

**TOWNSHIP OF WATERFORD**

**ORDINANCE NO. 2018-15**

**ORDINANCE OF THE TOWNSHIP OF WATERFORD CAPTIONED  
“NOISE CONTROL”**

**WHEREAS**, at various times the Township of Waterford has received complaints in regard to excessive noise at high levels and for unusual or lengthy periods of time; and

**WHEREAS**, in reviewing this issue, the Township Committee has determined that excessive noise can be detrimental and hazardous to public health, welfare, safety and quality of life; and

**WHEREAS**, as a result, the Township has determined to create an Ordinance captioned “Noise Control” to assist in controlling the sound of noise within the Township of Waterford and controlling and limiting the time of certain business operations.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey, as follows:

**Section 1.** The Township Committee hereby establishes an Ordinance captioned “Noise Control”:

**1. NOISE CONTROL.**

**1.1 Declaration of Findings and Policy; Scope.**

a. Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life.

b. A substantial body of science and technology exists by which excessive sound may be substantially abated.

c. Township residents have a right to and should be ensured an environment free from excessive sound.

d. It is the policy of Township Committee to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

e. This Ordinance shall apply to the control of sound within the limits of the Township.

## **1.2 Definitions.**

As used in this section:

*Commercial Area* shall mean a group of commercial facilities and the abutting public rights-of-way and public spaces.

*Commercial facility* shall mean any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- a. Banking 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;
- i. Construction Companies.

*Construction* shall mean any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

*Decibel (dB)* shall mean the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound [twenty (20) micropascals]; abbreviated dB.

*Demolition* shall mean any dismantling, intentional destruction, or removal of buildings or structures.

*Emergency work* shall mean 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, or abating life-threatening conditions.

*Industrial facility* shall mean any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

*Motor vehicle* shall mean any vehicle that is propelled or drawn on land by an engine or motor.

*Muffler* shall mean a sound dissipative device or system for abating the sound of escaping gasses of an internal combustion engine.

*Multi-dwelling-unit building* shall mean any building wherein there are two (2) or more dwelling units.

*Noise* shall mean any sounds 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 Township 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 administrator* shall mean the Waterford Township Zoning Officer shall be designated as the official liaison with all municipal departments and shall be empowered to grant permits for variations in accordance with provisions of subsection 1.8.

*Noise control officer* shall mean officially designated officers of the Waterford Police Department or of the Camden County Department of Health, trained in the measurement of sound and empowered to issue a summons for violations of this ordinance.

*Noise disturbance* shall mean 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.

*Person* shall mean any individual, corporation, company, association, society, firm, partnership, joint stock company, the State or any political subdivision, agency or instrumentality of the State.

*Public right-of-way* shall mean any street, avenue, boulevard, road, highway, sidewalk, alley that is leased, owned or controlled by a governmental entity.

*Public space* shall mean any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

*Real property line* shall mean 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.

*Residential area* shall mean a group of residential properties and the abutting public rights-of-way and public spaces.

*Residential property* shall mean 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 level* shall mean 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* shall mean an instrument used to measure sound level and conforms to Type 1 or Type 2 standards as specified by ANSI specifications S1.4-1971.

*Weekday* shall mean any day, Monday through Friday, that is not a legal holiday.

*Weekend* shall mean Saturday and Sunday.

### **1.3 Maximum Permissible Sound Levels.**

a. It shall be unlawful for any person to make, continue or cause to be made or continued, any excessive or unusually loud noise, or to create a noise disturbance within the limits of the Township except as provided in this section.

b. An excessive or unusually loud noise shall be defined for purposes of this section, as any noise or sound that emanates past the boundary or property from which it originates and by so doing creates a disturbance for any of the contiguous property owners, or property owners in the near vicinity.

