

1. Regular Council Meeting Agenda Of February 13, 2019

Documents:

[FEBRUARY 13, 2019.PDF](#)

1.1. Regular Council Meeting Documents February 13, 2019

Documents:

[19-07 AMENDING 8-2 NOISE \(WAYNE TEMPLATE\).PDF](#)

PLEASE TURN OFF PAGERS AND CELL PHONES

AGENDA REGULAR MEETING February 13, 2019

The following is the Agenda for the Regular Meeting of the Mayor and Council of the Borough of Pompton Lakes, Passaic County, to be held in the Pompton Lakes Municipal Building, 25 Lenox Ave., Pompton Lakes, NJ, Wednesday, February 13, 2019 beginning at 7:30 pm.

1. CALL TO ORDER – Mayor Michael Serra

PRAYER

SALUTE TO FLAG

STATEMENT OF COMPLIANCE: “In conformance with the Open Public Meetings Law, Public Law 1975, Chapter 231, adequate notice of this Meeting setting forth the time, date, place and purpose of this regular Meeting through notice posted on the Bulletin Board in the Municipal Building, mailed to all who had requested and paid for same, and published in the Suburban Trends.

ROLL CALL:

Mayor Michael Serra
Council President Terri Reicher
Councilman William Baig
Councilman Erik DeLine
Councilman Frank Jaconetta
Councilwoman Jennifer Polidori
Councilman Ekamon Venin

Borough Officers:

Joseph Ragno, Borough Attorney
Kevin Boyle, Borough Administrator
Elizabeth Brandsness, Municipal Clerk

MAYOR PRESENTATIONS AND UPDATES:

2. MEETING OPEN FOR PUBLIC COMMENTS:

Motion to open the Meeting for Public Comments ___Second___ All in favor___Nays___
Motion to close the Meeting for Public Comments ___Second___ All in favor___Nays___

3. APPROVAL OF MINUTES:

Motion to approve the following Minutes ___Second___. All in favor___, Nays___.

Regular Meeting Minutes of January 23, 2019

4. AUTHORIZED BILLS AND CLAIMS: Motion to approve the following Bill

Lists ___Second___. All in favor___Nays___.

Current Fund	\$ 2,872,812.77
Capital Fund	\$ 127,373.15
Recreation Trust	\$ 2,858.49
Unemployment	\$ -0-
Dog Trust Account	\$ -0-
Other Trust Account	\$ 2,214.00
Clerk's Account	\$ -0-
Open Space Trust	\$ -0-

5. PRESENTATION OF PETITIONS: None

6. CONSENT AGENDA – RESOLUTIONS:

(Does Any Councilperson Require Any Consent Agenda Item To Be Pulled For Separate Actions?)

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes has reviewed the Consent Agenda consisting of various proposed Resolutions; and

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes *(does / does not)* desire to remove Resolutions for individual action from that Agenda.

NOW, THEREFORE, BE IT RESOLVED that the following resolutions on the Consent Agenda are hereby approved:

1. Resolution 19-62 Adopting Tower And Towing Fees For The Year 2019 As Required By Administrative Code Sections 5-23.1 (B To D)
2. Resolution 19-63 Authorizing The Issuance Of A Towing License To Rudge Towing & Recovery
3. Resolution 19-64 Authorizing The Issuance Of A Towing License To Malanga’s Automotive
4. Resolution 19-65 Authorizing Cancellation of Taxes Block 9524 Lot 55
5. Resolution 19-66 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 And/or NJSA 19:44A-20.5 With Maser Consulting, P.A. (Engineer to the Zoning Board of Adjustments)
6. Resolution 19-67 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 And/or NJSA 19:44A-20.5 With Maser Consulting, P.A. (Planner to the Zoning Board of Adjustments)
7. Resolution 19-68 Authorizing A Contract For The Acquisition Of Goods Or Services Pursuant To NJSA 19:44A-20.4 And/or NJSA 19:44A-20.5 With Maraziti Falcon, LLP (Attorney to the Zoning Board Of Adjustments)
8. Resolution 19-69 Approving Application for BPOE #1895 Elks Carnival To Be Held August 29, 2019 Through September 1, 2019
9. Resolution 19-70 Appointment Of Heather D. LaBate To The Position Of Laborer 1 With The Department Of Public Works
10. Resolution 19-71 Appointment Of Flory L. Seidel To The Position Of Laborer 1 With The Department Of Public Works
11. Resolution 19-72 Appointment Of Robert M. Cuffe To The Position Of Laborer 2 With The Department Of Public Works
12. Resolution 19-73 Authorizing The Mayor And Council To Approve Estimate No. 1 In Connection With The Construction Of Summit Avenue Retaining Wall In The Amount Of \$98,199.63

Motion to approve the Consent Agenda__Second__. All in favor____, Nays____.

