

# ZONED OUT

By now most of you reading what I am about to write about, have either heard me tell you about, or experienced for yourselves, the fun and games of dealing with local zoning ordinances, in particular, those related to what are commonly referred to as "neighborhood beautification laws." The aforementioned laws are aimed at, to a great degree, the elimination of, or reduction of, those things that would mar the appearance of a residential neighborhood, with a specific aim of preventing one from turning their property into a defacto junkyard. The problem with these "neighborhood beautification laws", is nearly all have no provision for the legitimate automotive enthusiast to live within.

Now comes the punch line of sorts. Yours truly, at his boyhood home, where I still spend over 50% of my time working on either the house, the yard, or my cars, received a notice of violation recently for....., running an "automotive repair facility." Now, mind you, between my Wife, my Son, my Sister (legal owner of the property), and myself, we own , seven vehicles, all older vehicles, the oldest being my 1960 Plymouth my Dad bought brand new. We were also cited for a fence we knew we had to replace, but that was a minor issue, quickly resolved. The Motor Vehicle issue though, may yet not be resolved, because, after 52 years, 4 different neighbors next door, two different ones behind us, 2 across the side street, and 3 across, and diagonally back across the side street, we now have on right next door, that doesn't like the fact that we work on our cars in the driveway. I went back and forth with our local Zoning Officer over the issue of working on our cars, or those of our friends at what we in our family call the house, and had him tell me, among many things, that it is against Borough Ordinance to work on one's own vehicle, in an open driveway, on private residential property. I researched the local Code Book of ordinances, and though I did find reference to the prohibition of noise from the testing of motor vehicles on private property, that codicil of the local ordinance, fell under the greater 10:00 P.M.-7:00 A.M. noise prohibition ordinance, I found nothing specifically prohibiting one from working on one's vehicle, in an open driveway, in a residential area.

So, what does any of this have to do with Legislative Affairs, after all, this is my personal headache-Right? Serves me eight for not paying closer attention to what my local government officials have been up to over the years-Right? Yes, and no.

Much like the rest of you, I cannot attend every town council meeting, where these ordinance are first born, and unlike those who enforce these ordinances once they become law, I don't have all day long to sit around, and contemplate their interpretation, and application as needed. All I can do, and all any of us can do, is to try to get something like SEMA-SAN's model "Inoperative Vehicle" guidelines adopted into local law. In a nutshell, the guidelines allow one to have an inoperative vehicle on private property, as long as it is reasonably shielded from public view, and allows to some extent, the working on said vehicle. With a little additional language, the working on one's vehicle, and maybe even a friend's vehicle from time to time, can also be codified, thereby eliminating any possibility of a disgruntled neighbor being able to send the local Zoning Officer after one, for simply doing something they enjoy, within reasonable limits. I have given a copy of SEMA-SAN's model "Inoperative Vehicle" guidelines to my Son, who in turn gave them to our Mayor, in the hope that he will present this language to our town council for consideration. I even spoke to our Mayor, prior to having my son hand him the SEMA-SAN material, and said, the working on things ourselves at the house has been a long standing tradition, dating back to 1959, because though not dirt poor, we were never so well off, as to be able to hire someone to do every little thing for us. Our Mayor was at least sympathetic to my situation, one I have a feeling many automotive hobbyists, and just plain folk are in, and time will tell how far that sympathy will carry the day.

My thanks in a way to POCI Vice-President for giving me the impetus to write this article, and I hope it helps some fellow Vehicle Owners avoid the nightmare I and my family have recently been put through.

For those with tons of time on their hands, below is a copy of what I could find in the local Zoning Code Book regarding noise and motor vehicles.

§ 222-8 [Motor vehicle maximum sound levels.](#)

[A.](#)

Motor vehicles and motorcycles on public rights-of-way. No persons 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 2.

Table 2 Motor Vehicle and Motorcycle Sound Limits [\(1\)](#)  
 (Measured at 50 Feet or 15 Meters)

| Vehicle Class   | Sound Level in dBA         |                         |                   | Adequate mufflers or sound dissipative devices.  |
|---|----------------------------|-------------------------|-------------------|--|
|   | Speed Limit 35 mph or Less | Speed Limit Over 35 mph | Stationary Run-up |  |
| Motor carrier vehicle engaged in interstate commerce of GVWR or GCWR of 10,000 pounds or more | 86                         | 90                      | 88                | <a href="#">(a)</a>  |
| All other motor vehicles of GVWR or GCWR of 10,000 pounds or more                             | 86                         | 90                      | —                 | No person shall operate or cause to be operated any motor vehicle, including minibikes and mopeds, or any motorcycle not equipped with a |
| Any motorcycle  | 82                         | 86                      | —                 |  |
| Any other motor vehicle or any combination of vehicles towed by any motor vehicle             | 76                         | 82                      | —                 |  |

muffler or other sound dissipative device in good working order and in constant operation.

