

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 4.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(NOISE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 4 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to revise the municipal code section governing excessive noise to incorporate and exclude on Sundays any construction, repairs and/or alterations which require a new certificate of occupancy within the Township of West Orange.

II. CHAPTER 4, SECTION 4.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

The following activities are hereby declared to be examples of noises which are subject to the provisions of this section:

- a. *Radios; Television; Phonographs.* The using, operating, or permitting to be played, used or operated, of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the health or comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of twenty-five (25) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- b. *Loudspeakers for Advertising.* The using, operating or permitting to be played, used or operated, of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising.
- c. *Yelling; Shouting.* Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11:00 p.m. and 7:00 a.m. so as to disturb the comfort or repose of persons in any residential dwelling.
- d. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or the internal combustion engine of a leaf blower, power hedge trimmer or power lawn mower, except through a properly functioning muffler or other device which will effectively prevent explosive or excessively loud noises therefrom.
- e. *Loading; Unloading; Emptying Containers.* The creation of loud and disturbing noise in connection with loading or unloading any vehicle or the opening, emptying or destroying of bales, boxes, crates, garbage cans or other containers between the hours of 9:00 p.m. and 6:30 a.m.
- f. *Construction; Repair; Maintenance.* Unless otherwise allowed for herein excavation, demolition, construction, repair or alteration work ("construction activities") shall only be permitted at the site of any residential or commercial property or on any vacant land other

than between the hours of 7:30 a.m. and 7:00 p.m. from Monday through Friday or between the hours of 8:00 a.m. and 7:00 p.m. on Saturday. In addition, no heavy equipment related to construction activities shall be permitted to arrive at or depart from any residential or commercial property or any vacant land prior to 7:30 a.m. or after 7:00 p.m. Monday through Friday and prior to 8:00 a.m. or after 5:00 p.m. on Saturdays and prior to 9:00 a.m. or after 5:00 p.m. on Sundays. Further, no persons, other than security personnel, are permitted to be at the site of any residential or commercial property or on any vacant land during the hours when delivery, removal or operation of heavy equipment is prohibited. Notwithstanding the foregoing, the owner or occupant of a single-, two- or three-family residential dwelling (but expressly excluding (i) the construction of a new residence or a development; or (ii) construction, repairs and/or alterations which require a new certificate of occupancy) can engage in construction, repairs and/or alterations to their residence on Sundays between 9:00 a.m. and 6:00 p.m.

In addition, no person shall operate pile driver, steam shovel, bulldozer or other earth moving machinery, pneumatic hammer, hammer, derrick, steam or electric hoist or similar machinery and equipment at any residential or commercial property or any vacant land except between the hours of 7:30 a.m. and 7:00 p.m. Monday through Friday or between the hours of 8:00 a.m. and 7:00 p.m. on Saturday.

Moreover, no person shall operate a leaf blower, chain saw, power saw, power hedge trimmer or power lawn mower except in accordance with the following schedule for hours and days of use:

1. On weekdays between 7:30 a.m. and 7:00 p.m.;
 2. On Saturdays between 8:00 a.m. and 5:00 p.m., except that when used by an occupant or owner of the premises between 8:00 a.m. and 7:00 p.m.;
 3. On Sundays between 9:00 a.m. and 5:00 p.m., except that when used by an occupant or owner of the premises between 9:00 a.m. and 6:00 p.m.
- g. The provisions of Ordinance 2156-07* shall apply in full force and effect.
- h. Notwithstanding the provisions herein, any emergency repair may occur which is required for the health, safety or habitability of the property as may be determined by the Construction Official.
- i. *Noise Near Schools, Courts, Churches or Hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church, court or hospital, while such institution is in use and which interferes with the working of the institution or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in such streets indicating that the same is a quiet area because of the presence of a school, church, court or hospital.
- j. *Air-Conditioning or Air-Cooling units.* The operation and use of any air-conditioning or air-cooling units or apparatus, including all noise continuous enough to be measured by a sound level meter, devices or appurtenances, but not limited to air-conditioning and air-cooling units, fans, blowers, and compressors, pool filters, machinery noise from industry, during the hours between 11:00 p.m. and 7:30 a.m., creating an audible noise which annoys or disturbs the quiet, comfort or repose of persons in any dwelling, hotel, apartment house or other type of residence located within a R-1, R-2, R-3, R-4, R-5, R-6, R-G or R-M Zone as defined in Chapter XXV, Land Use Regulations, shall be deemed to be a nuisance and unlawful. Audible noise shall mean a noise intensity of over forty (40) decibels measured by a noise intensity measuring meter in the center of the room or place
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wherein the annoyance exists. The sound level meter shall conform to the applicable standard of the American Standard Institution, Incorporation, New York, New York.

- k. *Unreasonable Noise.* Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

IV. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

V. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VI. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Victor Cirilo
Council President

Honorable Robert D. Parisi
Mayor

Introduced:

Adopted:

Approved as to form on the basis of the facts provided:

Richard D. Trenk
Township Attorney

Legislative History

This ordinance is drafted to expand the provisions of the Municipal Code governing excessive noise to incorporate and exclude on Sundays construction, repairs and/or alterations which require a new certificate of occupancy within the Township of West Orange.