

# MASON, GRIFFIN & PIERSON

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## MEMORANDUM

To: Mayor and Council of Princeton  
From: Lisa M. Maddox, Esq.   
Date: July 11, 2014  
Re: **Noise Ordinance**

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Attached on behalf of the Code Subcommittee please find a proposed ordinance entitled "Loud, Continuous or Excessive Noise" for discussion, and possible introduction, at the Mayor and Council's meeting on Monday, July 21, 2014. Also attached are the Borough and Township Code provisions currently governing noise.

The proposed ordinance is based on the existing noise regulations contained in the Borough and Township Codes, and seeks to consolidate and update the two codes. The following is a summary of the substantive changes involving policy considerations.

### *1. Regulation of noises above certain decibel levels*

The New Jersey Department of Environmental Protection recognizes two categories of municipal noise regulation: true "noise ordinances," which regulate noise by measuring and restricting sound pressure levels, i.e., by decibels; and nuisance ordinances, which prohibit certain noise on the basis that it disturbs the peace and constitutes a public "nuisance."

Before a "noise ordinance" (i.e., regulation of decibel levels) may go into effect, it must be reviewed and approved by the NJDEP under the Noise Control Act of 1971, N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29-1.8. The NJDEP approves "noise ordinances" which are substantively similar to the DEP's model noise ordinance (a copy of which is attached for your reference). The focus of such an ordinance is measuring noise at certain sound pressure levels. A significant (and challenging) aspect of adopting a noise ordinance is its enforcement; adoption of a noise ordinance necessitates the retention of a certified noise investigator and continued maintenance and use of calibrated sound meters.

An ordinance that restricts certain noises on the basis that they constitute a public "nuisance," on the other hand, is an exercise of a municipality's police power and not subject to the NJDEP's prior approval.

The bulk of the noise regulation that is contained in the Borough and Township Codes falls into the second category - "nuisance" regulation. Sections 21-1 and 21-2 of the Borough Code, and sections 13-10.1 and 13-10.2 of the Township Code, restrict loud, continuous and excessive noise on the basis that it endangers the health and safety of others. These provisions delineate numerous types of noise and activities which generate noise, and restrict certain activities to certain times and days based on their impact on others. These provisions do not trigger the NJDEP's review and approval, nor do they need to conform to NJDEP's model ordinance.

Sections 21-3 and 13-10.3a. of the Borough and Township Codes, respectively, prohibit the creation of sound above certain sound pressure levels – not to exceed 65 decibels between the hours of 8 a.m. and 8 p.m., 50 decibels between the hours of 8 p.m. and 8 a.m. and 10 decibels above the existing background sound level. If these restrictions are to be retained in the Princeton Code, then the

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municipality would need to amend them to conform to the model ordinance, adopt an entirely new noise ordinance based on the model ordinance and obtain approval from the NJDEP. Additionally, such an ordinance would supercede and invalidate the remaining "nuisance" provisions contained in the existing sections of the Township and Borough Codes.

The Subcommittee discussed the above with Health Officer Jeffrey Grosser, and based on his input, as well as my research, the Subcommittee recommends that the proposed ordinance focus on restricting noise as a public nuisance, rather than regulating noise at measurable decibel levels. As a result of this recommendation, the specific provisions addressing decibel levels that are contained in the Township and Borough Codes (sections 13-10.3a. and 21-3, respectively) have been removed.

Importantly, the Mercer County Division of Public Health is vested with the authority and responsibility to perform noise enforcement activities in Princeton under the Noise Control Act of 1971, N.J.S.A. 13:1G-1 et seq. The Act restricts the level of noise from commercial and industrial properties when measured at the residential property line of an affected person. Prohibited levels include 50 decibels from 10 p.m. to 7 a.m. and 65 decibels from 7 a.m. to 10 p.m. These decibel levels are similar to those currently in the existing Township and Borough Codes. Significantly, the County may (and should, when necessary) be contacted to investigate and enforce these restrictions in Princeton.

## ***2. Mountain Lakes Preserve and private school music amplification***

Subsection 13-10.2(cc) of the Township Code regulates music amplification at the Mountain Lakes Preserve, and prohibits music amplification at an event taking place at the Preserve prior to 12 p.m. or after 10 p.m., except if a person obtains a permit from the governing body. Similarly, subsection 13-10.2(ccc) of the Township Code regulates music amplification at private schools, and prohibits music amplification at an event taking place at a private school prior to 12 p.m. or after 10 p.m., except if a person obtains a permit from the governing body.

There are no corresponding provisions in the Borough Code.

The proposed ordinance combines subsections (cc) and (ccc) into a single new subsection entitled, "Music amplification at privately sponsored events." This would include all events which now take place at the Mountain Lakes Preserve and private schools. This new subsection also expands the language to apply to any private event at which there is music amplification.

## ***3. Restriction of leaf blowers, snow blowers and portable generators***

Subsections (p) of the Township and Borough Codes both prohibit the operation of noise-creating blowers and power fans, or any internal combustion engines, unless said instruments are equipped with a muffler to deaden such noises.

The Subcommittee has proposed additional language, for the Mayor and Council's consideration, which would limit the times during which such equipment (including snow blowers and leaf blowers) could be used. The Subcommittee proposes to limit the times permitted to 8 a.m. to 10 p.m. Mondays through Saturdays, and 10 a.m. to 10 p.m. on Sundays.

In addition, there are two proposed exceptions included in this subsection. The first is for the use of snow blowers as a result of a snow storm. The second is the use of a portable generator during a power outage caused by a snow storm or other natural occurrence. (Note that under the Township Code, the use of snow blowers is specifically exempt from the noise restrictions.)

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## 4. *Animals, including dogs*

Subsections (e) and (d) of the Borough and Township Codes, respectively, restrict animal noises which disturb the comfort or repose of any persons in the vicinity. At the suggestion of Mr. Grosser, specific restrictions have been added to this subsection regarding barking dogs. Proposed language would provide that a violation exists if a dog barks continually for ten (10) minutes or intermittently for thirty (30) minutes, unless provoked, and is plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which or land on which it is located.

## 5. *Noise permits*

Subsection 13-10.3b. of the Township Code provides for the issuance of permits for activities requiring noise permits, such as music amplification. This subsection has been amended to set forth the current procedures applicable to the issuance of such permits. In addition, at the request of the Clerk's office, language requiring that applications be filed at least 10 days prior to the date on which the proposed activity is to take place has been added.

I will be at the meeting on Monday, July 21, 2014 to discuss this proposed ordinance, as well as any other issues or concerns that you may have concerning the attached. In the interim, please do not hesitate to contact me if you have any questions or concerns.

Attachs.

cc: Robert W. Bruschi, Administrator (w/attachs.)  
Kathy Monzo, Assistant Administrator (w/attachs.)  
Linda S. McDermott, Clerk (w/attachs.)  
Jeffrey C. Grosser, Health Officer (w/attachs.)  
Trishka W. Cecil, Esq., Attorney (w/attachs.)  
Edwin W. Schmierer, Esq. (w/attachs.)

**AN ORDINANCE BY PRINCETON  
CONCERNING LOUD,  
CONTINUOUS OR EXCESSIVE  
NOISE AND AMENDING THE  
“CODE OF THE BOROUGH OF  
PRINCETON, NEW JERSEY, 1974”  
AND THE “CODE OF THE  
TOWNSHIP OF PRINCETON, NEW  
JERSEY, 1968.”**

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A. 40:43-66.35* consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A. 40:43-66.64*, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council’s Code Subcommittee has reviewed, consolidated and updated Chapter 21 of the “Code of the Borough of Princeton, New Jersey, 1974” and Sections 13-10.1 through 13-10.4 of Chapter 13 of the “Code of the Township of Princeton, New Jersey, 1968,” pertaining to the regulation and control of loud, continuous or excessive noise; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 21 of the “Code of the Borough of Princeton, New Jersey, 1974,” entitled “Noise” and Sections 13-10.1 through 13-10.4 of Chapter 13 of the “Code of the Township of Princeton, New Jersey, 1968,” regarding noise are hereby repealed.

