

7:29-1.2 Industrial, commercial, public service, or community service facilities

(a) No person shall cause, suffer, allow, or permit sound from any industrial, commercial, public service or community service facility that, when measured at any residential property line, is in excess of any of the following:

1. From 7:00 A.M. to 10:00 P.M.:

- i. Continuous airborne sound which has a sound level in excess of 65 dBA; or
- ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	96
63	82
125	74
250	67
500	63
1000	60
2000	57
4000	55
8000	53

or,

iii. Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

2. From 10:00 P.M. to 7:00 A.M.:

- i. Continuous airborne sound which has a sound level in excess of 50 dBA; or
- ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the value listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	86
63	71
125	61
250	53
500	48
1000	45
2000	42
4000	40
8000	38

or

iii. Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

(b) No person shall cause, suffer, allow, or permit sound from any industrial, commercial, public service, or community service facility that, when measured at the property line of any other commercial facility is in excess of any of the following:

- 1. Continuous airborne sound which has a sound level in excess of 65 dBA; or
- 2. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands:

Octave Band Center Frequency (Hz)	Octave Band Sound Pressure Level (dB)
31.5	96
63	82
125	74
250	67
500	63
1000	60
2000	57
4000	55
8000	53

or

3. Impulsive sound in air which has a peak sound pressure level in excess of 80 decibels.

Amended by R.1985 d.129, effective March 18, 1985.
See: 16 N.J.R. 1682(a), 17 N.J.R. 699(b).
Substantially amended.
Amended by R.1993 d.301, effective June 21, 1993.
See: 25 N.J.R. 1040(a), 25 N.J.R. 2721(a).
Petition for Rulemaking.
See: 32 N.J.R. 1873(a).

7:29-1.3 Stationary emergency signaling devices

(a) Testing of only the electromechanical functioning of a stationary emergency signaling device shall occur at the same time each day that a test is performed, but not before 8:00 A.M. or after 8:00 P.M. Any such testing shall only use the minimum cycle test time. Except as provided for in (b) below, such test time shall not exceed ten seconds.

(b) Testing of the complete emergency signaling system including the electromechanical functioning of the signaling device and the personnel response to the signal shall not occur more than once in each calendar month. Such testing shall not occur before 8:00 A.M. or after 8:00 P.M. The ten second time limit on the electromechanical functioning of the signaling device shall not apply to such system testing.

(c) Stationary emergency signaling devices shall be used only for testing in compliance with applicable provisions of these regulations and for emergency purposes where personnel and equipment are mobilized. Since personnel and equipment are mobilized during a weather emergency, emergency signaling devices may be utilized to announce a school closing resulting from a weather emergency.

(d) A stationary emergency signaling device used to alert firefighters, or other emergency services personnel of a fire or other emergency shall be located no closer than 250 feet from any elementary school or adjacent school yard or playground, except that this restriction shall not apply to any stationary emergency signaling device that is located on the

premises of a fire station or other facility operated by a local fire department or force or first aid, rescue or emergency squad.

(e) The requirement of (d) above shall not apply to stationary emergency signaling devices placed in service before July 16, 1992 and located in municipalities with a population of less than 25,000 persons and with a population density of more than 2,500 persons per square mile, according to the latest Federal decennial census.

(f) Nothing in this section shall have the effect of restricting the use of a stationary emergency signaling device to alert the public of an emergency pursuant to the provisions of the emergency management act, P.L. 1942, c.251 (N.J.S.A. App. A:9-33 et seq.), or any applicable Federal laws or regulations pertaining to emergency planning and preparedness. The requirements of this section do not apply to the use of stationary emergency signaling devices to warn the public or emergency personnel of a national or State emergency pursuant to the provisions of the emergency management act. This section only pertains to the use of stationary emergency signaling devices to alert local emergency services personnel and/or local citizens of a local emergency such as a fire. This section also does not apply when stationary emergency signaling devices are used or tested as part of the operations of the National Warning System, pursuant to the Federal Emergency Management Agency's Civil Preparedness Guide 1-16, or pursuant to the Federal Emergency Management Agency's Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants, FEMA Rep. 10.

(g) A dual-purpose stationary emergency signaling device which is used to alert the public of a national or State emergency and which is also used to alert local emergency services personnel of local emergencies shall not be required to comply with N.J.A.C. 7:29-1.3(d), (e) and (f). If a dual purpose stationary emergency signaling device is used for local purposes, the device shall comply with all other provisions of this section.

(h) When operated or tested in accordance with the requirements of this section, stationary emergency signaling devices are not required to comply with the operational performance standards established at N.J.A.C. 7:29-1.2.

Amended by R.1985 d.129, effective March 18, 1985.
See: 16 N.J.R. 1682(a), 17 N.J.R. 699(b).

Substantially amended.

Amended by R.1995 d.302, effective June 19, 1995.
See: 27 N.J.R. 1091(a), 27 N.J.R. 2390(c).

In (c) added the last sentence, and added (d) to (h).

Case Notes

Since the department has not adopted regulations specifying or limiting the volume of sound to be emitted by fire sirens, or their location, these areas are not preempted from local regulation. *Malhame v. Boro. of Demarest*, 162 N.J.Super. 248, 392 A.2d 652 (Law Div.1978) appeal dismissed 174 N.J.Super. 28, 415 A.2d 358.

7:29-1.4 Exceptions

(a) The operational performance standards established at N.J.A.C. 7:29-1.2 shall not apply to any of the following noise sources:

1. Agricultural activities;
2. Bells, chimes or carillons while being used in conjunction with religious services;
3. Emergency energy release devices;
4. Emergency work to provide electricity, water or other public utilities when public health or safety is involved;
5. Motor vehicle race tracks;
6. National Warning System (NAWAS): Systems used to warn the community of attack or imminent public danger such as flooding or explosion. These systems are controlled by the New Jersey Office of Emergency or Hazardous Spill Management, Division of State Police;
7. Noise of aircraft flight operations;
8. Public celebrations;
9. Public roadways;
10. Surface carriers engaged in commerce by railroad;
11. The unamplified human voice;
12. Use of explosive devices: These are regulated by the New Jersey Department of Labor under the 1960 Explosive Act (N.J.S.A. 21:1A-1 to 21:1A-144); or
13. Normal operation of a handgun, rifle, shotgun, skeet shooting or trapshooting range which has been maintained continuously in the same location since January 24, 1972.

Amended by R.1985 d.129, effective March 18, 1985.

See: 16 N.J.R. 1682(a), 17 N.J.R. 699(b).

Substantially amended.

Petition for Rulemaking: Regulations governing noise control pertaining to motor vehicle race tracks.

See: 23 N.J.R. 3535(a).

Petition for Rulemaking: Noise control for racetracks; public hearing.

See: 24 N.J.R. 2299(a), 24 N.J.R. 3440(d).

Amended by R.1995 d.302, effective June 19, 1995.

See: 27 N.J.R. 1091(a), 27 N.J.R. 2390(c).

In (a) added 13.

Public Notice: Notice of Receipt of and Action on a Petition for Rulemaking.

See: 29 N.J.R. 4718(c), 29 N.J.R. 5334(a).

Petition for Rulemaking.

See: 32 N.J.R. 1873(a).

7:29-1.5 Performance test principle

For the purposes of measuring sound in accordance with the applicable provisions of these regulations, test equipment methods and procedures shall conform to the provisions of N.J.A.C. 7:29-2.

Amended by R.1985 d.129, effective March 18, 1985.

See: 16 N.J.R. 1682(a), 17 N.J.R. 699(b).

Deleted "standards as published by the Department or its approved equivalent" and substituted "the provisions of N.J.A.C. 7:29-2."
Amended by R.1995 d.302, effective June 19, 1995.

See: 27 N.J.R. 1091(a), 27 N.J.R. 2390(c).
Substituted "7:29-2" for "7:29B-1".