[\(b\)](#)

No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle.

(2)

Motor vehicle horns and signaling devices. The following acts and the causing thereof are declared to be in violations of this chapter:

(a)

The sounding of any horn or other auditory signaling device on or in any motor vehicle or motorcycle on any public right-of-way or public space, except as a warning of danger as provided in the vehicle code.

(b)

The sounding of any horn or other auditory signaling device which produces a sound level in excess of 125 feet (38 meters).

(3)

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 three 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 or designated noise sensitive zone between the hours of 8:00 p.m. and 8:00 a.m. the following day.

B.

Recreational motorized vehicles operating off of a public right-of-way.

(1)

Except as permitted in § [222-8B\(2\)](#), no person shall operate or cause to be operated any recreational motorized vehicle off a public right-of-way in such a manner that the sound level emitted therefrom exceeds the limits set forth in Table 3 at a distance of 50 feet (15 meters) or more from the path of the vehicle when operated on a public space, or at or across the boundary of private property when operated on private property. This section shall apply to all recreational motorized vehicles, whether or not duly licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats.

(2)

Permits for motor vehicle racing events may be obtained from the appropriate authority according to procedures and criteria set forth in § [222-7](#).

Table 3 Recreational Motorized Vehicle Sound Limits  
(Measured at 50 Feet or 15 Meters)

| Vehicle Type                  | Sound Level (dBA) |
|-------------------------------|-------------------|
| Snowmobile:                   |                   |
| Unit manufactured before 1975 | 82                |
| Unit manufactured after 1975  | 78                |
| Motorcycle:                   |                   |
| Unit manufactured before 1975 | 86                |

|                               |    |
|-------------------------------|----|
| Unit manufactured after 1975  | 84 |
| Any other vehicle:            |    |
| Unit manufactured before 1975 | 84 |
| Unit manufactured after 1975  | 80 |

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ABANDONED OR UNUSED VEHICLES

Automobiles or other motorized forms of vehicular transportation stored in the exterior property areas of a residential premises without current registration or license plates or undriven for more than 30 days as a result of being in a condition rendering the vehicle inoperable on the public highways without extensive repairs or replacement of parts. These vehicles, as defined herein, shall be considered to be litter, as defined and prohibited both under this code and in Chapter 118, Littering, of the Code of the Borough of Metuchen.

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110-92

§ 110-92 [Uses not specifically permitted.](#)

Where a use is not specifically permitted in any district, it shall be deemed to be prohibited.

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163.1

It shall be unlawful for any owner, tenant or occupant of any private property in an industrial zone which adjoins a residential zone or adjoins a street which is a boundary line between an industrial and residential zone to permit the outdoor storage of industrial materials, products and equipment unless such storage is screened by a buffer of suitable construction and material or by a vegetative screening as approved by the Construction Code Official of the borough to be of sufficient height so that the materials, products and equipment are not visible from a distance of one hundred feet from any of the industrial property lines at an average six-foot eye level. The screening shall be permanently maintained by the property owner to preclude the visibility as set forth in this chapter.

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162.3

§ 163-2 [Exceptions.](#)

Motor vehicles and trailers shall be excepted from the provisions of § [163-1](#) of this chapter; except that any motor vehicles parked or stored on premises as described in § [163-1](#) shall be subject to a screening or buffer from the residential zone of a suitable nature as determined by the Construction Code Official to afford sufficient protection against vandalism, attractive nuisance and fume pollution in relation to the adjoining residential zone. Any screening which satisfies the provision of § [163-1](#) of this chapter shall be deemed to be sufficient to comply with the requirements of § [163-2](#) of this chapter.

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222.6

No person shall make, continue, cause or permit to be made verbally or mechanically any unnecessary noise (noise disturbance). Noncommercial public speaking and

public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

B.

The following acts, and the causing thereof, are declared to be in violation of this chapter.

(1)

Sound reproduction systems. Operating, playing or permitting the operation or playing of any radio, television, phonograph or similar device which reproduces or amplifies sound:

(a)

Between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be audible across two real property boundaries.