Section 2. A NEW Chapter 21 of the “Code of the Borough of Princeton, New

Jersey, 1974,” as set forth on Exhibit A attached hereto and made a part hereof, is hereby adopted to set forth the regulation and control of loud, continuous or excessive noise in the municipality, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968.”

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law. The provisions of the attached Chapter 21 shall be applicable within Princeton upon taking effect and shall become a part of the new Princeton Code once completed and adopted.

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Linda S. McDermott, Clerk

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Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

This ordinance is part of the ongoing process of merging and harmonizing the code provisions of former Princeton Borough and former Princeton Township into a new code for the consolidated municipality of Princeton. Under Princeton’s police power, it establishes standards guarding against noise nuisances within the municipality.

EXHIBIT A

**CHAPTER 21. LOUD, CONTINUOUS OR EXCESSIVE NOISE.**

**Sec. 21-1. Loud, continuous or excessive noise.**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, continuous or excessive noise or any noise which endangers the health, safety or welfare of the community, or which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within Princeton.

**Sec. 21-2. Noises expressly prohibited or restricted - Acts enumerated.**

The following acts, among others, are declared to be loud, disturbing, excessive or continuous noises, and a danger to the health, safety and welfare of the community, in violation of section 21-1, but the enumeration shall not be deemed to be exclusive:

(a) Horns, whistles, bells and signaling devices. The sounding of any horn, whistle, bell or any type of signaling device on any automobile, motorcycle, streetcar, bus or other vehicle in the municipality, except as a danger warning; the creation by means of any such horn, whistle, bell or signaling device of any unreasonably loud or harsh sound; the sounding of any such horn, whistle, bell or signaling device for an unnecessary and unreasonable period of time; the use of any horn, whistle, bell or other signaling device operated by engine, exhaust or by compressed air or gas or by vacuum; and the use of any horn, whistle, bell or signaling device when traffic is for any reason not moving normally.

(b) Radios, televisions, musical instruments and other machines, players or devices of any type or technology, using any type of media, used for the creation of any music or sound. The use or operation of any of the foregoing devices, with or without amplification, in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or premises in or at which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, machine, device or player between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which or land on which it is located, shall be prima facie evidence of a violation of this section.

(c) Commercial loudspeakers, amplifiers, etc. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, loudspeaker, sound amplifier, or any other machine, player or device of any type or technology for the producing or reproducing of sound which is audible upon the public streets for the purpose of commercial advertising or for any other purpose, except as authorized by Princeton municipal or other governmental authorities in connection with law enforcement or public emergencies or as permitted by this Code, such as in the case of a parade permitted by chapter 24; provided, that such devices may be employed in connection with nonprofit, charitable, educational, cultural, religious or recreational activities, in accordance with permits first obtained therefor from the

administrator pursuant to section 21-3, if the administrator finds that the public health and safety will not be endangered thereby.

(cc) Music amplification at privately sponsored events. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, loudspeaker, sound amplifier or other machine, player or device of any type or technology for the producing or reproducing of sound at a privately sponsored event, including but not limited to an event taking place at the Mountain Lakes Preserve or any private school, prior to 12:00 noon or after 10:00 P.M. is hereby declared to be in violation of section 21-1, except as authorized by Princeton municipal or other governmental authorities in connection with law enforcement or public emergencies or publicly sponsored events; provided, however, that such devices may be used in connection with nonprofit, charitable, educational, cultural, religious or recreational activities in accordance with permits first obtained therefor from the administrator pursuant to section 21-3, if the administrator finds that the public health and safety will not be endangered thereby.

Music amplification at a privately sponsored event between the hours of 12:00 noon and 10:00 P.M. shall be permitted without the necessity of the above-referenced permit, provided that the measured sound pressure or decibel levels comply with applicable State law and regulation.

The individual, corporation, group or entity owning or controlling the location at which the event will be held shall be responsible for calling the provisions of this subsection and subsection (c) set forth above to the attention of all individuals, corporations and other entities wishing to use the improvements at the location of the event. There shall not be continuous music amplification for a period of time in excess of five hours for any one event.

(d) People noises. Yelling, shouting, whistling, singing or conducting unnecessarily loud or annoying vocal utterances at any time or place, so as unreasonably to annoy or disturb the quiet, comfort or repose of any person in any hospital, residential medical facility, school, place of worship, place of business or dwelling, hotel or other type of residence, or of any person in the vicinity.

(e) Animals, including but not limited to birds and dogs. The keeping of any animal, including but not limited to any bird or dog, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity. For purposes of this subsection, a dog barking continually for ten (10) minutes or intermittently for thirty (30) minutes, unless provoked, and plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which or land on which it is located, shall be prima facie evidence of a violation of this section.

(f) Non-vehicular whistles, horns and other signaling devices. The sounding of any whistle, horn and other signaling device, except to give notice of the time to begin or stop work or as a warning of fire or danger, by or upon request of a duly authorized Princeton official, or as may be required by general law or ordinance, or directed by a duly authorized state or federal official.

(g) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Overloaded, improperly operated vehicles. The use of any automobile, motorcycle, truck or vehicle so out of repair, or so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other loud or disturbing noise.

(i) Construction work. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time on Sundays, or other than between the hours of 8:00 A.M. and 6:00 P.M. on Saturdays, or between the hours of 7:00 A.M. and 6:00 P.M. on all other days, except in case of urgent necessity in the interest of public health and safety; and, if the nature of the emergency requires the prior procurement of a permit, first obtained from the municipal engineer as to public street work, or from the building official as to other work, pursuant to section 21-3, then all work shall be performed in accordance with the terms of the permit. Such permit may be granted for a period not to exceed three days while the emergency continues. Notwithstanding the foregoing, if the engineer or the building official, as the case may be, shall determine that the public health and safety will not be impaired by such work within the prohibited hours, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the prohibited hours, upon application being made at the time the permit for the work is issued or during the progress of the work. The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed personally by a homeowner or other occupant or tenant between the hours of 8:00 A.M. and 10:00 P.M., provided, that the work shall be done without undue noise or disturbance of the peace and quiet of the nearby residences or of the neighborhood.

(j) Loading or unloading vehicles; opening boxes. The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers.

(k) Refuse collection. The collection, transportation or disposal of garbage, trash, cans, bottles and other refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, at any time on Sundays or other than between the hours of 7:00 A.M. and 7:00 P.M. on all other days, except in case of urgent necessity in the interest of public health and safety and, if the nature of the emergency will admit of the prior procurement of a permit, then only in accordance with a permit first obtained from the engineer pursuant to section 21-3. Such permit may be granted for a period not to exceed three days or less while the emergency continues, and it may be renewed for periods of three days or less while the emergency continues.

(l) Schools, courts, places of worship, hospitals and residential medical facilities. The creation of any excessive noise on any street or property adjacent to any school, institution of learning, place of worship or court, while the same is in use, or adjacent to any hospital or residential medical facility which unreasonably interferes with the workings of such institution or

which disturbs or unduly annoys patients in the hospital or medical facility, provided that, with respect to such streets, conspicuous signs are displayed indicating the proximity of the school, court, place of worship, hospital or residential medical facility.

(m) Drums, other instruments. The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show, sale or other event.

(n) Solicitors, peddlers. The shouting or crying of solicitors, peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.

(o) Railroads, buses, trucks. The causing, permitting, or continuing of any excessive, unnecessary or avoidable noise in the operation of railroad cars, locomotives, buses and trucks.

(p) Blowers, fans or engines. The operation of any noise-creating blower (including but not limited to leaf blowers) 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, fan or combustion engine is adequately muffled and such engine is equipped with a muffler device sufficient to deaden such noises. In addition, the operation or use of any of such equipment between the hours of 10:00 P.M. and 8:00 A.M., Mondays through Saturdays, and 10:00 P.M. and 10:00 A.M., on Sundays, shall not be permitted; except that the use of any snow blower shall not be prohibited during these times when used to clear sidewalks, walkways or driveways following a snow storm, nor shall the use of any portable generator be prohibited during these times when used during a power outage caused by a storm or other natural disaster.

