

## Chapter 337. Noise

[HISTORY: Adopted by the City Council of the City of Paterson 1-22-1991 by Ord. No. 91-006. Amendments noted where applicable.]

### GENERAL REFERENCES

Animals — See Ch. 121.

Block parties — See Ch. 137.

Coin-operated laundries — See Ch. 301.

Nuisances — See Ch. 341.

Parades and processions — See Ch. 355.

### § 337-1. Noise policy.

It is the policy of the Municipal Council to prevent excessive sound which may jeopardize the health, welfare or safety of its citizens or degrade the quality of life.

### § 337-2. Applicability.

This chapter shall apply to the control of all sound originating within the limits of the City.

### § 337-3. Definitions.

- A. All terminology used in this chapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI).
- B. As used in this chapter, the following terms shall have the meanings indicated:

#### **CITY**

The City of Paterson.

#### **COMMERCIAL AREA**

Two or more commercial properties and the abutting public rights-of-way and public spaces.

#### **COMMERCIAL FACILITY**

Any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- (1) Banking and other financial institutions.
- (2) Dining establishments.
- (3) Establishments for providing retail services.
- (4) Establishments for providing wholesale services.
- (5) Establishments for recreation and entertainment.
- (6) Office buildings.

- (7) Transportation facilities.
- (8) Warehouses.

**COMMUNITY SERVICE FACILITY**

Any nonresidential facility used to provide service to the public, including but not limited to:

- (1) Club meeting halls, offices and facilities.
- (2) Organization offices and facilities.
- (3) Facilities for the support and practice of religion.
- (4) Private and parochial schools.

**CONSTRUCTION**

Any site preparation, assembly, erection, substantial repair, alteration, demolition or similar actions for or of public or private rights-of-way, structures, utilities or similar property.

[Amended 12-19-1995 by Ord. No. 95-068]

**CONTINUOUS AIRBORNE SOUND**

Sound that is measured by the slow response setting of a sound-level meter in accordance with the provisions of N.J.A.C. 7:29B-1.

**dba**

The measured sound level expressed in dB when using the A-weighted network of a sound-level meter; the abbreviation designating the unit of sound level as measured by a sound-level meter using the A-weighting.

**DECIBEL (dB)**

The practical unit of measurement for sound-pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated "dB."

**DEMOLITION**

Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

**EMERGENCY ENERGY RELEASE DEVICE**

A device used specifically to release excess energy on a nonscheduled basis as necessary for purposes of safety.

**EMERGENCY WORK**

Any work or action necessary to deliver essential 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, municipal snow removal on public rights-of-way or abating life-threatening conditions.

**FREQUENCY**

The number of sound pressure oscillations per second expressed in hertz; abbreviated "Hz."

**INDUSTRIAL FACILITY**

Any facility or property activity and its related premises, property, facilities or equipment involving the fabrication, manufacture or production of durable or nondurable goods.

**MOTORCYCLE**

An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including but not limited to motor scooters, minibikes and mopeds.

**MOTOR VEHICLE**

Any vehicle propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks or on the water, but not including motorcycles.

**MUFFLER**

A sound-dissipative device or system for abating the sound of escaping gases of an internal-combustion engine.

**NOISE**

Any airborne sound of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably interfere with the enjoyment of life or property throughout the City or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

**NOISE CONTROL OFFICER or NCO**

An officially designated employee of the City or a contracted individual trained in the measurement of sound and empowered to issue a summons for violation of this chapter, in addition to the Police Division and other duly authorized personnel.

**NOISE DISTURBANCE**

Any sound which:

- (1) Endangers or injures the safety or health of humans or animals.
- (2) Annoys or disturbs a reasonable person of normal sensitivities.
- (3) Endangers or injures personal or real property.

**PERSON**

Any individual, public or private corporation, political subdivision, governmental agency, department or bureau of the state, municipality, industry, copartnership or association.

**POLICE CHIEF**

The Chief of the City of Paterson Police Division.

**POLICE DIVISION**

The City of Paterson Police Division.