7. RESOLUTIONS FOR SEPARATE ACTION (ROLL CALL):

8. INTRODUCTION OF ORDINANCES–FIRST READING AND INTRODUCTION:
(Ordinance will be presented for second reading and final adoption on, February 27, 2019)

ORDINANCE 19-08
AN ORDINANCE AMENDING PARTS OF §5-23 TOWERS AND TOWING

Motion to Approve Ordinance No. 19-08 for Introduction____, Second____.
Roll Call:

ORDINANCE 19-09
AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 190 RELATING TO THE HAMBURG REDEVELOPMENT AREA (9 HAMBURG TURNPIKE, BLOCK 2800 LOT 11)

Motion to Approve Ordinance No. 19-09 for Introduction____, Second____.
Roll Call:

ORDINANCE 19-10
AN ORDINANCE AMENDING SECTION 5-20 THROUGH 5-20.12 – SOLICITORS AND CANVASSERS

Motion to Approve Ordinance No. 19-10 for Introduction____, Second____.
Roll Call:

9. ORDINANCES FOR SECOND READING AND FINAL ADOPTION:
(These ordinances have been advertised and posted on the Municipal Bulletin Board)

ORDINANCE 19-07**AN ORDINANCE AMENDING SECTION 8-2 OF CHAPTER 8, NOISE, OF THE BOROUGH ADMINISTRATIVE CODE**

Motion to Approve Ordinance No. 19-07 for Introduction____, Second____.

Roll Call:

Motion to open the Meeting for public comments on Ordinance # 19-07 ____, Second____.

All in favor____, Nays____.

Motion to close the Meeting for public comments on Ordinance # 19-07 ____, Second____.

All in favor____, Nays____.

Motion to approve Ordinance # 19-07 for Final Adoption____, Second____.

Roll Call:

10. MAYOR REPORT:

Motion to appointment John Keating as a Class II member to the Planning Board to fill an unexpired term through December 31, 2019 _____, second _____. All in favor.

11. COUNCIL COMMITTEE REPORTS:

Council President Reicher:

Councilman Jaconetta:

Councilwoman Polidori:

Motion to approve the request for Pompton Lakes / Riverdale Little League (PLRLL) to conduct the annual parade on Saturday, April 6, 2019 at 12:00noon. Parade Route begins at the Pompton Lakes High School parking lot through the business district onto Joe Grill Little League complex. Traffic pattern will be monitored and controlled by the Police Department.

(notify Police/Fire/First Aid) ____Second____. All in favor____Nays____.

Councilman Venin:

Councilman Baig:

Councilman DeLine:

Professional Reports:**12. TABLED ITEMS:** None**13. MEETING OPEN FOR PUBLIC COMMENTS:**

Motion to Open Meeting for Public Comments__Second__All in favor __Nays____.

Motion to Close Meeting for Public Comments__Second__All in favor__ Nays____.

14. PRIVILEGE OF THE FLOOR:**15. ADJOURN TO EXECUTIVE SESSION WHEN REQUIRED:**

Motion to Adjourn____Second____. All in favor____Nays____.

Closed Session Time _____ Open Session Time _____

Motion to Open____Second____. All in favor____Nays____.

16. ADJOURNMENT: Motion to Adjourn____Second____. All in favor____Nays____.

Adjourn Time ____.

ORDINANCE NO.: 19-07

**AN ORDINANCE AMENDING SECTION 8-2 OF CHAPTER 8, NOISE,
OF THE BOROUGH ADMINISTRATIVE CODE**

BE IT ORDAINED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey as follows.

1. Section 8-2 of Chapter 8 of the Borough Administrative Code shall be amended to read as follows:

8-2 NOISE

8-2.1 DEFINITIONS

The following words and terms as used in this Section shall have the following meanings unless the context indicates otherwise. Terms not defined herein shall have the meaning as defined in NJAC 7:29.

Construction – any site preparation, assembly, erection, repair, alteration or similar activity, including demolition of buildings and structures.

dB_C – the sound level as measured using the “C” weighting network with a sound level meter meeting the standards set forth in ANSI S1.0-1983 and/or its successors. The unit of reporting is dB_C. The “C” weighting network is more sensitive to low frequencies than is the “A” weighting network.

Demolition – any dismantling, destruction or removal of buildings, structures or roadways.

Department – New Jersey Department of Environmental Protection.

Emergency Work – any work of action necessary to deliver essential public services, including but not limited to repairing water, gas, electric, telephone, sewer facilities or public transportation facilities, removing fallen trees on public rights of way, dredging waterways or abating life-threatening conditions.

Impulsive Sound - either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

Minor violation – a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the sensitivity or condition constituting the violation has not been the subject of an enforcement action by any local, county or state enforcement agency against the violator in the immediately preceding 12 months for the same or substantially similar violation.

Motor Vehicle – any vehicle that is propelled other than by human or animal power on land.

Muffler – a properly functioning sound dissipative device or system for abating the sound of escaping gases on equipment where such device is part of the normal configuration of the equipment.

Multi Dwelling Unit Building – 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 – any distinct parcel of land that is used for more than one category of activity. Examples include but are not limited to:

a. 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, 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 of the same distinct parcel of land; or

b. A building which is both commercial (usually on the ground floor) and residential.

