

CHAPTER 29
NOISE CONTROL

Authority

N.J.S.A. 13:1G-1 et seq.

Source and Effective Date

R.2005 d.431, effective November 9, 2005.
See: 37 N.J.R. 1980(a), 37 N.J.R. 4535(b).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 29, Noise Control, expires on May 8, 2011. See: 42 N.J.R. 3024(a).

Chapter Historical Note

Chapter 29, Noise Control, was adopted as R.1974 d.12, effective January 18, 1974. See: 5 N.J.R. 334(a), 6 N.J.R. 59(b).

Subchapter 2, Noise from Vessels and Watercraft, was adopted as R.1977 d.177, effective May 20, 1977. See: 9 N.J.R. 167(d), 9 N.J.R. 266(a).

Subchapter 2, Noise from Vessels and Watercraft, was repealed by R.1979 d.12, effective March 1, 1979. See: 10 N.J.R. 475(a), 11 N.J.R. 63(d).

Pursuant to Executive Order No. 66(1978), Chapter 29, Noise Control, was readopted as R.1990 d.262, effective May 21, 1990. See: 22 N.J.R. 307(b), 22 N.J.R. 1576(a).

Subchapter 2, Procedures for the Determination of Noise from Stationary Sources, was adopted as R.1993 d.301, effective June 21, 1993. See: 27 N.J.R. 1091(a), 27 N.J.R. 2390(c).

Pursuant to Executive Order No. 66(1978), Chapter 29, Noise Control, was readopted as R.1995 d.302, effective May 19, 1995. See: 27 N.J.R. 1091(a), 27 N.J.R. 2390(c).

Pursuant to Executive Order No. 66(1978), Chapter 29, Noise Control, was readopted as R.2000 d.247, effective May 19, 2000. See: 32 N.J.R. 1115(a), 32 N.J.R. 2230(b).

Chapter 29, Noise Control, was readopted as R.2005 d.431, effective November 9, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:29-1.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Affected person” means any person who has registered a noise complaint with an authorized enforcement agency that he or she is a receptor of noise on a protected property category, and said affected person has an interest in the protected property category as an owner, tenant, or employee.

“Agricultural activities” means those activities performed on farmlands in order to cultivate the soil, produce crops, or raise livestock. In addition, activities associated with the growing, producing, processing, or selling of farm-related products, as long as those activities are conducted on farmlands, would be considered agricultural activities.

“Authorized enforcement agency” means the Department, a local, county or regional health agency certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities, a municipality with a Department approved noise control ordinance, or an employee of a county or municipal government who has received noise enforcement training and who is currently certified in noise enforcement pursuant to N.J.A.C. 7:29-2.11, provided such agency, municipality or employee is acting within its designated jurisdiction.

“A-weighted sound level” means the sound level in decibels, reported as measured by a sound level measuring instrument having an “A”-weighting network which discriminates against the lower frequencies according to a relationship approximating the auditory sensitivity of the human ear. The level so read is designated dBA.

“Commercial facility” means any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit including, but not limited to:

1. Banking and other financial institutions;
2. Dining establishments;
3. Establishments for providing retail services;
4. Establishments for providing wholesale services;
5. Establishments for recreation and entertainment;
6. Office buildings;

7. Transportation;
8. Warehouses; and
9. Establishments providing living accommodations which exceed six dwelling units, including, but not limited to, apartments, co-ops, hotels, motels, and dormitories, when they are the source of the sound that is being investigated and the source of sound is a heating, air conditioning, pool filter unit or system, or outdoor amplified sound system.

“Community service facility” means any non-residential facility used to provide services to the public, including, but not limited to:

1. Club meeting halls, offices and facilities;
2. Organization offices and facilities;
3. Facilities for the support and practice of religion;
4. Public, private and parochial schools; and
5. Hospitals.

“Continuous airborne sound” means sound that is measured by the slow response setting of a sound level meter in accordance with the provisions of N.J.A.C. 7:29-2, and which lasts one second or longer. Impulsive sounds that are rapidly repetitive and have a duration of one second or longer shall be measured as continuous airborne sound.

“dBA” means the abbreviation designating the unit of sound level as measured by a sound level meter using the A-weighting.

“Decibel” means the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated “dB”.

“Emergency” means an unexpected occurrence or situation resulting from natural or unnatural causes which endangers or has the potential to endanger the health, safety or resources of citizens or a municipality, and as such, necessitates prompt action and response on the part of emergency services personnel, or contractors working at the site of the emergency to address an emergency.

“Emergency energy release device” means a device used specifically to release excess energy on a non-scheduled basis as necessary for purposes of safety.

“Emergency services personnel” means those people who are trained or designated to respond to an emergency, as defined in this section, or who participate in activities associated with a response to an emergency.

“Frequency” means the number of sound pressure oscillations per second, expressed in hertz; abbreviated “Hz”.

“Impulsive sound” means either a single pressure peak or a single burst (multiple pressure peaks) having a duration of less than one second.

“Industrial facility” means any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

“Maximum sound level” means the maximum sound level measured by a sound level meter on the “fast” or “impulse” setting.

“Octave band sound pressure level” means the sound pressure level measured in decibels in standard octave bands with a sound level meter.

“Person” means any individual, public or private corporation, political subdivision, governmental agency, department or bureau of the State, municipality, industry, or association, including condominium or co-op associations, limited liability corporations, and partnerships and limited liability partnerships.

“Public service facility” means any facility and its related premises, property, or equipment used to provide governmental services to the public including, but not limited to:

1. Maintenance centers;
2. Offices and buildings of agencies or instrumentalities of government;
3. Waste collection centers;
4. Waste recycling centers; and
5. Water and sewage facilities.

“Residential property” means property used for human habitation, unless the habitation is a condition of employment, including, but not limited to:

1. Private property used for human habitation;
2. Commercial living accommodations and commercial property used for human habitation;
3. Recreational and entertainment property used for human habitation;
4. Community service property used for human habitation.

“Sound level” means the sound pressure level measured in decibels with a sound level meter set for A-weighting; sound level is expressed in dBA.

“Sound pressure level” means the level of a sound measured in dB units with a sound level meter which has a uniform (“flat”) response over the band of frequencies measured.

“Stationary emergency signaling device” means any device, excluding those attached to motor vehicles, used to alert