**PUBLIC RIGHT-OF-WAY**

Any street, avenue, boulevard, road, highway, sidewalk, alley or similar place that is owned or controlled by a governmental entity.

**PUBLIC SERVICE FACILITY**

Any facility and its related premises, property or equipment used to provide governmental services to the public, including but not limited to:

- (1) Maintenance centers operated by the municipality.
- (2) Offices and buildings of agencies or instrumentalities of government.
- (3) Schools.
- (4) Water and sewage facilities.

**PUBLIC SPACE**

Any real property or structure thereon which are owned, leased or controlled by a governmental entity.

**REAL PROPERTY BOUNDARY**

Any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by the one person from that owned by another person, but excluding intrabuilding real property divisions.

**RESIDENTIAL PROPERTY**

Property used for human habitation, including but not limited to:

- (1) Private property used for human habitation.

- (2) Commercial living accommodations and commercial property used for human habitation.
- (3) Recreational and entertainment property used for human habitation.
- (4) Community service property used for human habitation.

**SOUND**

An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of "sound" may include any characteristic of such sound, including duration, intensity and frequency.

**SOUND LEVEL**

The sound pressure level measured in decibels with a sound-level meter set for A-weighting; "sound level" is expressed in "dBA."

**SOUND-LEVEL METER**

An instrument for the measurement of sound levels as specified in N.J.A.C. 7:29B-1, which provisions are incorporated herein by reference.

**STATIONARY EMERGENCY SIGNALING DEVICE**

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

**WEEKDAY**

Any day, Monday through Friday, which is not a legal holiday.

## § 337-4. Powers, duties and qualifications of Director of Division of Health.

The Director of the Division of Health shall:

- A. Review the actions of all municipal departments and advise such departments of the effect, if any, of such actions on noise control.
- B. Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable.
- C. Review public and private projects, subject to mandatory review or approval by other departments for compliance with this chapter.
- D. Administer noise program grants and other funds and gifts from public and private sources, including the state and federal governments.
- E. Conduct or cause to be conducted research, monitoring and other studies related to sound.
- F. Conduct programs of public education regarding the cause, effects and general methods of abatement and control of noise and the actions prohibited by this chapter and the procedures for reporting violations.

## § 337-5. Procedures for making noise measurements.

Noise measurements made by the Police Division, NCO or other personnel or agency must be taken according to procedures specified by N.J.A.C. 7:29B and N.J.A.C. 7:29-1.1 et seq., which provisions are incorporated herein by reference.

## § 337-6. Right of entry for inspections; tests; search warrants.

Upon presentation of proper credentials, the Police Division, NCO or other authorized personnel may enter and inspect any private property or place and inspect any report or records at any reasonable time when granted permission by the owner or some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from the Municipal Court or other court of competent jurisdiction upon showing of probable cause to believe that a violation of this chapter may exist. Such inspection may include administration of any necessary tests.

## § 337-7. Sound measurements by owner or operator.

After a clear violation has been determined by the Police Division, NCO or other personnel or agency, the owner or operator of any commercial or industrial activity may be required to measure the sound level from any source in accordance with the methods and the procedures and at such location and times as the Police Division, NCO or other designated employee may reasonably prescribe and to furnish reports of the results of such measurements.

## § 337-8. Authority to investigate and pursue possible violations.

In consonance with other provisions of this chapter, the Police Division, NCO or other duly authorized personnel or agency shall investigate and pursue possible violations of this chapter.

## § 337-9. Municipal projects.

All departments of the City charged with new projects or changes to existing projects that may result in the production of noise in violation of this chapter shall consult with the Police Division or NCO or other designated personnel prior to the commencement of such projects to ensure that such activities comply with the provisions of this chapter.

## § 337-10. Unreasonable noise disturbances; exemptions.

No person shall unreasonably make, continue or cause to be made or continued any noise disturbance. Any noise disturbance caused, produced, made or continued in violation of the provisions of this chapter is hereby declared to be a nuisance and detrimental to public health. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section of this chapter. Said activity shall not be exempt from the other provisions of this chapter unless so provided.