#### **1.4 Prohibited Acts.**

The following acts are declared to be loud, disturbing or excessive noise in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive, namely:

a. *Horns and Signaling Devices.* The sounding of any horn or signaling device except as a danger warning signal or as provided in the Vehicle Code of the State of New Jersey.

b. *Radios, Television Sets and Similar Devices.*

1. Operating or permitting the use or operation of any exterior radio receiving set, musical instrument, television, phonograph, drum or other device for the production or reproduction of sound, except as provided for in paragraph c. below, in such a manner as to cause a noise disturbance.

2. Or operating any such device except between the hours of 8:00 a.m. and dusk or 8:00 p.m., whichever comes first.

c. *Exterior Loudspeakers.* Using or operating any mechanical device or loudspeaker in a fixed or movable position exterior to any building or mounted upon any aircraft or motor vehicle such that the sound therefrom is plainly audible at or beyond the property boundary of the source, or on a public way, except by permit. The Land Use Board shall have the authority to restrict and control the granting of permits.

d. *Street Sales.* Selling anything by shouting or by outcry within any area of the Township zoned primarily for residential uses, except by permit.

e. *Animals.* Owning, keeping, possessing or harboring any fowl or animal for a continued duration which, by frequent or habitual howling, barking, meowing, squawking or other noise making, causes a noise disturbance across a residential property boundary. The noise disturbance must exist for a minimum of thirty (30) minutes intermittently or ten (10) minutes consistently.

f. *Loading Operations.* Loading, unloading, opening, or otherwise handling boxes, crates, containers, or otherwise similar objects, construction materials, stones, soil, lumber, blocks, bricks, or similar type objects and work related equipment except between the hours of 7:00 a.m. and dusk or 8:00 p.m. Monday through Saturday, whichever comes first. Trash collection is specifically governed by contract. In no event shall solid waste or recyclables be collected before 7:00 a.m. Commercial/retail establishments may obtain an exemption from this provision pursuant to Section 1.6.

g. *Construction Noise.* Operating or causing to be operated any equipment used in residential, commercial or industrial construction, repair, excavation, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, in residential or commercial land use categories, except on Monday through Friday between the hours of 7:00

a.m. and dusk or 8:00 p.m., whichever comes first, and on Saturdays between the hours of 8:00 a.m. and dusk or 6:00 p.m., whichever comes first. An existing single family home may obtain an exemption from this provision for Sunday pursuant to Section 1.6.

h. *Impulsive Sources.* The use of explosives or firing of guns or other explosive devices.

i. *Motor Vehicle Racing Events.* Operating or permitting the operation of motor vehicle racing events at any place except an authorized track and in a manner approved by the Township Committee to minimize noise disturbance.

j. *Powered Model Vehicles.* Operating or permitting the operation of powered model vehicles except between the hours of 8:00 a.m. and dusk or 8:00 p.m., whichever comes first.

k. *Power Equipment.* Operating or permitting to be operated any power saw, sander, drill, grinder, garden equipment or tools of like nature, used primarily for domestic purposes, outdoors in residential zones except between the hours of 7:00 a.m. and dusk or 7:00 p.m., whichever comes first, Monday through Saturday, and between the hours of 8:00 a.m. and 6:00 p.m. on Sunday.

l. *Gas Powered Vehicles.* The operation of any gas powered vehicle without a muffler shall be deemed a violation. This shall include, but is not limited to, the "revving" of engines.

### **1.5 Exceptions.**

a. The provisions of this section shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency.

2. The emission of sound in the performance of emergency work; or

3. The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.

b. Noise from municipally sponsored or approved celebrations or events shall be exempt from the provisions of this section.

