

**TOWNSHIP OF SADDLE BROOK
COUNTY OF BERGEN**

ORDINANCE NO. 1776-25

AN ORDINANCE REPEALING AND DELETING CHAPTER 133 ENTITLED NOISE OF THE CODE OF THE TOWNSHIP OF SADDLE BROOK AND AMENDING AND SUPPLEMENTING CHAPTER 147 OF THE CODE OF THE TOWNSHIP OF SADDLE BROOK ENTITLED “PEACE AND GOOD ORDER”.

BE IT ENACTED AND ORDAINED, by the Township of Saddle Brook those portions of the aforesaid set forth below are hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

Chapter 133 entitled “Noise” to be repealed and deleted in its entirety.

Chapter 147 entitled “Peace and Good Order” to be amended and supplemented as follows:

Article II: Unnecessary Noise and Disturbance of the Peace

Section 147-7. Legislative determination; policy

Whereas excessive noise is a serious hazard to the public health and welfare and the quality of life; and whereas the people have a right to and should be ensured an environment free from noise that may jeopardize their health or welfare or degrade the quality of life; and whereas the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy and the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare and the peace and quiet of the inhabitants of the Township of Saddle Brook, so, therefore, it is the policy of the Township of Saddle Brook to prevent noise which may jeopardize the health or welfare of its citizens or degrade the quality of life.

Section 147-8. Applicability.

This chapter shall apply to the control of sound originating from stationary sources within the limits of the Township of Saddle Brook.

Section 147-9. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

CONTINUOUS NOISE

A steady, fluctuating or impact noise which exists, essentially without interruptions, for a period of one hour or more.

CYCLICALLY VARYING NOISE

A steady, fluctuating or impulsive noise which may or may not contain a pure tone, which varies in sound-pressure level such that the same level is obtained repetitively at reasonably uniform intervals of time.

DEPARTMENT

Any municipal agency.

DEVICE

Any mechanism which is intended to produce or which actually produces noise when operated or handled.

EMERGENCY VEHICLE

A motor vehicle used in response to a public calamity or to protect persons or property from imminent danger.

EMERGENCY WORK

Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent exposure to danger.

MOTOR VEHICLE

Any vehicles which are propelled or drawn by mechanical equipment, such as but not limited to passenger cars, trucks, truck trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles.

MUFFLER

Any apparatus consisting of baffles, chambers or acoustical-absorbing materials, whose primary purpose is to transmit liquids or gases while causing a reduction in sound emission at one end.

NOISE

Any sound which is unwanted or which causes or tends to cause an adverse psychological effect on human beings.

NOISE DISTURBANCE

Any sound which annoys, disturbs or perturbs reasonable persons with normal sensitivities; or any sound which injures or endangers the comfort, repose, health, hearing, peace or safety of other persons.

PERSON

Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of that state.

PLAINLY AUDIBLE NOISE

Any noise for which the information content of that noise is unambiguously communicated to the listener, such as but not limited to understandable spoken speech or comprehensible musical rhythms.

POWERED MODEL VEHICLE

Any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as but not limited to model airplanes, boats, cars or rockets, and which can be propelled by mechanical means.

PROPERTY BOUNDARY

An imaginary line at the ground surface, which line separates the real property owned by one person from that owned by another person, and its vertical extension.

PUBLIC RIGHT-OF-WAY AND PUBLIC SPACE

Any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public government entity.

SOUND

A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces, that causes compression and rarefaction of that medium and that propagates at finite speed to distant points.

STATIONARY EMERGENCY SIGNALING DEVICE

Any device, excluding those attached to motor vehicles, used to alert persons engaged in emergency operations. These persons include but are not limited to fire fighters, first-aid squad members and law enforcement officers, whether paid or volunteer.

STATIONARY NOISE SOURCE

Any device, fixed or movable, which is located or used on geographically defined real property other than a public right-of-way.

STEADY NOISE

A sound-pressure level which remains essentially constant during the period of observation, i.e., the fluctuations are too small to meet the criterion for fluctuating noise.

WEEKDAY

Any Monday, Tuesday, Wednesday, Thursday or Friday which is not a legal holiday.

Section 147-10. Enforcement procedure.

A violation of this chapter shall be cause for summons and complaint to be issued forthwith; provided, however, that if the noise source is not a motor vehicle moving on a public right-of-way, in lieu of a summons and complaint, enforcement personnel may issue a twenty-four-hour notice, in writing, which may be served personally or by certified mail to the last known address of the person or persons in charge of or in control of the device, building or premises to abate said violations of this chapter. Failure to comply with the order so issued and served shall constitute a violation of this chapter.

Section 147-11. General noise prohibition.

It shall be unlawful for any person to make, continue or cause to be made or continued or cause any excessive or unusually loud noise or to create a noise disturbance within the limits of the Township of Saddle Brook.

Section 147-12. Specific prohibited acts.

The following acts, among others, excluding Township-owned and -operated vehicles, are declared to be loud, disturbing or excessive noise in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

- A. Horns and signaling devices. The sounding of any horn or signaling device on/in any motor vehicle, at any time, except as provided in the Vehicle Code of the State of New Jersey.
- B. Radios, television sets and similar devices:
 - (1) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other device for the production or reproduction of sound in such a manner and at such a volume as to cause a noise disturbance;
 - (2) Operating any such device, between the hours of 10:00 p.m. and 8:00 a.m. the following day, in such a manner as to be plainly audible across real property boundaries or through partitions common to two parties within a building or plainly audible at 50 feet from such device when operated within a motor vehicle parked on a public right-of-way or on a public space or within a motorboat. The foregoing shall apply whether the radio, television receiving set, musical instrument, phonograph or other machine or device used for the production or reproduction of sound is stationary, portable, or in a motor vehicle which shall disturb persons in the vicinity.
- C. Exterior loudspeakers. Using or operating any mechanical device or loudspeaker in a fixed or movable position exterior to any building or mounted upon any aircraft, motor vehicle or motorboat, such that the sound therefrom is plainly audible at or beyond the property boundary of the source or on a public way between the hours of 10:00 p.m. and 8:00 a.m. the following day.
- D. Animals. Owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual howling, barking, meowing, squawking or other noisemaking, cause a noise disturbance across real property boundaries or through partitions common to two parties within a building. For the purpose of this section a “noise disturbance” from an animal is defined as continuous noise for 10 minutes or cyclically varying noise for 30 minutes, unless provoked. The provisions of this subsection shall also apply to all private or public facilities, including any animal pounds, which hold or treat animals.
- E. Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, building materials, liquids, containers, garbage cans, refuse or otherwise similar objects or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form, between the hours of 10:00 p.m. and 6:00 a.m. the following day when the latter is a weekday and between the hours of 11:00 p.m. and 7:00 a.m. the following day when the latter is a holiday or weekend, except by permit, in such a manner as to cause a noise disturbance.

- F. Construction noise. Operating or causing to be operated any equipment used in construction, drilling, earthmoving, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, in any land use category, between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays, 12:00 a.m. – 9:00 a.m. and 5:00 p.m. – 11:59 p.m. on Saturdays, and any time on Sundays, and anytime on New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
- G. Vehicle repairs or testing. Repairing, rebuilding, modifying or testing any motor vehicle, off-road vehicle or motorboat in or near a residential use district, in such a manner as to cause a noise disturbance or violate the provisions of § 147-11.
- H. Refuse-compacting vehicles. Compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 10:00 p.m. and 6:00 a.m. the following day when the latter is a weekday and between the hours of 11:00 p.m. and 7:00 a.m. the following day when the latter is a holiday or weekend, except by permit, in such a manner as to cause a noise disturbance in residential districts.
- I. Bells and alarms. The sounding or permitting the sounding of any exterior burglar alarm on any building or motor vehicle unless such burglar alarm shall terminate its operation with 15 minutes of its being activated. Any motor vehicle upon which a burglar alarm has been installed shall prominently display the telephone number for which communication may be made with the owner of such motor vehicle.
- J. Domestic power tools such as leaf blowers, chainsaws, lawn mowers, powered saws, sanders, drills and grinders. Operating or permitting to be operated any powered saw, sander, drill, grinder, garden equipment or tools of like nature, used primarily for domestic purposes, outdoors in residential zones between the hours of 8:00 p.m. and 8:00 a.m. the following day on weekdays and 8:00 p.m. and 9:00 a.m. on weekends and legal holidays.
- K. Blowers, fans and pumps. Using any blowers, fans, pumps or engines or motors in connection therewith, including, by way of example and not by way of limitation, air-conditioning systems, compression devices and pool filter systems, if such use creates loud, penetrating or continuous noises that disturb the comfort or repose of persons residing in the vicinity.
- L. Vehicle use. Using any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise disturbance.
- M. Unmuffled exhaust. Discharging into the open air the exhaust of any automobile, motorcycle, steam or other engine except through a muffler or other device which effectively prevents loud or explosive noises therefrom.

N. Yelling, shouting, and similar acts.

- (1) Yelling, shouting or any other like noises at any place so as to create a noise disturbance for any person in the vicinity.
- (2) Yelling, shouting, hooting, whistling, or singing between the hours of 10:00 p.m. and 8:00 a.m. the following day in such manner as to plainly audible at a distance of 45 feet from where the person is located shall be prima facie evidence of a violation of this chapter.

O. Schools; Courts; Places of Worship. The creation of any noise disturbance within 50 feet any school, institution of learning, place of worship or court while the same is in use.

Section 147-13. Exceptions.

Nothing herein contained shall be construed to apply to:

- a. The use of bells, chimes or sound amplifiers by places of worship when a part of a religious observance or service.
- b. Activities of the municipal departments in the performance of their duties, drills or public demonstrations.
- c. Activities in public parks, playgrounds or public buildings under permission or authority of municipal officials.
- d. Noise from municipality sponsored or approved celebrations or events.
- e. Noise from excavation, demolition, construction, repair or alteration work for emergency work.
- f. Noise from snow blowers, snow throwers and snowplows when operated with a muffler for the purpose of snow removal.
- g. Noise from stationary emergency signaling devices that conforms to the provisions of N.J.A.C. 7:29.
- h. The emission of sound in situations within the jurisdiction of the federal Occupational Safety and Health Act.
- i. Any noise that constitutes constitutionally protected speech, except during the hours of 10:00 p.m. and 8:00 a.m. the following day.

Section 147-14. Penalties.

- a. Any person who violates any provision of this article shall be subject to the following civil penalties:
 - a. 1st Offense: A civil penalty of not less than \$25 and not more than \$500.
 - b. 2nd Offense: A civil penalty of not less than \$250 and not more than \$750.
- b. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- c. No provision of this article shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, or any person for injury or damage arising from any violation of this article or from other law.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township of Saddle Brook on the 20th day of March, 2025 and passed on first reading, and the same was ordered for final passage at a meeting of the Council to be held at the Municipal Complex in the Township of Saddle Brook, Bergen County, New Jersey, on the 17th day of April, 2025 at 7:00 p.m., at which time and place all persons interested will be given an opportunity to be heard concerning such Ordinance.

Township Clerk