fact, unavoidable and essential for the

accomplishment of some lawful purpose.

- E. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- F. The hawking of goods, merchandise or newspapers in a loud or boisterous manner.
- G. The keeping, harboring or possessing of any dog, bird or other animal on premises or in any public place, which animal shall habitually bark, snarl, growl or make any other disturbing noises to other persons in the vicinity.
- H. Operation of any steam engine or internal combustion engine, except with a muffler or other device which effectively prevents loud or explosive noises therefrom.
- I. The blowing of any horns, whistles, sirens or similar device, except to give notice of the time to begin or stop work or as a warning of fire or danger.

§ 184-2. Exceptions.

Nothing contained in § **184-1** shall be construed to apply to church bells or chimes, emergency vehicles and bands or orchestras playing in a hall, building or in the open air in connection with or as a public or private school activity or with a parade permit issued by the Public Officer.

§ 184-3. Violations and penalties.

[Amended 5-12-1986 by Ord. No. 6-1986; 11-14-1988 by Ord. No. 34-1988; 12-26-2006 by Ord. No. 35-2006]

- A. Any person or persons violating § **184-1A** et seq. of this chapter shall be subject to the issuance of a written warning from the East Orange Police Department upon said Police Department receiving a complaint and investigating same. Said warning shall notice the person or persons violating § **184-1A** et seq. that, should the East Orange Police Department issue two written warnings for violation of § **184-1A** et seq. to persons or persons at the same residence, the provisions of § **184-3B** shall apply with full force.
- B. Any person or persons at the same residence violating § **184-1A** et seq. of this chapter who have been previously issued two warnings subject to § **184-3A** shall be subject to the following:
 - (1) The impoundment of the noise-producing device by the City of East Orange Police Department at the noise level that it was found.
 - (2) The issuance of a summons by the City of East Orange Police Department mandating a court appearance by the violator in order to retrieve said device.
- C. Any person or persons convicted of violating any provision of this chapter shall be subject to the penalties as provided in Chapter **1**, Art. **II**, General Penalty, of the Code.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*