### **1.6 Conditions for Variation.**

a. Any person who owns or operates any noise source may apply to the Department of Community Development for a variation, provided that the reason for the application is to take care of a verifiable emergency situation or for an particular purpose. The Township of Waterford reserves the right to decide whether or not a true emergency exists. Applications for a permit of variation shall supply information including, but not limited to:

1. The nature and location of the noise source for which such application is made;

2. The reason for which the permit of variation is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit of variation is not granted;

3. The nature, intensity and times of day when noise that will occur during the period of the variation;

4. The subsection or subsections of this section for which the permit of variation shall apply;

5. A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts of occurring therefrom; and

6. A specific schedule of the noise control measures which shall be taken to bring the source into compliance with this section within a reasonable time.

b. Failure to supply the information required by the Department of Community Development shall be cause for rejection of the application.

c. A copy of the permit of variation must be kept on file by the Township Clerk for public inspection.

d. The Department of Community Development shall charge the applicant a fee of fifty (\$50.00) dollars to cover expenses resulting from the processing of the permit on the variation application.

e. The Department of Community Development may, at their discretion, limit the duration of the permit of variation, which shall be no longer than ten (10) days unless otherwise authorized. Any person holding a permit of variation and requesting an extension of time shall apply for a new permit of variation under the provisions of this subsection.

f. No variation shall be approved unless the applicant presents adequate proof that:

1. Noise levels occurring during the period of the variation will not constitute a danger to public health; and

2. Compliance with this section would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.

g. In making the determination on granting a variation, the Department of Community Development shall consider:

1. 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.

2. The social and economic value of the activity for which the variation is sought.

3. The ability of the applicant to apply best practical noise control measures.

4. The approval of the application for variation by the Chief of Police and Township Council.

h. The permit of variation may be revoked by the Department of Community Development if the terms of the permit of variation are violated.

i. A variation may be revoked by the Department of Community Development if there is:

1. Violation of one (1) or more conditions of the variation;

2. Material misrepresentation of fact in the variation application; or

3. Material change in any of the circumstances relied upon by the Department of Community Development in issuing the Permit.

### **1.7 Enforcement.**

a. *Penalties.* Violations of any provision of this section shall be cause for a summons to be issued by the Police Department, Community Development, Building Code Department.

First Offense – a fine not less than \$250.00 and not to exceed \$500.00.

Second Offense – A fine of not less than \$500.00 and not to exceed \$750.00.

Subsequent Offense – A fine not less than \$1,000.00.

In addition to a summons, any individual, organization, or establishment that fails to abide by this section when required to do so may be subject to closure and/or a cease and desist order.

b. *Abatement Orders.*

1. Except as provided in paragraph 2. below, in lieu of issuing a summons as provided in subsection 1.7a., the above named officials may issue an order requiring abatement of any source of sound alleged to be in violation of this section within a reasonable time period and according to the guidelines which the Department of Community Development may prescribe.

2. An abatement order shall not be issued:

(a) If any person willfully or knowingly violates any provision of this section; or

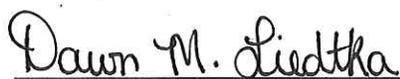
(b) If the Department of Community Development has reason to believe that there will not be compliance with the abatement order.

c. *Other Remedies.* No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violations of this section or from other law.

**Section 2.** All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 3.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

**Section 4.** This Ordinance shall be assigned a new Chapter Number in the Waterford Township Code Book.

  
Dawn M. Liedtka, RMC, Deputy Clerk

  
William A. Richardson, Jr., Mayor

Introduced: July 11, 2018  
Public Hearing: July 25, 2018  
Adopted: July 25, 2018

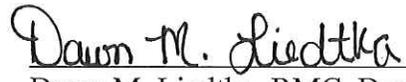
**ORDINANCE NO. 2018-15**

UPON INTRODUCTION ON 7-11-2018					
	GIANGIULIO	HANNA	SURA	YEATMAN	RICHARDSON
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					
UPON ADOPTION ON 7-25-2018					
	GIANGIULIO	HANNA	SURA	YEATMAN	RICHARDSON
YES	X	X	X	X	X
ABSTAIN					
NO					
ABSENT					

CERTIFICATION

I, Dawn M. Liedtka, Deputy Clerk of the Township of Waterford, Camden County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the ordinance which was finally adopted by the Mayor and Township Committee of the Township of Waterford at a meeting held on the 25<sup>th</sup> day of July, 2018.

Dated: July 25, 2018

  
 Dawn M. Liedtka, RMC, Deputy Clerk