

ORDINANCE 921

AN ORDINANCE OF THE TOWNSHIP OF CARNEYS POINT, COUNTY OF SALEM, STATE OF NEW JERSEY AMENDING CHAPTER 138-3 ENTITLED "NOISE" OF THE CODE OF THE TOWNSHIP OF CARNEYS POINT

WHEREAS, the Committee, Township of Carneys Point, have determined that certain amendments to § 138-3 **Motor vehicles, motorcycles and refuse collection vehicles** are necessary; and

WHEREAS, in all other respects Chapter 138 entitled "Noise" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Carneys Point, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

§ 138-3 **Motor vehicles, motorcycles and refuse collection vehicles.**

A.

Motor vehicles and motorcycles on public rights-of-way. No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table 1.

**Table 1 Motor Vehicle and Motorcycle Sound Limits
(measured at 50 feet or 15 meters)**

Vehicle Class	Sound Level in dBA		
	Speed Limit 35 mph or Less	Speed Limit Over 35 mph	Stationary Runup
Motor carrier vehicle engaged in interstate commerce of GVWR or GCWR of 10,000 pounds or more	86	90	88
All other motor vehicles of GVWR or GCWR of 10,000 pounds or more	86	90	—
Any motorcycle	82	86	—
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	82	—

B.

Refuse collection vehicles. No person shall:

(1)

On or after 2 1/2 years following the effective date of this chapter, operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse and which creates, during the compacting cycle, a sound level in excess of 86 dBA when measured at 50 feet or 15 meters from any point on the vehicle.

(2)

Operate or permit the operation of the compacting mechanism of any motor vehicle which compacts refuse between the hours of 8:00 p.m. and 6:00 a.m. the following day in a residential area.

(3)

Collect refuse with a refuse collection vehicle between the hours of 8:00 p.m. and 6:00 a.m. the following day in a residential area.

C.

Standing motor vehicles. No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 10 minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, on a public right-of-way or public space within 150 feet [46 meters] of a residential area, between the hours of 10:00 p.m. and 7:00 a.m. the following day.

D. "Engine Compression Brake" shall be added to read in its entirety as follows:

1. Definitions. The following definitions shall apply to this Section.

(a) "Engine compression brake" shall mean any device that utilizes air compression and/or rapid release of compressed air in the cylinders of engines to slow or retard vehicle speed. Examples include, but are not limited to, Jacobs Engine Brake™, also known as Jack Brake™ engine retarder; Pacbrake™ engine brake; TecBrake™ engine brake; D-Celerator™ diesel exhaust brake; and similar devices that meet the definition.

(b) "Noise baffling device" shall mean a properly functioning muffler or engine exhaust silencer that eliminates the offensive and disturbing noise caused by use of engine compression brakes. The muffler or engine exhaust silencer must reduce the noise to levels meeting vehicle noise emission standards set or authorized by the Noise Control Act (42 U.S.C. §4901 et seq.) and the United States Environmental Protection Agency, and must also comply with all other federal, state or local laws and regulations relating to vehicle noise levels.

(c) "Public safety vehicle" shall mean any vehicle operated by the Carneys Point Township Fire Department or the Carneys Point Township Police Department, or any other emergency vehicle operated by a State, County and/or local agency.

2. Use of Engine Compression Brake Prohibited. It shall be unlawful for the operator of a motor vehicle to engage, or allow to be engaged, operate or use an engine compression brake, or any similar mechanical exhaust device designed to aid in the deceleration of any vehicle which results in the emission of excessive and loud noise from the vehicle, while the vehicle is operated on any public roadway within the municipal limits of the Township of Carneys Point, County of Salem, State of New Jersey.

3. Exclusions. §138-3(D) shall not apply to operators of any of the following:

(a) A public safety vehicle; or (b) A vehicle involved in an emergency wherein the operator of said vehicle reasonably believes that use of the engine compression brake is necessary to avoid or mitigate a collision or accident.

Section 2.

The Carneys Point Township Public Works Department is hereby authorized, at the direction of the Township Committee, to place traffic control signs and/or devices in appropriate locations that substantially state one or more of the following: "Engine Brake Noise Prohibited", "Brake Retarders Prohibited", "Engine Braking Prohibited", "Compression Braking Prohibited" or "Unmuffled Compression Braking Prohibited".

Section 3.

The existing §138-3 shall be renumbered accordingly.

Section 4.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

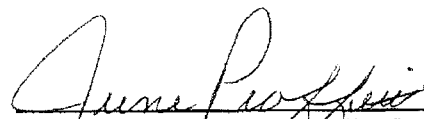
Section 5.

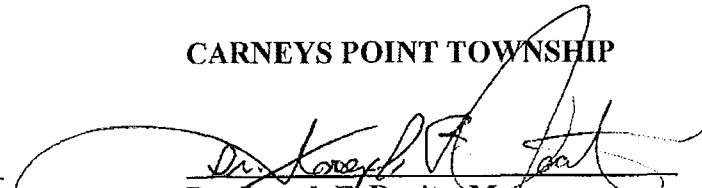
Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

ATTEST:

CARNEYS POINT TOWNSHIP


June Proffitt, Township Clerk


Dr. Joseph F. Racite, Mayor

COMMITTEE	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
DOWE			X			
BROWN			X			
DENNIS		X	X			
PELURA	X		X			
RACITE			X			