Noise Control Officer (NCO) – an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act to perform noise enforcement activities; or a municipality with a Department approved noise control ordinance and the employee has received noise enforcement training and is currently certified in noise enforcement. The employee must be acting within their designated jurisdiction and must be authorized to issue a summons in order to be considered a noise control officer.

Plainly Audible – Any sound that can be detected by a person using their unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words or the artist performing the song.

Private Right of Way – any street, avenue, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a nongovernmental entity.

Public Right of Way – any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a governmental entity.

Public Space – any real property or structures thereon that are owned, leased or controlled by a governmental entity.

Real Property Line – either (a) the vertical boundary that separates one parcel of real property from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, 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 building is a building with residential use upstairs and commercial downstairs, then the real property line would be the interface between the residential and commercial area, or if there is an indoor 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 that 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. strip mall).

Weekday – any day that is not a federal holiday and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

Weekends – Beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a/m/

8-2.2 APPLICABILITY

A. This Section of Chapter 8 is applicable to sound from the following sources.

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 way
8. Public spaces
9. Multi-dwelling unit buildings

B. This Section of Chapter 8 applies to sound received at the following property categories.

1. Commercial facilities
2. Public service facilities
3. Community service facilities
4. Residential properties
5. Multi-use properties
6. Multi-dwelling unit buildings

C. Sound from stationary emergency signaling devices shall be regulated in accordance with NJAC 7:29-1.4. except that the testing of electromechanical functioning of a stationary emergency signaling device shall not meet or exceed ten seconds.

8-2.3 EXEMPTIONS

A. Except as otherwise provided herein, the provisions of this Chapter shall not apply to the exceptions listed in NJAC 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 NJAC 7:29-1.5 shall continue to be exempted.

C. Construction and demolition activities are exempt from the sound level limits set forth in the attached tables except as provided for otherwise herein.

8-2.4 ENFORCEMENT OFFICERS

A. Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any provision of this Chapter and pursue enforcement activities.

B. Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspect violations of any provision of this Chapter that does 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 Noise Control Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinance.

8-2.5 MEASUREMENT PROTOCOLS

A. Sound measurements made by an NCO shall conform to the procedures set forth at NJAC 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in B below and with the definition of "real property line" as set forth herein.

B. When conducting indoor sound level measurements across a real property line, the measurements shall be taken at least 3 feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the NCO or NCI be closed. The neighborhood residual sound level shall be measured in accordance with NJAC 7:29-2.9(b)2. When measuring total sound level, the configuration of windows and doors shall be the same and all sound sources within the dwelling unit must be shut off. Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

8-2.6 MAXIMUM PERMISSABLE SOUND LEVELS

A. No person shall cause, suffer, allow or permit the operation of any source of sound on any source property listed in this Chapter in such manner as to create a sound level that equals or exceeds the sound levels set forth herein when measured at or within the real property line of any of the receiving properties set forth herein except as may be otherwise set forth in this Chapter.

B. Impulsive sound between 7:00 a.m. and 10:00 p.m. shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than 4 times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats 4 or more times in any hour shall be measured as continuous sound and shall not meet the requirements as set forth herein.

8-2.7 SOUND PRODUCTION DEVICES

No person shall cause, suffer, allow 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 herein when measured within the residence of a complainant to the measurement protocol set forth in this Chapter. These sound level measurements shall be conducted with the sound level meter set for "C" weighting "fast response".

8-2.8 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/or 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 set forth herein. At all other times the limits set forth herein 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/or 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 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 herein. At all other times the limits set forth herein do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth herein. At all other times the limits set herein do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth herein do not apply.

E. 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 5 minutes for continuous airborne sound and 15 minutes for intermittent sound after it has been activated. At all other times the limits set forth herein do not apply.

F. 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.

G. 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 5 minutes without interruption, defined as an average of 4 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.

8-2.9 MOTOR VEHICLES

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

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.

8-2.10 ENFORCEMENT AND PENALTY

A. Violation of any provision of this chapter 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 chapter shall be subject to a civil penalty for each offense of not more than the maximum penalty allowed pursuant to

N.J.S.A. 40:49-5. 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 chapter 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 chapter 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 this chapter) a 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 Health Department. 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 not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5 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 12 months 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.

8-2.11 TABLES OF LIMITS

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, nonresidential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.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 nonresidential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Maximum A-Weighted sound level standard, dB	55	40	55

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 multi-use property	Commercial facility, public service facility, nonresidential portion of a multi-use property, or community	Commercial facility or non-residential portion of a multi-use property
-----------------------------	--	--	--	--

	OUTDOORS		INDOORS		service facility OUTDOORS	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 a.m.- 10 p.m.	10 p.m.- 7 a.m.	7 a.m.- 10 p.m.	10 p.m.- 7 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	43	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.

TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY

Week nights 10:00 p.m. - 7:00 a.m.	All other times
Weekend nights 11:00 p.m. – 9:00 a.m.	
3 dB(C)	6 dB(C)

2. A certified copy of this Ordinance, once adopted, shall be provided to the Department of Environmental Protection for approval.

3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
5. This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 23rd day of January, 2019, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 13th day of February, 2019, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk