City Clerk File No. Ord. 17-007

Agenda No. 3.G 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 17-007

TITLE: **AN ORDINANCE AMENDING CHAPTER 222 (NOISE) REPEALING ARTICLE 1 (NOISE RESTRICTIONS) AND ADOPTING REVISIONS TO LOCAL NOISE-CONTROL PROTECTIONS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

A. the following amendments to Chapter 222 (Noise) Article I (Noise Restrictions) are hereby adopted:

CHAPTER 222
NOISE

ARTICLE I
NOISE RESTRICTIONS

§§222-1 through 222-5 and §222-10 are hereby repealed in their entirety.

§ 222-1. Declaration of Findings and Policy

A. excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

B. a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

C. the people have a right to, and should be ensured of, an environment free from excessive sound;

D. it is the policy of the City of Jersey City to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

E. This ordinance shall apply to the control of sound originating from sources within the City of Jersey City.

§ 222-2. Definitions

The following words and terms, 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 of 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 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 (1) a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the violator; and (2) the activity or condition constituting the violation has not been the subject of an enforcement action by the City, the County, or the State against the violator within the immediately preceding 365 days for the same or substantially similar violation.

MOTOR VEHICLE - means any vehicle 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 be 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 the 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 an 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 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 multiple 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 ~~[8:00]~~ 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 ~~[8:00 a.m.]~~ 7:00 a.m.

§ 222-3. Applicability

A. This 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 rights-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

B. This 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.

§ 222-4. Exemptions

A. Except as provided in 222-9 and 222-10 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 222-9 below.

§222-5. 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.

D. For purposes of City of Jersey City municipal enforcement, the following officers and agents of the City shall have the power and authority to enforce this chapter: construction code official(s), zoning officers, health officer(s), environmental health specialist(s), police officers and the Office of Emergency Management. These individuals must complete the Noise Enforcement Certification training from the Rutgers Noise Technical Assistance Center.

E. No person shall refuse to allow an authorized employee of the City or other authorized City employee who presents appropriate credentials to perform reasonable sound testing on any device or devices, including but not limited to requiring the temporary shutting down of said device or devices for the purposes of such testing except that upon a showing that the inspection would produce a noticeable interruption of services that would cause discomfort to employees or customers or require a building engineer or other professional to work with the equipment, such authorized employee shall reschedule the inspection for a more convenient time.

§ 222-6. 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 222-6.B 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.

§ 222-7 . Maximum Permissible Sound Levels

A. No person shall cause or permit the operation of any source of sound on any source property listed in 223-A above in such a manner as to create a sound level that equals or exceeds the sound level limits 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 222-6B.

B. Impulsive Sound

Between 7:00 a.m.~~[8:00 a.m.]~~ and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and ~~[8:00 a.m.]~~ 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. ~~[8 a.m.]~~ -10 p.m.	10 p.m.- ~~[a.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, or community service facility	
TIME	~~[8 a.m.]~~ 7 a.m.-10 p.m.	10 p.m.- ~~[8 a.m.]~~ 7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	55	40	55

Note: The time period in Tables I and II is subject to any different times specified in Section 222-9.

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 multiuse property	Commercial facility, public service facility, non-residential	Commercial facility of non residential portion of a

	OUTDOORS		INDOORS		portion of a multi-use property, or community service facility OUTDOORS	multi-use property 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~~8~~ a.m.- 10 p.m.	10 p.m.- 7 a.m.~~8 a.m.~~	7 a.m.~~8 a.m.~~ 10 p.m.	10 p.m.- 7 ~~8~~ 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	42	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.

§ 222-8. Sound Production Devices

No person shall cause 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 222-6.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. - ~~8:00 a.m.~~ 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3dB(C)	6 dB(C)

§ 222-9. Restricted Uses and Activities

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 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 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 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 ~~7:00 a.m~~ 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. Emergency work, as defined in this section, is excluded from the above restrictions.

C. Excluding emergency work, construction and demolition activity shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits in Tables I, II or III. At all other times the limits in Tables I, II and 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. Alterations or repairs to existing owner-occupied or rental dwellings, community service facilities, or schools may be performed on Saturdays and Sundays between the hours of 10:00 a.m. and 4:00 p.m. subject to compliance with Tables I, II and III as applicable.