(q) Lawnmowers or chain saws. The operation or use of any power lawnmower or chain saw between the hours of 10:00 P.M. and 8:00 A.M., Mondays through Saturdays, and 10:00 P.M. and 10:00 A.M., on Sundays.

(r) Idling, starting, etc., of vehicles at night. Any of the following activities, when occurring in close proximity to residences between 11:00 P.M. and 7:00 A.M.: The warming up or idling of buses, trucks or tractors; and the unnecessary and repeated idling, acceleration and deceleration, or starting and stopping of automobiles and motorcycles.

(s) Outdoor concerts. Outdoor concerts, except in accordance with permits first obtained therefor from the administrator, pursuant to section 21-3.

### **Sec. 21-3. Permits - Issuance; form and contents; fee; time; reporting.**

The officers charged with the responsibility of issuing permits for the activities requiring permits in accordance with section 21-2 shall issue permits for such activities if the officer finds 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 other provisions of this Code, or any ordinance or law or create a public nuisance, and that the public health and safety will not be endangered thereby.

Permits shall specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 10:00 P.M. and 7:00 A.M., unless the issuing officer determines that it is in the best interest of the community that the activities take place, wholly or partially, during such hours.

The issuing officers are authorized to adopt and use such forms of applications and permits as may be reasonably required in the performance of their duties. Each application for a permit shall be accompanied by a fee of ten dollars, which shall be payable to Princeton, and shall be submitted to the officer charged with the responsibility of issuing the permits at least ten days prior to the planned activity. Where good cause is shown therefor, the issuing officer shall have the authority to consider any application under this section which is filed less than ten days before the date such activities are proposed to be conducted.

**Sec. 21-4. Appeal from denial.**

An applicant for a permit under section 21-3 shall have the right to appeal to the mayor and council from the denial of the permit by the issuing officer. The appeal shall be taken by filing a written notice of appeal, addressed to the mayor and council at the office of the municipal clerk. The notice shall be filed within three days after the issuing officer shall have notified the applicant of the denial of the permit. The mayor and council shall act upon the appeal as soon as practicable after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The mayor and council may affirm or reverse the issuing officer's denial of the permit or may grant the permit with modifications or conditions.

**Sec. 21-5. Certain noises exempt from chapter.**

Nothing in this chapter shall be construed to apply to bells or chimes at places of worship; to the playing of bands or orchestras in a hall or building in a manner that will not annoy the peace, comfort and quiet of the neighboring inhabitants; to municipal, county, state or federal government agencies in connection with any emergency; to normal working activities of or activities sponsored by the governing body; to warning devices on authorized emergency vehicles; or to horns or other warning devices on other vehicles used only for traffic safety purposes.

**Sec. 21-6. Enforcement of chapter.**

In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under this chapter, the officers who are designated under this chapter for the issuance of permits shall have the power to enforce and bring complaints under this chapter.

**Sec. 21-7. Violations; penalties.**

For each violation of this chapter, the violator shall be subject to such fines and other penalties as provided in section 1-6 of this Code, entitled "General penalty; continuing violations; repeat violations; other penalties." Repeat offenders shall be subject to additional fines and other penalties as provided in section 1-6 of this Code.

*For state law as to authority of borough to regulate ringing of bells, prevent disturbing noises, etc., see R.S., § 40:48-1.  
As to noise control generally, see R.S., § 13:1G-1 et seq.*

*As to barking or howling dogs generally, see § 6-8 of this Code.*

§ 21-1.	Loud, unnecessary, annoying, etc., noises generally.
§ 21-2.	Noises expressly prohibited or restricted - Generally.
§ 21-3.	Same - Noises above certain measured sound pressure levels.
§ 21-4.	Permits - Issuance; form and contents; fee.
§ 21-5.	Same - Appeal from denial.
§ 21-6.	Certain noises exempt from chapter.
§ 21-7.	Enforcement of chapter.

Sec. 21-1. Loud, unnecessary, annoying, etc., noises generally.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which endangers the health, safety or welfare of the community, or which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the borough. (10-10-72, § 1.)

Sec. 21-2. Noises expressly prohibited or restricted - Generally.

The following acts, among others, are declared to be loud, unnecessary, disturbing and a danger to the health, safety and welfare of the community and its people, in violation of section 21-1, but the enumeration shall not be deemed to be exclusive:

- (a) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar, bus or other vehicle in the borough, 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 and 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 such signaling device when traffic is for any reason held up.
- (b) Radios, televisions, phonographs, tape recorders, etc. The using, operating or permitting to be played, used or operated, either indoors or outdoors, of any radio receiving set, television receiver, musical instrument, phonograph, tape recorder or other machine or device for the producing or reproducing of sound, in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are in the room, vehicle, chamber or premises in which such machine or device is operated and who are voluntary listeners thereto.
- (c) Commercial loudspeakers, amplifiers, etc. The using, operating or permitting to be played, used or operated of any receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, tape recorder 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 or for any other purpose, except as authorized by governmental authorities in connection with law enforcement or public emergencies; provided, that such devices may be employed in connection with nonprofit charitable, educational, civic, religious or recreational activities, in accordance with permits first obtained therefor from the borough administrator pursuant to section 21-4.
- (d) Yelling, shouting, etc. Yelling, shouting, whistling, singing or conducting unnecessarily loud or annoying vocal utterances at any time or place, so as unreasonably to annoy or disturb the quiet, comfort or repose of any person in any residence, hospital, school or place of business.
- (e) Animals, birds, etc. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity.
- (f) Nonvehicular whistles, horns and other signaling devices. The sounding of any whistle, horn and other signaling device, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper borough authorities, or as may be required by general law or ordinance.
- (g) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (h) Overloaded, improperly operated, etc., vehicles. The use of any automobile, motorcycle, truck or vehicle so out of repair, so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (i) Construction work. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time on Sundays, or other than between the hours of 8:00 A.M. and 6:00 P.M. on Saturdays, or between the hours of 7:00 A.M. and 6:00 P.M. on all other days, except in case of urgent necessity in the interest of public health and safety and, if the nature of the emergency will admit of the prior procurement of a permit, then only in accordance with a permit first obtained from the borough engineer as to public street work, or from the borough building official as to other work, pursuant to section 21-4. Such permit may be granted for a period not to exceed three days or less while the emergency continues. Notwithstanding the foregoing, if the engineer or the building official, as the case may be, shall determine that the public health and safety will not be impaired by such work within the prohibited hours, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the prohibited hours, upon application being made at the time the permit for the work is issued or during the progress of the work. The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed personally by a homeowner or occupant between the hours of 8:00 A.M. and 10:00 P.M., upon residential premises that are owned by such homeowner or that are occupied by such occupant; provided, that the work shall be done without undue noise or disturbance of the peace and quiet of the neighborhood.
- (j) Loading or unloading vehicles; opening boxes. The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers.
- (k) Refuse collection. The collection, transportation or disposal of garbage, trash, cans, bottles and other refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, at any time on Sundays or other than between the hours of 7:00 A.M. and 7:00 P.M. on all other days, except in case of urgent necessity in the interest of public health and safety and, if the nature of the emergency will admit of the prior procurement of a permit, then only in accordance with a permit first obtained from the borough engineer pursuant to section 21-4. Such permit may be granted for a period not to exceed three days or less while the emergency continues, and it may be renewed for periods of three days or less while the emergency continues.
- (l) Schools, courts, churches and hospitals. The creation of any excessive noise on any street or property adjacent to any school, institution of learning, church or court, while the same is in use, or adjacent to any hospital which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital.

