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CAMDEN COUNTY NOISE CONTROL ORDINANCE FOR STATIONARY SOURCE

ARTICLE I DECLARATION OF FINDINGS AND POLICY: SCOPE

1.1 WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and, WHEREAS the people have the right to, and should be ensured an environment free from excessive sound,

Now THEREFORE, it is the policy of Camden County to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

1.2 This ordinance shall apply to the control of sound originating from stationary sources within the limits of Camden County.

ARTICLE II DEFINITIONS

2.1 “COMMERCIAL AREA” MEANS

A group of commercial facilities and the abutting public rights-of-way and public spaces.

2.2 “COMMERCIAL FACILITY” MEANS

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

- a) Baking and other financial institutions;
- b) Dining establishments;
- c) Establishments for providing retail services;
- d) Establishments for providing wholesale services;
- e) Establishments for recreation and entertainment;
- f) Office buildings;
- g) Transportation;
- h) Warehouses.



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2.3 “CONSTRUCTION” MEANS

Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

2.4 “DECIBEL” MEANS

The practical unit of measurement unit 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.

2.5 “DEMOLITION” MEANS

Any dismantling, intentional destruction, or removal of buildings or structures

2.6 “EMERGENCY WORK” MEANS

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 right-of-way, or abating life-threatening conditions.

2.7 “INDUSTRIAL FACILITY” MEANS

Any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacturer, or production of durable or non-durable goods.

2.8 “MOTOR VEHICLE” MEANS

Any vehicle that is propelled or drawn on land by an engine or motor.

2.9 “MUFFLER” MEANS

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

2.10 “MULTI-DWELLING-UNIT BUILDING” MEANS

Any building wherein there are two or more dwelling units.

2.11 “NOISE” MEANS



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Any 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 State 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.

2.12 “NOISE CONTROL ADMINISTRATOR” MEANS

The noise control officer designated as the official liaison with all municipal departments, empowered to grant permits for variances.

2.13 “NOISE CONTROL OFFICER” MEANS

An officially designated employee of the municipality, of a group of municipalities, or of the county, trained in the measurements of sound and empowered to issue a summons for violations of this ordinance.

2.14 “NOISE DISTURBANCE” MEANS

Any sound that (a) endangers the safety or health of any person, or (b) disturbs a reasonable person of normal sensitivities, or (c) endangers personal or real property.

2.15 “PERSON” MEANS

Any individual, corporation, company, association, society, firm, partnership, joint stock company, the State or any political subdivision, agency or instrumentality of the state.

2.16 “PUBLIC RIGHT-OF-WAY”

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

2.17 “PUBLIC SPACE”

Any real property or structures thereon that are owned leased or controlled by governmental entity.



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2.18 “REAL PROPERTY LINE” MEANS

Either (a) the imaginary line including its vertical extension that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling-unit building.

2.19 “RESIDENTIAL AREA” MEANS

A group of residential properties and the abutting public rights-of-way and public spaces.

2.20 “RESIDENTIAL PROPERTY” MEANS

Any 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

2.21 “SOUND LEVEL” MEANS

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

2.22 “SOUND LEVEL” MEANS

An instrument used to measure sound level and conforms to Type 1 or Type 2 standards as specified by ANSI specification S1.4-1971.

2.23 “WEEKDAY” MEANS

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



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ARTICLE III POWERS DUTIES AND QUALIFICATIONS OF THE NOISE CONTROL OFFICERS AND ADMINISTRATOR

- 3.1 The provisions of this ordinance shall be enforced by the noise control officers.
- 3.2 The noise control administrator shall have power to:
 - (a) Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable;
 - (b) Review the actions of the other municipal departments and advise such departments of the effect, if any, of such actions on noise control;
 - (c) Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this ordinance.
 - (d) Grant permits for variances according to the provisions of Article VIII, provided the variances are consistent with regulations concerning noise control promulgated by the New Jersey Department of Environmental Protection, N.J.A.C. 7:29.
- 3.3 The noise control administrator shall consult with the airport proprietor to recommend changes in airport operations to minimize any noise which the airport owner may have the authority to control in its capacity as proprietor. The noise control administrator shall report on his/her efforts to the governing body.
- 3.4 A person shall be qualified to be a noise control officer if the person has satisfactory completed any of the following:
 - (a) “Community Noise- A Short Course” offered by the Department of Environmental Science of Cook College, Rutgers, the State University; or
 - (b) A program of tutoring on-the-job training offered by the New Jersey Department of Environmental Protection, Office of Noise Control to its employees; or
 - (c) Education or experience or a combination thereof certified by the above Department as equivalent to the provisions of paragraphs (a) or (b) of this section.