## § 337-11. Prohibited acts.

The following acts and the causing thereof are declared to be noise disturbances and in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

- A. Operating, playing or permitting the operation or playing, either indoors or outdoors, of any radio, television, phonograph, tape recorder, musical instrument or similar device, including such devices mounted in a motor vehicle, that produces, reproduces or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device or other persons who are in the room, vehicle, chamber or premises in which said device is operated and who are voluntary listeners.
- B. Using or operating any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. in the following day, such that the sound therefrom creates a noise disturbance across a residential real property line except as permitted by the Municipal Council pursuant to § 337-17.
- C. Operating or permitting the operation of any tools or equipment in the performance of "construction" as defined above in § 337-3 of this chapter, except when performed as follows:  
[Amended 9-28-2010 by Ord. No. 10-047]

- (1) Between 8:00 a.m. and 6:00 p.m. on Monday through Friday, except for legal holidays;
  - (2) Between 9:00 a.m. and 5:00 p.m. on Saturday, except that heavy drilling, earthmoving, excavation and structural demolition shall not be permitted during the Saturday work hours; or
  - (3) At any time, if an emergency permit has been obtained from the City Engineer for construction, as defined above, for a period not to exceed three days while the emergency continues and which permit may be renewed for one or more periods of three days while the emergency continues; which permit may be granted in the discretion of the City Engineer only if the City Engineer determines that the construction is a matter of urgent necessity and in the best interests of public health and safety.
- D. The use of any air-conditioner unit on residential property between the hours of 10:00 p.m. and 8:00 a.m. such that the noise created therefrom exceeds 55 dBA across a residential real property line.
  - E. The sounding of any horn or signaling device on any automobile, motorcycle, street car, bus or other vehicle in the City except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary or unreasonable period of time; the use of any horn, whistle or other device operated by engine, exhaust or by compressed air or gas or by vacuum; and the use of any signaling device when traffic is for any reason held up.
  - F. The operating of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is adequately muffled and such engine is equipped with a muffler device sufficient to deaden such noises.
  - G. The operation other than between the hours of 8:00 a.m. and 6:00 p.m. on weekdays of any pile driver, steam shovel, bulldozer or other earthmoving machinery, pneumatic hammer, derrick, steam or electric hoist or any other appliance, equipment or machinery, the use of which is attended by loud or unusual noise.
  - H. The sounding of any horn or other auditory signaling device that produces a sound level in excess of 100 dBA at 25 feet [seven and five-tenths (7.5) meters].
  - I. The operation or permitting the operation of any motor vehicle for a period longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work on a public right-of-way or public space within 150 feet (46 meters) of a residential area between the hours of 8:00 p.m. and 8:00 a.m. the following day.
  - J. Repairing, rebuilding, modifying or testing any motor or engine in such a manner as to exceed any applicable limit across a residential area property line.

## § 337-12. Maximum sound levels; exceptions.

- A. Maximum permissible sound levels by receiving land use. No person shall cause, suffer, allow, or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound level limits set forth in Table I when measured at or within the real property line of the receiving property.  
[Amended 12-19-1995 by Ord. No. 95-068]

**TABLE I**  
**Maximum Permissible A-Weighted Sound Pressure Levels by Receiving Property Category**

Sound Source Property Category	Receiving Property Category			
	Residential 8:00 a.m. to 8:00 p.m. (dBA)	Commercial 8:00 p.m. to 8:00 a.m. (dBA)	Industrial 8:00 a.m. to 8:00 p.m. (dBA)	Industrial 8:00 p.m. to 8:00 a.m. (dBA)
Residential	65	50	65	75
Commercial or industrial, public service or community service	65	50	65	75