- (m) Drums, etc. The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale.
- (n) Hawkers, peddlers, etc. The shouting or crying of peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
- (o) Railroads, buses, etc. The causing, permitting, or continuing of any excessive, unnecessary or avoidable noise in the operation of railroad cars, locomotives, buses and trucks.
- (p) Blowers, fans or engines. The operation 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.
- (q) Lawnmowers or chain saws. The operation or use of any power lawnmower or chain saw between the hours of 10:00 P.M. and 8:00 A.M., Mondays through Saturdays, and 10:00 P.M. and 10:00 A.M., on Sundays.
- (r) Idling, starting, etc., of vehicles at night. Any of the following activities, when occurring in close proximity to residences between 11:00 P.M. and 7:00 A.M.: The warming up or idling of buses, trucks or tractors; and the unnecessary and repeated idling, acceleration and deceleration, or starting and stopping of automobiles and motorcycles.
- (s) Outdoor concerts. Outdoor concerts, except in accordance with permits first obtained therefor from the borough administrator, pursuant to section 21-4.  
(10-10-72, § 2; Ord. No. 83-42, § 1.)

Sec. 21-3. Same - Noises above certain measured sound pressure levels.

No person shall use or operate any facility, machine or instrumentality, or produce or cause to be produced any sound in the borough, when the same shall produce noise the sound pressure level of which, measured at the point of annoyance complained of, shall exceed sixty-five decibels, between the hours of 8:00 A.M. and 8:00 P.M., or fifty decibels, between the hours of 8:00 P.M. and 8:00 A.M., or which shall be more than ten decibels above the existing background sound level, as measured on the "A" weighting of a sound level meter which conforms to the specifications of the United States of America Standards Institute. The "background sound level" is defined as the sound level present when the offending noise source is silenced. In no instance, however, shall it be necessary to reduce the noise level below forty decibels between the hours of 8:00 A.M. and 8:00 P.M., or thirty decibels between the hours of 8:00 P.M. and 8:00 A.M. This section is applicable when and where the character and nature of any sound or noise lends itself to measurement, but nothing in this section shall be construed in any way to limit any other portion or part of this chapter. (10-10-72, § 3.)

Sec. 21-4. Permits - Issuance; form and contents; fee.

The officer charged with the responsibility of issuing permits for the activities requiring permits in accordance with section 21-2 shall issue permits for such activities if such officer 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 other provisions of this Code, ordinance or law or create a public nuisance and that the public health and safety will not be endangered thereby.

Permits shall specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 10:00 P.M. and 7:00 A.M., unless the issuing officer shall determine that it is in the best interest of the community that the activities take place, wholly or partially, during such hours.

The issuing officers are authorized to adopt and use such forms of applications and permits as may be reasonably required in the performance of their duties. Each application for a permit shall be accompanied by a fee of ten dollars, which shall be payable to the borough, and shall be submitted to the officer charged with the responsibility of issuing the permits at least two business days prior to the planned activity.  
(10-10-72, § 4; Ord. No. 82-1, § 7; Ord. No. 83-42, § 2.)

Sec. 21-5. Same - Appeal from denial.

An applicant for a permit under section 21-4 shall have the right to appeal to the mayor and council from the denial of the permit by the issuing officer. Such appeal shall be taken by filing a written notice of appeal, addressed to the mayor and council at the Borough Hall. Such notice shall be filed within three days after the issuing officer shall have notified the applicant of the denial of the permit. The mayor and council shall act upon the appeal as soon as practicable after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The mayor and council may affirm or reverse the issuing officer's denial of the permit or may grant the permit with modifications or conditions. (10-10-72, § 5.)

Sec. 21-6. Certain noises exempt from chapter.

Nothing in this chapter shall be construed to apply to church bells or chimes; to the playing of bands or orchestras in a hall or building in a manner which will not annoy the peace, comfort and quiet of the neighboring inhabitants; to municipal, county, state or federal government agencies in connection with any emergency; to normal working activities of or activities sponsored by the borough governing body; to warning devices on authorized emergency vehicles; or to horns or other warning devices on other vehicles used only for traffic safety purposes. (10-10-72, § 6.)

Sec. 21-7. Enforcement of chapter.

In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under this chapter, the officers who are designated under this chapter for the issuance of permits shall have the power to enforce and bring complaints under this chapter. (10-10-72, § 7.)

- § 13-1. Disorderly persons—Invasion of privacy.
- § 13-1a. Public nuisance.
- § 13-2. Feeding of deer prohibited.
- § 13-3. Contaminating, destroying, or interfering with authorized bait stations prohibited.
- § 13-4. Penalties.
- § 13-5. Alcoholic beverage consumption.
- § 13-5.1. Urinating in public prohibited.
- § 13-6. Firearms—Discharge prohibited and possession regulated.
- § 13-7. Same—Persons to whom section 13-6 is not applicable.
- § 13-8. Gaming—Gambling prohibited. (Repealed by Ord. No. 1000, § 1.)
- § 13-9. Same—Possession of lottery slips, etc., prohibited. (Repealed by Ord. No. 1000, § 1.)
- § 13-10. Malicious mischief—Damage, etc., to property. (Repealed by Ord. No. 1000, § 1.)
- § 13-10.1. Noise—Loud, unnecessary, etc., prohibited.
- § 13-10.2. Same—Acts enumerated.
- § 13-10.3. Same—Exemptions.
- § 13-10.3a. Same—Noises above certain measured sound pressure levels.
- § 13-10.3b. Permits—Issuance; form and contents; fee.
- § 13-10.3c. Same—Appeal from denial.
- § 13-10.3d. Enforcement of noise regulations.
- § 13-10.4. Same—Penalties.
- § 13-11. Smoking prohibited inside any buildings within the Princeton Township Municipal Complex.
- § 13-12. Same—No smoking signs to be posted. (Repealed by Ord. No. 2002-11, § 2.)
- § 13-13. Riots and mobs. (Repealed by Ord. No. 1000, § 1.)
- § 13-14. Fleeing or attempting to elude a police officer by means of motor vehicle, on foot or by other means.
- § 13-15. Placement of graffiti on public and private property—Purpose.
- § 13-16. Graffiti—Definitions.
- § 13-17. Graffiti—Prohibited acts and conduct.
- § 13-18. Graffiti—Removal.
- § 13-19. Graffiti—Prosecution of persons under eighteen years of age; action in court.
- § 13-20. Graffiti—Violations and penalties.
- § 13-21. Private storm drain inlet retrofitting requirements—Purpose.
- § 13-21.1. Private storm drain inlet retrofitting requirements—Definitions.
- § 13-21.2. Private storm drain inlet retrofitting requirements—Prohibited conduct.
- § 13-21.3. Private storm drain inlet retrofitting requirements—Design standard.
- § 13-21.4. Private storm drain inlet retrofitting requirements—Enforcement.
- § 13-21.5. Private storm drain inlet retrofitting requirements—Penalties.

<sup>1</sup>. For state law as to crimes generally, see R.S., § 2A:85-1 et seq. As to disorderly persons, see R.S., § 2A:169-1 et seq.

### **Sec. 13-1. Disorderly persons - Invasion of privacy.**

No person shall, within the boundaries of the township, invade the privacy of any person by going upon the private property of another surreptitiously or furtively for the purpose of peering through windows, doors or other openings, thereby engaging in conduct associated with what is commonly known as a "Peeping Tom." (Ord. No. 96-13, § 1.)

### **Sec. 13-1a. Public nuisance.**<sup>3</sup>

No person shall, within the boundaries of the township, by any means or instrumentality, (1) interfere with or annoy the comfort or general well-being of the inhabitants of the township, (2) disturb the public peace and quiet by loud, boisterous or vulgar conduct, (3) create or participate in a diversion, disturbance or disorderly assemblage, in any public place, tending to breach the peace, (4) engage in acts of vice and immorality in any public place, or (5) obstruct or interfere with any person lawfully being in a public place. (Ord. No. 98-27, § 1; Ord. No. 2001-20, § 8; Ord. No. 2010-16, § 1.)

<sup>2</sup>. Reserved.

<sup>3</sup>. Reserved.

As to disorderly conduct by taxicab drivers, see § 21-11 of this Code.

<sup>4</sup>. Reserved.

<sup>5</sup>. Reserved.

### **Sec. 13-2. Feeding of deer prohibited.**

No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed wild white-tailed deer (*Odocoileus virginianus*) in said township, on lands either publicly or privately owned. It shall be presumed that the person is purposely or knowingly feeding deer unless the feed is placed on a platform that is raised at least four feet off the ground and has a lip around the edge of the platform, is placed on a platform that is raised at least five feet off the ground, or is placed in a feeder whose opening is sufficiently restricted so as to prevent deer from accessing the feed. Nothing in this section shall apply to (1) any agent of the township authorized to implement an alternative control method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of P.L. 2000, c.46, or (2) any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes. (Ord. No. 2000-20, § 1; Ord. No. 2001-25, § 1; Ord. No. 2003-15, § 1.)

### **Sec. 13-3. Contaminating, destroying, or interfering with authorized bait stations prohibited.**

No person shall purposely or knowingly contaminate, destroy, or interfere with, or purposely or knowingly cause to be contaminated or destroyed, any ground-feeding station, salt lick or other established mechanism to bait wild white-tail deer in said township, provided such bait station is created or used solely by (1) an agent of the township authorized to implement an alternative control method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the New Jersey Division of Fish and Wildlife in accordance with the provisions of P.L. 2000, c.46, or (2) any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes. The provisions of this section shall apply on all lands located in the township either publicly or privately owned. (Ord. No. 2000-20, § 1.)

### **Sec. 13-4. Penalties.**

Any person violating the provisions of sections 13-2 or 13-3 shall be subject to the general penalties provision of section 1-6 of this code. (Ord. No. 2000-20, § 1.)

### **Sec. 13-5. Alcoholic beverage consumption.**

(a) Prohibitions. No person of legal age shall consume or possess in any opened container any alcoholic beverage in or upon any public or quasi-public place, including but not limited to any public street, alley, sidewalk, mall, park, playground, public conveyance, parking facility or in or around any public building. For the purposes of this section, a quasi-public area shall be defined as that portion of private lands which have been made open to the public for their use and enjoyment by the owner of said lands in connection with zoning approvals, dedication of said lands or similar means, and where the mayor and council, upon written application from the owner of said lands, determine that the provisions of this section be made applicable thereto.

No person shall consume any alcoholic beverage in or upon any private vehicle while it is parked upon any such public or quasi-public place.

No underage person shall possess or consume any alcoholic beverage in or upon any private property located within the boundaries of the township.

(b) Exceptions. Nothing herein shall be construed to prohibit (1) the possession or consumption of alcoholic beverages within or upon premises duly licensed for the consumption of alcoholic beverages, (2) the possession of beer in pitchers or other unsealed containers as may be lawfully sold by licensed premises while in transit to a lawful place for consumption, (3) the possession, distribution or consumption of alcoholic beverages in any public park, recreation area, public building, or other public area in connection with any organized function or social affair for which express prior permission has been received in writing from the township committee upon prior notice and subject to any terms and restrictions relating to the public safety and the general welfare of the township, (4) the possession or consumption of alcoholic beverages by

underage persons in connection with a religious observance, ceremony or rite, (5) the possession of an alcoholic beverage by underage persons in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post secondary educational institution, or (6) the possession or consumption of alcoholic beverages by underage persons in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

(c) Penalty. The penalty for the first violation of this section shall be a fine not to exceed two hundred fifty dollars, for a second violation within three years of the first violation, the penalty shall be a fine not to exceed five hundred dollars, a period of community service not to exceed thirty days, and/or a period of incarceration not to exceed ten days; for a third offense within three years of the second offense, or within five years of the first offense, the penalty shall be a fine not to exceed one thousand dollars, a period of community service not to exceed sixty days, and/or a period of incarceration not to exceed thirty days; for a fourth or subsequent offenses, irrespective of the dates of any of the previous offenses, the maximum penalty shall be a fine not to exceed one thousand dollars, a period of community service not to exceed ninety days, and/or a period of incarceration not to exceed ninety days.

The penalty for underage persons for the first violation of this section shall be a fine not to exceed two hundred and fifty dollars, a period of community service not to exceed thirty days, and/or the suspension or postponement of driving privileges for a period not to exceed six months; for any subsequent offense, the penalty for underage persons shall be a fine not to exceed three hundred and fifty dollars, a period of community service not to exceed ninety days, and/or the suspension or postponement of driving privileges for a period not to exceed six months.

(Ord. No. 2006-31, § 1; Ord. No. 2010-16, § 2.)

#### **Sec. 13-5.1. Urinating in public prohibited.**

No person shall urinate or place any bodily waste of humans on any public street, sidewalk or other place in public view, or to which the public is invited or has access, except in a lavatory toilet or similar facility. (Ord. No. 2006-31, § 1.)

#### **Sec. 13-6. Firearms - Discharge prohibited and possession regulated.<sup>7</sup>**

No person shall discharge any firearm within the boundaries of the township or across any part of the township; nor shall any person have in his possession a loaded gun while within four hundred fifty feet of any occupied building, except the owner or lessee of such building or a person specifically authorized in writing by such owner or lessee,<sup>8</sup> or within four hundred fifty feet of a school playground. The provisions of this section shall be subject to section 13-7. (Ord. No. 21 § 1; Ord. No. 743, § 1; Ord. No. 91-32, § 1.)

#### **Sec. 13-7. Same - Persons to whom section 13-6 is not applicable.**

Section 13-6 shall not apply to:

- (a) Law enforcement officers of any governmental agency while in the performance of their duties.
- (b) Members of any legally recognized military organization while in the performance of their duties.
- (c) Members of government or civilian rifle or pistol clubs duly organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from their several places of target practice and carrying weapons necessary for such practice (provided such firearms are unloaded), and in discharging firearms as part of such practice; provided, that a copy of the charter is filed with the chief of police and that the practice range, if within the township, is approved by the chief of police as complying with nationally recognized standards for such ranges.
- (d) Privately employed security personnel who are authorized by law to carry firearms, while in the performance of their duties.
- (e) Persons engaged in skeet or trap shooting on ranges approved by the chief of police as complying with recognized standards for such ranges.
- (f) Persons lawfully using firearms in the protection of person or property.
- (g) Persons engaged in the discharge of firearms loaded only with blanks at commemorative events or historic pageants; provided, however, that such persons shall have obtained prior thereto a special permit from the township committee upon application prescribed by the township clerk.
- (h) Members of nonprofit civic or government-affiliated organizations while engaged in a rifle target shoot sponsored by such organization; provided, that the range for such target shoot shall first be approved by the chief of police as complying with recognized standards and that the location of such range, the type and calibre of the ammunition to be used at such target shoot and the date of such shoot shall first be approved by the chief of police as being reasonably commensurate with the safety of the public and the participants in the shoot; and provided, further that the sponsor of the target shoot shall first file with the chief of police a certificate of an insurance company authorized to do business in the state evidencing that the sponsor and the township are insured against liability for personal injury or death in the sum of at least five hundred thousand dollars and against liability for property damage, arising from the conducting of the target shoot, in the sum of at least twenty-five thousand dollars.

(i) Persons lawfully participating in the New Jersey State Division of Fish and Wildlife permit muzzleloader six-day firearm and special permit shotgun season, either sex, provided that said persons meet the following criteria:

- (1) Have a valid firearm hunting license and muzzleloader rifle permit or special shotgun deer permit as required by N.J.A.C. 7:25-5.28(f)(1) and N.J.A.C. 7:25-5.29(f)(1);
- (2) Have received written permission from a landowner or landowner's agent to hunt said property and have said written permission in the person's possession at the time of hunting;
- (3) Agree to hunt from a standing tree or structure as permitted by the New Jersey State Game Code, if requested by a landowner;
- (4) Agree to hunt only within the deer management zone designated by the New Jersey State Division of Fish and Wildlife;
- (5) Agree to park their motor vehicles in areas designated by the landowner.

(Ord. No. 221, § 2; Ord. No. 230, § 1; Ord. No. 743, § 2; Ord. No. 788, § 1; Ord. No. 843, § 1; Ord. No. 91-32, § 1; Ord. No. 2002-10, § 1.)