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- 3.5 Noise measurements made by noise control officers shall be taken according to procedures specified by N.J.A.C. 7:29B, except as provided in section 5.1.1.

ARTICLE IV DUTIES AND RESPONSIBILITIES OF OTHER DEPARTMENTS

- 4.1 All departments and agencies of the County of Camden shall carry out their programs according to law and shall cooperate with the noise control administrator in the implementation and enforcement of this ordinance.
- 4.2 All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the noise control administrator prior to the approval of such projects to insure that activities comply with the provisions of this ordinance.

ARTICLE V MAXIMUM PERMISSIBLE SOUND LEVELS

- 5.1 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 except as provided in Section 5.1.1
- 5.1.1 When measuring noise within a dwelling unit of a multi-dwelling-unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room.

TABLE I. MAXIMUM PERMISSIBLE SOUND LEVELS BY RECEIVING PROPERTY CATEGORY, IN dBA

Sound Source Property Category	Receiving Property Category					
	Another Dwelling Within a Multi Dwelling- Unit Building	Residential		Commercial	Industrial	
	7am-10pm	10pm-7am	7am-10pm	10pm-7am	All times	All times
Any location within A multi-Dwelling-Unit Building	45	40	55	50	65	75
Residential			55	50	65	75
Commercial or Public Spaces or rights-of- way			65	50	65	75
Industrial			65	50	65	75



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5.12 (a) No person shall cause, suffer, allow or permit sound from any industrial, commercial, public service, or community service facility that, when measured at any residential property line, is in excess of any of the following:

1. From 7:00 am to 10:00 pm:

- i. Continuous airborne sound which has a sound level in excess of 65 dBA; or
- ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	96
63	82
125	74
250	67
500	63
1000	60
2000	57
4000	55
8000	53

; or

- iii. Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

2. From 10:00pm to 7:00am:

- i. Continuous airborne sound which has a sound level in excess of 50 dBA; or
- ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands



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Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	86
63	71
125	61
250	53
500	48
1000	45
2000	42
4000	40
8000	38

; or

- iii. Impulsive sound air which has a peak sound pressure level in excess of 80 decibels
- (b) No person shall cause, suffer, allow, or permit sound from any industrial, commercial, public service, or community service facility that, when measured at the property line of any other commercial facility is in excess of any of the following:
- 1. Continuous airborne sound which has a sound level in excess of 65 dBA; or
 - 2. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	96
63	82
125	74
250	67



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500	63
1000	60
2000	57
4000	55
8000	53

;or

3. Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

5.2 The following are exempt from the sound level limits of Table I:

- (a) Noise from domestic power tools, lawn mowers, and agricultural equipment when operated with muffler between the hours of 8:00am to 8:00pm on weekdays and 9:00 am to 8:00pm on weekends and legal holidays, provided they produce less than 85 dBA at or within any real property line of residential property;
- (b) Sound from church bells and church chimes when a part of a religious observance or service;
- (c) Noise from construction activity provided all motorized equipment used in such activity is equipped with functioning mufflers, except as provided in 6.2.6;
- (d) Noise from snow blowers, snow throwers, and snow plows when operated with a muffler for the purpose of snow removal.
- (e) Noise from stationary emergency signaling devices that conform to the provisions of N.J.A.C.7:29.
- (f) Noise from an exterior burglar alarm of any building or motor vehicle provided such burglar alarm shall terminate its operation within fifteen (15) minutes after it has been activated.

ARTICLE PROHIBITED ACTS

- 6.1 No person shall cause, suffer, allow, or permit to be made verbally or mechanically any noise disturbance. 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
- 6.2 No person shall cause, suffer, allow, or permit the following acts



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6.2.1 Sound Reproduction Systems

Operating, playing, or permitting the operation or playing of any radio, television, phonograph, or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device;

6.2.2 Loudspeakers and Public Addresses Systems

Using or operating of any loudspeaker, public address system, or similar device between the hours of 10:00pm and 8:00am in the following day, such that the sound there from creates a noise disturbance across a residential real property line;

6.2.3 Animals and Birds

Owning possessing, or harboring any pet animal or pet bird that frequently or for continued duration, makes sounds that create a noise disturbance across a residential real property line (for the purpose of

this section a noise disturbance from a barking dog shall be defined as that created by a dog barking continually for ten (10) minutes or intermittently for thirty (30) minutes unless provoked);

6.2.4 Loading and Unloading

Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powered, or pellet form, or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 10:00 pm and 7:00am the following day when the latter is a weekday and between the hours of 10:00pm and 7:00am the following day when the latter is a legal holiday or a weekend day except by permit, when the sound there from creates a noise disturbance cross a residential real property line;

6.2.5 Standing Motor Vehicles

Operating or permitting the operation of any motor vehicle whose manufactures gross weight is in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period of longer that five (5) minutes in any hour while the vehicle is stationary, for



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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 8:00pm and 8:00am of the following day;

6.2.6 Construction and Demolition

Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating, or demolition work between the hours of 6:00am and 7:00am the following day on weekdays or at any time on weekends or legal holidays, provided such equipment is equipped with a functioning muffler except for (a) emergency work, (b) by variance issued pursuant to article VIII, or (c) when the sound level does not exceed any applicable limit specified in Table I.

ARTICLE VII EXCEPTIONS

7.1 The provisions of this ordinance shall not apply to

- (a) The emission of sound for the purpose of alerting persons to the existence of an emergency except as provided in Section 5.2(e) or (f); or
- (b) The emission of sound in the performance of emergency work; or
- (c) The emission of sound in situations within the jurisdiction of the federal Occupational Safety and Health Act.

7.2 Noise from municipally sponsored or approved celebrations or events shall be exempt from the provision of this ordinance.

ARTICLE VIII CONDITIONS FOR VARIANCE

8.1 Any person who owns or operates any stationary noise source may apply to the noise control administrator for a variance from one or more of the provisions of this ordinance. Applications for a permit of variance shall supply information including, but not limited to:

- (a) The nature and location of the noise source for which such application is made;
- (b) The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his/her client, or the



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- public if the permit of variance is not granted;
 - (c) The nature and intensity of noise that will occur during the period of the variance;
 - (d) The section or sections of this ordinance for which the permit of variance of variance shall apply;
 - (e) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring there from;
 - (f) A specific schedule of the noise control measures which shall be taken to bring the source into compliance with this ordinance within a reasonable time.
- 8.1.1 Failure to supply the information required by the noise control administrator shall be caused for rejection of the application.
- 8.1.2 A copy of the permit of variance must be kept on file by the municipal clerk for public inspection.
- 8.2 The noise control administrator may charge the applicant a fee of \$200.00 dollars to cover expenses resulting from the processing of the permit of variance application.
- 8.3 The noise control administrator may, at his/her discretion, limit the duration of the permit of variance, which shall be no longer than one year. Any person holding the permit of variance and requesting an extension of time shall apply for a new permit of variance under the provision of this section.
- 8.4 No variance shall be approved unless the applicant present adequate proof that (a) Noise levels occurring during the period of the variance will not constitute a danger to public health; and (b) Compliance with the ordinance would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefit to the public.
- 8.4.1 In the making the determination on granting a variance, the noise control administrator shall consider
- (a) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property which is caused or threatened to be caused.
 - (b) The social and economic value of the activity for which the variance is sought.
 - (c) The ability of the applicant to apply best practical noise control measures.
- 8.5 The permit of variance may be revoked by the noise control administrator



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if the terms of the permit of variance are violated.

- 8.6 A variance may be revoked by the noise control administrator if there is:
 - (a) Violation of one or more conditions of the variance;
 - (b) Material misrepresentation of fact in the variance application; or
 - (c) Material change in any of the circumstances relied upon by the noise control administrator in granting the variance.

ARTICLE IX ENFORCEMENT

9.1 ISSUANCE OF SUMMONS

Violation of any provision of this ordinance shall be caused for a summons to be issued by the noise control officer according to procedures set forth in herein.

9.2 ABATEMENT ORDERS

- (a) Except as provided in subsection (b), in lieu of issuing a summons as provided in Section 9.1, the noise control officer may issue an order requiring abatement of any source of sound alleged to be in violation of this ordinance within a reasonable time period and according to guidelines which the noise control officer may prescribe.
- (b) An abatement order shall not be issued (1) if any person willfully or knowingly violates any provision of this ordinance, or (2) if the noise control officer has reason to believe that there will not be compliance with the abatement order.

9.3 PENALTIES

- (a) Any person who violates any provision of this ordinance shall be subject to penalty for each offense of not more than **\$3000.00** dollars, except as provided in subsection (d).
- (b) Any person who willfully or knowingly violates any provision of this ordinance shall be subject to a penalty for each offense a sum of not less than **\$ 100.00** and not more than **\$ 3,000.00** dollars.
- (c) If the violation is of a continuing nature, each day during which it occurs shall constitute an additional separate, distinct offense.
- (d)

Violation	1 st	2 nd	3 rd	4 th	Additional Violations
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Order	100-500	500-1000	1000-3000	\$3000
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9.4 OTHER REMEDIES

No provision of this ordinance shall be construed to impair any common law or statutory cause of action or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

ARTICLE X SEVERABILITY

If any person of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provision of the ordinance shall not be invalidated.

ARTILCE XI EFFECTIVE DATE

This ordinance shall take effect on 3/16/04 per Resolution h, adopted 12/16/93