E. Motorized snow removal equipment~~, with the exception of equipment operated by the City of Jersey City or contractors employed by the City of Jersey City,~~ shall be operated with a muffler or a sound reduction device when being used for snow removal. At all times the limits set forth in Tables I, II or III do not apply. However, in the event of an emergency, equipment operated by the City of Jersey City or contractors employed by the City of Jersey are exempt from noise regulations.

F. 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 times the limits set forth in Tables I, II or III do not apply.

G. 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.

H. ~~All music or other unreasonable noise originating from a sound production device in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music or noise, as measured inside any receiving property dwelling unit is in excess of measures established in Table IV, shall be prohibited.~~

I. 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.

§ 222-10. Motor Vehicles

Violations of paragraphs A through D of this section shall be considered purposeful and therefore not a minor violation.

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. Ice cream and other food vending trucks, while in residential neighborhoods, are prohibited from the playing of jingles while stationary. Jingles may only be played when the vehicle is in motion.

E. ~~Commercial vehicles shall not be permitted to idle for more than three (3) minutes in any residential district~~

F. ~~The use of vehicle horns shall not be permitted except as a warning in situations of imminent danger.~~

§222-11. 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 the maximum penalty pursuant to N.J.S.A. ~~40:69A-29~~, 40:49-5, which is $2,000. 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 222-2 of this ordinance), an 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 City of Jersey City, or the Hudson Regional Health Commission. 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 the maximum penalty allowed pursuant to N.J.S.A. ~~40:69A-29~~ 40:49-5, which is $2,000 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 365 days 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.

J. 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.

§ 222-12. Consistency, Severability and Repealer

If any provision or portion of a provision of this ordinance is held to 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 inconsistent herewith are hereby repealed.

C. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All material is new, therefore, underlining has been omitted; words in ~~[brackets]~~ are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed mater by *italic*.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

Full Title of Ordinance/Resolution

AN ORDINANCE AMENDING CHAPTER 222 (NOISE) REPEALING ARTICLE 1 (NOISE RESTRICTIONS) AND ADOPTING REVISIONS TO LOCAL NOISE-CONTROL PROTECTIONS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Department/Division	Law Department for Councilman Boggiano	
Name/Title	S. Shah, Esq.	Assistant Corporation Counsel
Phone/email	201-547-6572	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

A previous ordinance was tabled (February Ord 16-027). It was then revised in March, then in April (4/27/16); An ordinance was adopted on May 11, 2016 as Ord 16-070. It was even sent to the NJDEP by City Clerk by cover letter of 5/25/16 for final approval.

In a letter dated November 16, 2016, the NJDEP has requested the following modifications that have been made:

1. 222-5D: Individuals must complete Noise Enforcement Certification training from the Noise Technical Assistance Center.
2. The day (7 am to 10 pm) and nightmare (10 pm and 7 am) curfews established in the Model have to be consistent throughout the state.
3. 222-9 E: Jersey City employees are only exempt from the noise regulations during an emergency that conforms to the definition of an emergency on page 2 of the Model. Regardless, all equipment should be equipped with the proper sound reduction devices, such as mufflers.
4. 222-9H: This paragraph was to be removed.
5. 222-10E: This paragraph was to be removed.
6. 222-10F: To be removed since it is not enforceable.
7. 222-11 B & E: Max penalty is $2000.

See attached letter.

I certify that all the facts presented herein are accurate.

Signature of Department Director **Date** 1/5/17

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 17-007
TITLE: 3.G JAN 11 2017 4.F JAN 25 2017

An ordinance amending Chapter 222 (Noise) repealing Article 1 (Noise Restrictions) and adopting revisions to local noise-control protections recommended by the New Jersey Department of Environmental Protection.

RECORD OF COUNCIL VOTE ON INTRODUCTION JAN 11 2017 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓							LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 25 2017 8-0

Councilperson WATTERMAN **moved, seconded by Councilperson** GAJEWSKI **to close P.H.**

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALCER
MIKE KULOWSKI

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson_____ **moved to amend* Ordinance, seconded by Councilperson**_____ **& adopted**_____

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
GADSDEN				OSBORNE				WATTERMAN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 25 2017 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 11 2017

Adopted on second and final reading after hearing on JAN 25 2017

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 25 2017

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date JAN 25 2017

APPROVED:

Steven M. Fulop, Mayor

Date JAN 30 2017

JAN 26 2017

Date to Mayor