#### **Sec. 13-8. Gaming - Gambling prohibited.<sup>9</sup> (Ord. No. 98, § 3; Repealed by Ord. No. 1000, § 1.)**

#### **Sec. 13-9. Same - Possession of lottery slips, etc., prohibited.<sup>10</sup> (Ord. No. 98, § 8; Repealed by Ord. No. 1000, § 1.)**

#### **Sec. 13-10. Malicious mischief - Damage, etc., to property.<sup>11</sup> (Ord. No. 98, § 4; Repealed by Ord. No. 1000, § 1.)**

##### **Sec. 13-10.1 Noise - Loud, unnecessary, etc., prohibited.**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the township. (Ord. No. 651, § 1.)

##### **Sec. 13-10.2. Same - Acts enumerated.**

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of section 13-10.1, but the enumeration shall not be deemed to be exclusive, namely:

(a) Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, street car, bus or other vehicle on any street or public place of the township 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 and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; 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 such signaling device when traffic is for any reason held up.

(b) Radios, televisions, phonographs, etc. The using, operating, or permitting to be played, used or operated, either indoors or outdoors, of any radio receiving set, television receiver, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or premises in which such machine or device is operated and who are voluntary listeners thereto.

(c) Loud speakers, amplifiers. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier 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 or for any other purpose, except as authorized by governmental authorities in connection with law enforcement or public emergencies; provided, that such devices may be employed in connection with non-profit charitable, educational, civic, religious or recreational activities in accordance with permits first obtained therefor from the township committee, if the

committee shall find that the public health and safety will not be endangered thereby.

(cc) Mountain Lakes Preserve music amplification. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound within the Mountain Lakes Preserve prior to 12:00 noon or after 10:00 P.M. is also hereby declared to be unnecessary in violation of section 13-10.1, except as authorized by governmental authorities in connection with law enforcement or public emergencies or publicly sponsored events; provided, however, that such devices may be used in connection with nonprofit, charitable, educational, civic, religious or recreational activities in accordance with permits first obtained therefor from the township committee, if the committee shall find that the public health and safety will not be endangered or disturbed thereby.

Music application within the Mountain Lakes Preserve between the hours of 12:00 noon and 10:00 P.M. shall be permitted without the necessity of the above-referenced permit, provided that the measured sound pressure or decibel levels as set forth in section 13-10.3(a) are not exceeded.

The Mountain Lakes Holding Corporation shall be responsible for calling the provisions of this subsection and subsection (c) set forth hereinabove to the attention of all individuals or corporations wishing to utilize the improvements within the Mountain Lakes Preserve under the jurisdiction of said holding company. There shall not be continuous music amplification for a period of time in excess of five hours for any one event.

(ccc) Private school music amplification. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound within the American Boychoir School, The Hun School of Princeton, Stuart Country Day School and Princeton Day School prior to 12:00 noon or after 10:00 P.M. is also hereby declared to be unnecessary in violation of section 13-10.1, except as authorized by governmental authorities in connection with law enforcement or public emergencies or publicly sponsored events; provided, however, that such devices may be used in connection with nonprofit, charitable, educational, civic, religious or recreational activities in accordance with permits first obtained therefor from the township committee, if the committee shall find that the public health and safety will not be endangered or disturbed thereby.

Music amplification within the American Boychoir School, the Hun School of Princeton, Stuart Country Day School and Princeton Day School between the hours of 12:00 noon and 10:00 P.M. shall be permitted without the necessity of the above-referenced permit, provided that the measured sound pressure or decibel levels as set forth in section 13-10.3(a) are not exceeded.

The aforementioned private schools shall be responsible for calling the provisions of this subsection and subsection (c) set forth hereinabove to the attention of all individuals or corporations wishing to utilize the improvements within the aforementioned private schools. There shall not be continuous music amplification for a period of time in excess of five hours for any one event.

(d) Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(e) Whistles. The blowing of any whistle except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper township authorities; or as may be required by general law or ordinance.

(f) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(g) Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(h) Loading, unloading, opening boxes. 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.

(i) Construction work. The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time on Sundays, or other than between the hours of 8:00 A.M. and 6:00 P.M. on Saturdays or between the hours of 7:00 A.M. and 6:00 P.M. on other weekdays, except in case of urgent necessity in the interest of public health and safety, and, if the nature of the emergency will admit of the prior procurement of a permit, then only in accordance with a permit first obtained from the township engineer as to public street work, or from the township building official as to other work. Such permit may be granted for a period not to exceed three days or less while the emergency continues, and it may be renewed for periods of three days or less while the emergency continues. Notwithstanding the foregoing, if the engineer or the building official, as the case may be, shall determine that the public health and safety will not be impaired by such work within the prohibited hours, and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the prohibited hours upon application being made at the time the permit for the work is issued or during the progress of the work. The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed by a homeowner or occupant, personally, upon residential premises that are owned by such homeowner or that are occupied by such occupant.

(j) Refuse collection. The collection, transportation or disposal of garbage, trash, cans, bottles and other refuse by persons engaged in the business of scavenging or garbage collection at any time on Sundays, or other than between the hours of 8:00 A.M. and 6:00 P.M. on Saturdays or between the hours of 7:00 A.M. and 6:00 P.M. on other weekdays, except in case of urgent necessity in the interest of public health and safety, and, if the nature of the emergency will admit of the prior procurement of a permit, then only in accordance with a permit first obtained from the township engineer. Such permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.

(k) Schools, courts, churches and hospitals. The creation of any excessive noise on any street or property adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided, that, with respect to such streets, conspicuous signs are displayed in such streets indicating that the same are school, hospital or court streets.

(l) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.

(m) Hawkers; peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(n) Beams, rails, pillars, columns and the transportation thereof. The transportation of beams, rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(o) Railroad cars and buses. The causing, permitting or continuing of any excessive, unnecessary and unavoidable noise in the operation of railroad cars, locomotives and buses.

(p) Blowers. The operation 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 muffled and such engine is equipped with a muffler device sufficient to deaden such noises.

(Ord. No. 651, § 2; Ord. No. 92-9, § 1; Ord. No. 92-25, § 1; Ord. No. 94-12, § 1.)

### **Sec. 13-10.3. Same — Exemptions.**

Nothing contained in sections 13-10.1 or 13-10.2 shall be construed to apply to church bells or chimes, or to the playing of bands or orchestras, or to the use of power lawn mowers or snow blowers. (Ord. No. 651, § 3.)

### **Sec. 13-10.3a. Same - Noises above certain measured sound pressure levels.**

No person shall use or operate any facility, machine or instrumentality, or produce or cause to be produced any sound in the township, when the same shall produce noise the sound pressure level of which, measured at the point of annoyance complained of, shall exceed sixty-five decibels, between the hours of 8:00 A.M. and 8:00 P.M., or fifty decibels, between the hours of 8:00 P.M. and 8:00 A.M., or which shall be more than ten decibels above the existing background sound level, as measured on the "A" weighting of a sound level meter which conforms to the specifications of the United States of America Standards Institute. The "background sound level" is defined as the sound level present when the offending noise source is silenced. In no instance, however, shall it be necessary to reduce the noise level below forty decibels between the hours of 8:00 A.M. and 8:00 P.M., or thirty decibels between the hours of 8:00 P.M. and 8:00 A.M. This section shall not apply to construction work, but it shall apply in all other cases where the character and nature of any sound or noise lends itself to measurement. Nothing in this section shall be construed in any way to limit any other portion or part of sections 13-10.1 or 13-10.2. (Ord. No. 870, § 1.)

### **Sec. 13-10.3b. Permits - Issuance; form and contents; fee.**

The authority charged with the responsibility of issuing permits for the activities requiring permits in accordance with section 13-10.2 shall issue permits for such activities if the authority 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 provisions of this Code, ordinance or law or create a public nuisance and that the public health and safety will not be endangered thereby.

Permits shall specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 10:00 P.M. and 12:00 noon, unless the issuing authority shall determine that it is in the best interest of the community that the activities take place, wholly or partially, during such hours.

The issuing authorities are authorized to adopt and use such forms of applications and permits as may be reasonably required in the performance of their duties. No music amplification permit authorized herein shall allow for continuous music amplification for a period of time in excess of five hours for any one event. (Ord. No. 870, § 1; Ord. No. 94-12, § 2.)

**Sec. 13-10.3c. Same - Appeal from denial.**

An applicant for a permit under section 13-10.3b shall have the right to appeal to the township committee from the denial of the permit by any issuing authority other than the township committee. Such appeal shall be taken by filing a written notice of appeal, addressed to the township committee at the township hall. Such notice shall be filed within three days after the issuing authority shall have notified the applicant of the denial of the permit. The township committee shall act upon the appeal as soon as practicable after receiving the notice thereof and shall give the applicant an opportunity to be heard before taking action. The township committee may affirm or reverse the issuing authority's denial of the permit or may grant the permit with modifications or conditions. (Ord. No. 870, § 1.)

**Sec. 13-10.3d. Enforcement of noise regulations.**

In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under sections 13-10.1 through 13-10.3c, the authorities who are designated under said sections for the issuance of permits shall have the power to enforce and bring complaints for violations thereof. (Ord. No. 870, § 1.)

**Sec. 13-10.4. Same - Penalties.**

Any person who shall violate section 13-10.1 shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding ninety days, or both. Each day in which such violation continues shall be deemed a separate offense. (Ord. No. 651, § 6.)

**Sec. 13-11. Smoking prohibited inside any buildings within the Princeton Township Municipal Complex.**

Pursuant to N.J.S.A. 26:3D-48(b), smoking is prohibited inside at anytime any area within the Princeton Township Municipal Complex buildings. For purposes of this section, the Municipal Complex buildings shall consist of the following buildings:

Princeton Township Municipal Building including police department facilities, recreation building, public works department building and the Valley Road building. As required by N.J.S.A. 26:3D-50, signs shall be posted on the exterior and within the interior of said buildings indicating "smoking prohibited." Any person smoking in violation of this section is subject to a fine of twenty-five dollars pursuant to N.J.S.A. 26:3D-51. (Ord. No. 84-14, § 1; Ord. No. 2002-11, § 1.)

**Sec. 13-12. Same - No smoking signs to be posted.**

(Ord. No. 84-14, § 1; Repealed by Ord. No. 2002-11, § 2.)

**Sec. 13-13. Riots and mobs.**<sup>12</sup>

(Ord. No. 98, § 1; Repealed by Ord. No. 1000, § 1.)

**Sec. 13-14. Fleeing or attempting to elude a police officer by means of motor vehicle, on foot or by other means.**

(a) No person, while operating a motor vehicle on any street or highway, shall knowingly flee from or attempt to elude any law enforcement officer, after having received a signal from such officer to bring the vehicle to a complete stop.

(b) No person, while on foot or traveling by any other means, shall knowingly flee from or attempt to elude any law enforcement officer, after having received a signal from such officer to halt.

(Ord. No. 1002, § 1.)

**Sec. 13-15. Placement of graffiti on public and private property - Purpose.**

The township committee of the Township of Princeton finds and declares that the use of broad-tipped pens, paint spray cans, pencils, pens, crayons or other marking devices to write graffiti, verbal or otherwise, on the walls or other available spaces on public or private buildings, vehicles, areas or facilities, causes a serious defacement of such buildings, vehicles and areas, public and private; contributes to the deterioration of property values, as well as offending the public's right, public and private, not to have unsightly and unlawful graffiti on, with defacement of, public and private property; and constitutes a deleterious practice contrary to the public health and welfare. The township committee further finds and declares that such contempt for the property rights of private citizens, as well as public facilities, contributes to the erosion of law and order and contributes to the deterioration of quality of life of the community and must be opposed and punished. (Ord. No. 2002-22, § 1.)

**Sec. 13-16. Graffiti - Definitions.**

(a) Graffiti shall mean any letters, numbers, word or words, writing, inscription, symbol, drawing, carving, etching or other marking of any nature whatsoever which defaces, obliterates, covers, alters, damages, mars or destroys the real or personal property of another. It shall not include easily removable chalk markings on the public sidewalk and street in connection with traditional children's games, such as bases for stickball, handball, hopscotch and the like, nor temporary, easily removable chalk markings in connection with any lawful business or public purpose or activity.

(b) Minor shall mean juvenile under eighteen years of age as set forth in N.J.S.A. 2A:4A-22.

(c) Family Court shall mean the Superior Court of New Jersey, Chancery Division, Family Part as set forth in N.J.S.A. 2A:4A-22.

(Ord. No. 2002-22, § 2.)

**Sec. 13-17. Graffiti - Prohibited acts and conduct.**

(a) No person shall without the prior consent of the owner, purposely or knowingly place, write, paint, draw, figure, inscribe or mark or cause any graffiti to be placed upon any public property or the real or personal property of another.

(b) Any parent, guardian or custodian in charge of a minor who is convicted of violating this section who has neglected to properly supervise such minor shall be presumed to have aided and assisted, allowed and/or permitted said minor in violation of the provisions of this section.

(c) Pursuant to N.J.S.A. 2A:53A-15, any parent, guardian or other person having custody of a minor who fails or neglects to exercise reasonable supervision and control of the conduct of such minor, shall be liable in a civil action for any willful, malicious or unlawful injury or destruction by such minor of the real or personal property of another.

(Ord. No. 2002-22, § 3.)

**Sec. 13-18. Graffiti - Removal.**

(a) Any person owning either real or personal property upon which graffiti has been placed in violation of section 13-17 herein above, shall remove said graffiti from said property within ten days of being notified by the township that graffiti has been placed on said property. All costs associated with the removal of said graffiti shall be reimbursed to said property owner through the township municipal court in accordance with the penalty provisions set forth in section 13-20(b) herein below. (Ord. No. 2002-22, § 4.)

**Sec. 13-19. Graffiti - Prosecution of persons under eighteen years of age; action in court.**

(a) If, at the time of the offense charged under section 13-17, any person(s) shall be under the age of eighteen years, the Family Court shall have exclusive jurisdiction of the trial of such minor(s), and such minor(s) shall be surrendered to the court, and the case, including all papers and process thereto, shall be transferred to said court as provided in N.J.S.A. 21A:4A.

(b) The parent, legal guardian or other person having care and custody of said minor shall be summoned or arrested and brought before the judge of the municipal court of the township and may be subject to the penalties provided herein.

(Ord. No. 2002-22 § 4.)

**Sec. 13-20. Graffiti - Violations and penalties.**

(a) Penalties. Any person who shall violate any provisions of section 13-17 shall be subject to the penalties as provided in section 1-6 or required to perform community service. Each day in which such violation continues shall constitute a separate offense. Repeat offenders, as that term is defined in section 1-6, shall be subject to the penalties set forth in section 1-6.

(b) Restoration of property; reimbursement for same. As a condition of sentencing, the municipal court shall have the authority to order that the offender be responsible for cleaning, repairing, painting or otherwise restoring the damaged property to the condition it was prior to being damaged, if said property has not already been restored by the owner in accordance with section 13-18 herein above. If the owner of the property has already restored the property, the municipal court shall assess a fine or penalty which shall be intended to reimburse the owner for the expenses incurred by said owner to restore the property. The owner shall file a certification setting forth the amount of said expenses with the court clerk. In the event that the property has not been restored by the owner, and the offender is unable to clean, repair, paint or otherwise restore the damaged property to the condition it was prior to being damaged, then the municipal court shall have the further authority to order that said offender make the necessary monetary restitution to restore the property to its original undamaged condition.

(c) Exception—Offender under the age of eighteen. An exception to subsections (a) and (b) applies in the case of a minor who shall, upon conviction, be subject to the penalties imposed on him/her by the judge of the Family Court.

(Ord. No. 2002-22 § 6.)

### **Sec. 13-21. Private storm drain inlet retrofitting requirements - Purpose.**

This section of the Code requires the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply. (Ord. No. 2011-7, § 1.)

