

ORDINANCE NO. 2015-411

**AN ORDINANCE OF THE VILLAGE OF LOCH ARBOUR
REPEALING ORDINANCE NO. 27 ADOPTED ON
NOVEMBER 11, 1960 AND ENACTING AN ORDINANCE
FOR THE PURPOSE OF ESTABLISHING NOISE
CONTROL**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF
LOCH ARBOUR, COUNTY OF MONMOUTH, as follows:**

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; and

WHEREAS, Ordinance No. 27, adopted by the Board of Trustees of the Village of Loch Arbour on November 11, 1960, is archaic and no longer adequately protects the public health, safety and welfare; and,

THEREFORE, the Board of Commissioners of the Village of Loch Arbour finds that to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life, the following Ordinance be enacted:

1. Definitions

As used in this section:

Background sound level shall mean the sound level present when the offending noise source is silenced.

Decibel (dB) shall mean a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals twenty (20) micronewtons per square meter.

Motor vehicle shall mean any vehicle which is propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mopeds, minibikes, go-carts, snowmobiles, amphibious craft, dune buggies or racing vehicles.

Noise shall mean any sound which annoys or distracts humans or which causes an adverse psychological effect on humans.

Person shall mean any individual, association, partnership, corporation, or other entity.

Sound pressure level shall mean the weighted sound pressure level obtained by the use of sound level meter and frequency weighted network of the "A" type as referred to in the N.J. Adm. Code 7:29-1.1, or the latest approved revision thereof. The sound pressure level measured in decibels using the aforesaid A-weighting network shall be designated dBA.

Sound level meter shall mean an instrument commonly used to measure sound pressure levels, which includes a microphone, amplifier, root-mean-square (RMS) detector, integrator or time averager, output meter and A-weighting network.

1.2 Creation of Loud or Unnecessary Noise Prohibited

It shall be unlawful for any person to make, continue, or cause to be made or continued, directly or indirectly upon premises owned, occupied, or under the control of such person, any unreasonably loud, disturbing or unnecessary noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of any individual.

1.3 Certain Sound Pressure Levels Prohibited

a. *By Land Use.* It shall be unlawful for any person to operate or permit to be operated upon premises owned, occupied, or under the control of such person any source of noise in such manner as to create a sound pressure level in excess of the levels set forth in Table 1, or more than ten (10) decibels above the existing background level.

TABLE 1

<i>Time</i>	<i>Sound Pressure Level Limit dBA</i>
8:00 a.m. – 10:00 p.m. (Sunday-Thursday)	65
10:00 p.m. – 8:00 a.m. (Sunday-Thursday)	50
8:00 a.m. – 11:00 p.m. (Friday, Saturday and any day before a legal holiday)	65
11:00 p.m. – 8:00 a.m. (Friday, Saturday and any day before a legal holiday)	50

b. *By Motor Vehicle Operation.* It shall be unlawful for any person to operate a motor vehicle on a public right-of-way in such a manner as to create a sound pressure level in excess of the levels set forth in Table 2, measured at a distance of fifty (50) feet from the center line of the right-of-way being monitored.

TABLE 2

<i>Vehicle Class</i>	<i>Sound Pressure Speed Limit 35 mph or less</i>	<i>Level Limit dB(A) Speed Limit 35 mph or more</i>
Federally Registered Interstate Motor Carrier	86	90
All other motor vehicles with a manufactures gross vehicle rating of 10,000 pounds or more, and any combination of vehicles towed by such motor vehicle	92	96
Motorcycles	88	92
Any other motor vehicle and any combination of vehicles towed by such motor vehicle	82	88

c. *Sound Pressure Levels Not Prohibited.* In no instance, however, shall it be necessary to reduce the sound pressure level below forty (40) decibels between the hours of 9:00 a.m. and 8:00 p.m. or thirty (30) decibels between the hours of 8:00 p.m. and 9:00 a.m.

d. *Place of Measurement.* The sound pressure level shall be measured at the boundary line of the property of the person complaining of the sound level at the point closest to the boundary of the premises from which the noise emanates.

1.4 **Exceptions**

- (a) Noise emanating from parades, sirens, horns and whistles used by the Fire and Police Departments, Emergency Management Coordinator and any other municipal Department or governmental agency for official functions shall not be subject to the provisions of this section.
- (b) Noise emanating from the erection, excavation, demolition, construction, alteration or repair of any building or property between the hours of 7 a.m. to 6 p.m. on weekdays, shall not be subject to the provisions of this section. Noise emanating from emergency repairs to any structure caused by fire, flood, storm or other catastrophe shall not be subject to the provisions of this section. In the event the Construction Official determines that the public health, safety and welfare requires the erection, demolition, alteration or repair of any building between the hours of 6 p.m. and 7 a.m. or on Saturdays or Sundays, he may grant permission for such work to be done within said hours or on said days.

- (c) Noise emanating from landscaping and yard care equipment used between the hours of 7 a.m. to 6 p.m. on Mondays thru Fridays and from 8 a.m. to 5 p.m. on Saturdays and Sundays shall not be subject to the provisions of this section.

1.5 Violations

Any person, company, corporation, organization, association or body of individuals found guilty of violating any provision of this ordinance, shall upon conviction for a first offense be penalized by a fine of at least \$1000 but not exceeding \$2000, imposition of a term of community service not exceeding ninety (90) days, or a term of imprisonment in county jail for a period of not more than sixty (60) days, or any combination thereof as ordered by the court and, upon a second or subsequent conviction, be penalized by a fine of \$2000, imposition of a term of community service of at least ten (10) days but not exceeding ninety (90) days, or a term of imprisonment in county jail for a period of not more than ninety (90) days, or any combination thereof as ordered by the court. For the purposes of this section, a violation occurring or continuing one hour or more after a prior violation shall be considered a subsequent offense. For the purposes of sentencing, a violation that occurs more than three (3) years after a prior violation shall not be considered a second or subsequent violation.

BE IT FURTHER ORDAINED THAT Ordinance No. 27, adopted November 11, 1960, be and hereby is repealed in its entirety.

CERTIFICATION

I, Daniel J. Mason, Acting Clerk of the Village of Loch Arbour, do hereby certify that the above is a true and exact copy of the Ordinance introduced during the first reading on August 12, 2015 and adopted after a second reading and public hearing thereon held the 9th day of September, 2015.

Daniel J. Mason, Acting Clerk
Village of Loch Arbour

Introduced: August 12, 2015
Public Hearing: September 9, 2015
Adoption: September 9, 2015
Publication: September 17, 2015