facility

- B. The following are exempt from the A-weighted sound pressure level limits of Table I:
- (1) Noise from domestic power tools, lawn mowers and agricultural equipment when operated with a muffler between the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays, provided that they produce less than 85 dBA at any real property line or residential property.
  - (2) Sound from church bells and church chimes when a part of religious observance or service.
  - (3) Noise from construction activity, except as provided in § **337-11C**.
  - (4) Airports, heliports and aircraft operations.
  - (5) Noise from snowblowers, snow throwers and snowplows when operated with a muffler for the purpose of snow removal.
  - (6) Noise from stationary emergency signaling devices that conforms to the provisions of N.J.A.C. 7:29-13 which provisions are incorporated herein by reference.
  - (7) Noise from exterior burglar alarms, including alarms mounted in motor vehicles, which shall terminate its operation within 15 minutes after it has been activated.
  - (8) The unamplified human voice.
  - (9) Interstate railway locomotives and cars.
  - (10) Motor vehicles and motorcycles operating on public rights-of-way so long as muffled in accordance with § **337-13**.
  - (11) Air conditioners on residential property when measured across a residential real property line, except as provided in this chapter.
  - (12) Source noise when it is equal to or less than the neighborhood residual noise by three dBA or less shall not be a cause to cite a violation even if the source noise level exceeds those allowed in Table I, Maximum Permissible A-Weighted Sound Pressure Levels by Receiving Property Category, in Subsection **A** of this section.  
[Amended 12-19-1995 by Ord. No. 95-068]
  - (13) The emission of sound for the purpose of alerting persons to the existence of an emergency except as provided in this chapter.
  - (14) The emission of sound in the performance of emergency work as provided in this chapter.
  - (15) The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.
  - (16) Noise from municipality-sponsored or -approved celebrations or events.

### **§ 337-13. Adequate mufflers or sound-dissipative devices required; tampering prohibited.**

- A. No person shall cause, suffer, allow or permit the operation of any motor vehicle or motorcycle not equipped with original muffler and other exhaust components or equivalent replacement in good working order and in constant operation regardless of sound level produced.
- B. No person shall remove or render inoperative or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or other exhaust component on a motor vehicle or motorcycle.

### **§ 337-14. Violations and penalties.**

- A. Any person who violates any provision of this chapter shall be fined not less than \$100 nor more than \$1,000, be imprisoned for not more than 90 days or serve a period of community service for not more than 90 days, or any combination thereof, for the first offense only. For each subsequent offense, there shall be imposed a maximum fine of \$1,000, imprisonment for not more than 90 days or a period of community service for not more than 90 days, or any combination thereof.  
[Amended 10-27-1992 by Ord. No. 92-054; 12-19-1995 by Ord. No. 95-068]
- B. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.
- C. Any person who violates more than one section of this chapter shall be fined separately for each section of the chapter violated as a separate and distinct offense.

## **§ 337-15. Abatement orders; notice of violation or summons.**

- A. In lieu of issuing a notice of violation as provided for herein, the City may issue an order requiring abatement of any source of sound alleged to be in violation of this chapter within a reasonable time period, in accordance with the guidelines established by this chapter.
- B. Except where a person is acting in good faith to comply with an abatement order provided herein, violation of any provision of this chapter shall be cause for a notice of violation or summons to be issued by the appropriate City agency, including but not limited to the Police and Health Divisions, according to procedures which City may prescribe.

## **§ 337-16. Additional remedies.**

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 or injury or damage arising from any violation of this chapter or from other law.

## **§ 337-17. Permits for use of loudspeakers and amplifiers for nonprofit activities.**

- A. The Council may issue permits in accordance with this chapter for the use of loudspeakers and amplifiers in connection with nonprofit charitable, educational, civic, religious or recreational activities, if the Council shall find that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, that the activities will not violate any other ordinance or law or create a public nuisance and that the public health and safety will not be endangered thereby.
- B. Permits used hereunder shall specify the dates and hours of the permitted activities which shall not be allowed between the hours of 8:00 p.m. and 9:00 a.m. unless the Municipal Council shall determine that it is in the best interest of the community that the activities take place wholly or partially during such hours. The permit shall not be issued for a period in excess of three days.  
[Amended 6-23-1992 by Ord. No. 92-034]
- C. The City Clerk is authorized to adopt and use such forms of applications as may be required. Each application for a permit shall be accompanied by a fee of \$30, which shall be payable to the City.
- D. Any applicant for a permit under this section who also requires other permits or licenses from the City must obtain those permits prior to making an application under this section.