#### **Sec. 13-21.1. Private storm drain inlet retrofitting requirements—Definitions.**

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) Municipal separate storm sewer system (MS4) shall mean a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by the township, and is designed and used for collecting and conveying stormwater.

(b) Person shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal litigation.

(c) Storm drain inlet shall mean an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.

(d) Waters of the state shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

(Ord. No. 2011-7, § 1.)

#### **Sec. 13-21.2. Private storm drain inlet retrofitting requirements—Prohibited conduct.**

No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen, reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

(a) Already meets the design standard below to control passage of solid and floatable materials; or

(b) Is retrofitted or replaced to meet the standard in Section 13-21.3 below prior to the completion of the project.

(Ord. No. 2011-7, § 1.)

#### **Sec. 13-21.3. Private storm drain inlet retrofitting requirements—Design standard.**

Storm drain inlets identified in Section 13-21.2 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" shall mean sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard see subsection (c) hereinbelow.

(a) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than one-half inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and stormwater basin floors.

(b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven inches or be no greater than two inches across the smallest dimension.

(c) This standard does not apply:

(1) Where the township engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one (1) of the following:

a. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

b. A bar screen having a bar space of one-half inches.

(d) Where flows are conveyed through a trash rack that has parallel bars with one inch spacing between the bars; or

(e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

(Ord. No. 2011-7, § 1.)

#### **Sec. 13-21.4. Private storm drain inlet retrofitting requirements—Enforcement.**

Sections 13-21 through 13-21.5 shall be enforced by the township engineer of the township. (Ord. No. 2011-7, § 1.)

#### **Sec. 13-21.5. Private storm drain inlet retrofitting requirements—Penalties.**

Any person(s) who is found to be in violation of the provisions of sections 13-21–13-21.3 shall be subject to a fine for each storm drain inlet that is not retrofitted to meet the design standard pursuant to section 1-6 of this Code. (Ord. No. 2011-7, § 1.)

<sup>1</sup> For state law as to crimes generally, see R.S., § 2A:85-1 et seq. As to disorderly persons, see R.S., § 2A:169-1 et seq.

<sup>7</sup> For state law as to weapons generally, see N.J.S.A., § 2A:151-1 et seq.

<sup>8</sup> For state law as to trespass upon lands while carrying a gun, see N.J.S.A., § 2A:63-1.

<sup>9</sup> For state law as to gaming generally, see R. S., § 2A:112-1 et seq.

As to prohibition against lotteries and sale of lottery tickets on premises licensed to sell alcoholic beverages, see § 3-12 of this Code. As to prohibition against gambling and illegal games on premises licensed for sale of alcoholic beverages, see § 3-13. As to prohibition against slot machines on premises licensed for sale of alcoholic beverages, see § 3-14. As to prohibition against gambling in connection with bagatelle

and amusement games, see § 4-5.

[10](#). For state law as to lotteries, see N.J.S.A., § 2A:121-1 et seq.

[11](#). For state law as to malicious mischief, see N.J.S.A., § 2A:122-1 et seq.

[12](#). For state law as to offenses concerning mobs, riots and unlawful assemblies, see N.J.S.A. § 2A:126-1 et seq. As to liability of municipalities for damage resulting from mob violence or riots, see N.J.S.A. 2A:48-1 et seq.

## CHAPTER 13. OFFENSES - MISCELLANEOUS.1

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**MODEL NOISE CONTROL ORDINANCE**

This model is provided by the NJ Department of Environmental Protection (Department) as guidance for municipalities to follow when adopting a noise control ordinance pursuant to the State's Noise Control Act and seeking to establish specific decibel standards to control noise. All such ordinances must be submitted for written approval to the Department, including an ordinance that is based entirely on the model ordinance provided below.

For assistance, please contact the Department's Office of Local Environmental Management at (609) 292-1305.

**Procedures for Written Approval by the Department:**

- (A) A governing body of a municipality may adopt this model ordinance without change. Changes in formatting, numbering, or any other changes of this type shall not be considered significant changes. Within 30 days after a municipality adopts this ordinance, the municipality shall submit it to the Department, with a certification signed by the Township Clerk, Borough Manager or Administrator. The certification shall state:

I certify that {insert name of municipality} has adopted the Model Noise Control Ordinance without change(s). I further certify that if this statement is willfully false, I am subject to a penalty.

This ordinance shall be approved in writing upon submission by a municipality to the Department, of the fully executed certification and duly adopted noise ordinance. In addition, in the event that a regional or county health agency is identified as the authorized enforcement agency for the purpose of enforcing this ordinance when adopted by a municipality, written consent of the regional or a county health agency must be obtained, affixed to the ordinance and made a part thereof noise ordinances shall be submitted to:

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
COMPLIANCE & ENFORCEMENT  
OFFICE OF LOCAL ENVIRONMENTAL MANAGEMENT  
P.O. BOX 422  
9 EWING STREET  
TRENTON, NEW JERSEY 08625

- (B) If a governing body of a municipality wants to change any provision(s) of this model ordinance such as hours of operation as it applies to subsequent sections, or wants to develop a noise ordinance that is not based on the model, the entire noise control ordinance including the proposed change(s) shall be submitted to the Department for review and approval, prior to adoption. The Department will review such noise ordinances to determine consistency with the statewide scheme for noise control and whether the ordinance is more stringent than the State's noise code, in accordance with the Noise Control Act.

If the Department approves the change(s), the municipality shall submit a copy of the duly adopted ordinance to the CEHA agency governing its region, if one exists.

If the Department disapproves the change(s), the ordinance shall be returned to the municipality and shall be considered disapproved, meaning that the municipality cannot enforce it.

- (C) The Department reserves the right to review, at any time, a noise control ordinance adopted by a municipality.

**The model noise ordinance follows:**

**MODEL NOISE ORDINANCE**

**I. Declaration of Findings and Policy**

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 a right to, and should be ensured of, an environment free from excessive sound,

Now THEREFORE, it is the policy of **{insert name of municipality}** to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within **{insert name of municipality}**.

**II. Definitions**

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or 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, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has

not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

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

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

### **III. Applicability**

(A) This model noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)

4. Residential properties;
5. Multi-use properties; and
6. Multi-dwelling unit buildings.

- (C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

#### **IV. Exemptions**

- (A) Except as provided in IX. and X. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.
- (B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- (C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX. below.

#### **V. Enforcement Officers**

- (A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- (B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

#### **VI. Measurement Protocols**

- (A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.
- (B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways,

closets and bathrooms.

**VII. Maximum Permissible Sound Levels**

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III.(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI(B).

(B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I  
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS  
WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

**TABLE II  
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS  
WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility or non-residential portion of a multi-use property
	TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.
Maximum A-Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III  
MAXIMUM PERMISSIBLE OCTAVE BAND  
SOUND PRESSURE LEVELS IN DECIBELS**

Receiving Property Category	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	Commercial facility or non-residential portion of a multi-use property
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57

500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

**VIII. Sound Production Devices**

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV  
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS  
WITHIN A RESIDENTIAL PROPERTY**

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

**IX. Restricted Uses and Activities**

**Note: This section is optional; any numbered paragraph may be adopted in its entirety.**

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment

used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;
- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:
  - (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
  - (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

## **X. Motor Vehicles**

**Note: This section is optional; any numbered paragraph may be adopted in its entirety.**

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

- (A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.
- (B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.
- (C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.
- (D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

## **XI. Enforcement**

- (A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.
- (B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than \$3,000. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.
  - 1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily

take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the (Health Department) \_\_\_\_\_. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation the violator shall be notified that if the violation is not immediately corrected a NOPA with a civil penalty of no more than \$3,000 will be issued. If a non-minor violation is immediately corrected a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
  - (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
  - (G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
  - (H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
  - (I) Any claim for a civil penalty may be compromised and settled based on the following factors:
    1. Mitigating or any other extenuating circumstances;
    2. The timely implementation by the violator of measures which lead to compliance;
    3. The conduct of the violator; and
    4. The compliance history of the violator.

## **XII. Consistency, Severability and Repealer**

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

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- (C) 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.