(b)

In such a manner as to create a noise disturbance at 50 feet (15 meters) from such device when operated in or on a motor vehicle on a public right-of-way or public space.

(c)

In such a manner as to create a noise disturbance to any person other than the operator of the device when operated by any passenger on a common carrier.

(d)

This section shall not apply to noncommercial spoken language covered under § 222-6B(4).

(2)

Sound production systems. Operating, playing or permitting the operation or playing of any drum, musical instrument, sound amplifier or similar device that produces sound:

(a)

Between the hours of 10:00 p.m. and 8:00 a.m. the following day in such a manner as to exceed a maximum sound level of dBA measured at residential real property boundary.

(b)

Between the hours of 8:00 a.m. and 10:00 p.m. in such a manner as to exceed a maximum sound level of 65 dBA measured at a residential real property boundary.

(3)

Loudspeakers/public address systems.

(a)

Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary.

(b)

Using or operating for any commercial purpose any loudspeaker, public address system or similar device in such a manner as to exceed a maximum sound level of 50 dBA on a residential or commercial real property boundary or a public right-of-way, or between the hours of 10:00 p.m. and 8:00 a.m. the following day in such a way as to create a noise disturbance across any real property boundary.

(4)

Street sales. Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the borough except between the hours of 8:00 a.m. to 9:00 p.m.

(5)

Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for continued durations howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary. This provision shall not apply to public zoos.

(6)

Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to cause a noise disturbance across a residential property boundary or within a noise sensitive zone, pursuant to § [222-9](#).

(7)

Motor vehicle repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle or motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.

(8)

Airport, aircraft operations and heliports.

(a)

The Noise Control Officer shall consult with the airport proprietor to recommend changes in airport operations to minimize any noise disturbance which the airport owner may have the authority to control in his or her capacity as proprietor.

(b)

Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft which are in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations.

(9)

Construction. Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone, except for emergency work of public service utilities or by special variance issued pursuant to § [222-7](#).

(10)

Places of public entertainment.

(a)

Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment as to produce a maximum sound level of 50 dBA on a residential real property boundary.

(b)

The operating, or permitting to be operated, of any loudspeaker or other source of sound in any place of public entertainment which produces maximum sound pressure levels of 100 dBA at any point that is normally occupied by a customer, as read with

the slow response on a sound level meter, without a conspicuous and legible sign located outside such place at the entrance stating "Warning! Sound levels within may cause permanent hearing impairment."

(11)

Stationary non-emergency signaling devices. Control of noise from stationary nonemergency signaling devices shall be in accordance with the provisions of N.J.A.C. 7:29-1.1 through 7:29-1.5 and all amendments and supplements thereto, which provisions are incorporated herein by reference.

(12)

Emergency signaling devices. Control of noise from emergency signaling devices shall be in accordance with the provisions of N.J.A.C. 7:29-1.1 through 7:29-1.5 and all amendments and supplements thereto, which provisions are incorporated herein by reference.

(13)

Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 8:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

(14)

The operation of a snowblower is permitted any time within a twenty-four-hour period immediately after a snowstorm. Thereafter, the operation of a snowblower is not permitted in residential areas between the hours of 10:00 p.m. and 8:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.

(15)

Burglar alarms. Sounding or permitting the sounding of any exterior burglar alarm on any building or motor vehicle, unless such burglar alarm shall terminate its operation within 30 minutes of its being activated.

[\(16\)](#)

Refuse compacting vehicles. The operating or permitting to be operated of any motor vehicle which can compact refuse between the hours of 7:00 p.m. and 6:30 a.m. the following day.

[Amended 2-19-1987]

[\(17\)](#)

Impulsive noises. The use or firing of explosives, firearms or similar devices that create impulsive sound greater than 80 dB, which, as measured with an impulse sound meter, also cause a noise disturbance across a real property boundary or on a public space or right-of-way, without first obtaining a special variance issued pursuant to § [222-7](#). Such permit need not be obtained for licensed game hunting activities on property where such activities are authorized.

[\(18\)](#)

Air-conditioning and air-handling devices.

[\(a\)](#)

The operation of air-conditioning or air-handling devices that exceed the maximum sound level limitations provided in this section. In residential areas, continuous sound levels measured at the property line of 55 dBA.

[\(b\)](#)

The provisions of this section shall not apply if the sound from the air conditioner or air handling device produces less than a five dBA increase in the sound level that exists in the absence of such sound.

§ 222-7