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Noise chicanery related to racetrack continues in Millville

By JOHN T. FLICKINGER

Noise is unwanted sound. It is NOT a nuisance; it is a hazard that becomes a harassing hazard when there is no place to retreat from it.

The state of New Jersey has a Statewide Noise Control Act. The enforcement of that act largely falls upon county health departments. The state also gives municipalities the right to write their own noise ordinances, and, if approved by the New Jersey Department of Environmental Protection, enforce their local standards on their own.

The State Noise Control Act exempts the noise produced by motor vehicle raceways, such as the New Jersey Motorsports Park, from state enforcement. This means that the Cumberland County Health Department cannot receive complaints and cannot enforce the act if the noise originates from racetracks.

The local jurisdiction, such as the city of Millville, if it has an approved ordinance, can receive complaints and take enforcement action for violative noise.

Should there be no ordinance at the local level, then there is no effective way for the citizenry to complain about noise pollution coming from a motorsports facility.

The city of Millville claims to have an ordinance, and, since late May or early June, has a certificated person to enforce the ordinance. Although, NJDEP officially states that the Millville ordinance has been REJECTED. So, it behooves the city of Millville to tell the public if it does or does not have an ordinance. If it does have an ordinance, the city should be able to produce copies of approval from the NJDEP and then explain why it is not enforcing the ordinance.

On June 20, the Motorsports Park conducted racing that began around 8:15 a.m. The engine noise, occasional engine backfires and the loudspeaker were clearly audible 2.75 miles from the racetrack. The noise continued through most of the day.

At some time or other most of us have taken some class in school that taught us to critically evaluate our experiences in the absence of sophisticated science. Let's see if one can apply such an evaluation to what happened on Saturday, June 20.

There were at 8:30 a.m. lawnmowers and a leaf blower operating within 100 feet from where I was standing in my backyard. A normal conversation was not possible over the lawn-care machine noise. Yet, clearly, and unmistakably, one could hear the shifting of car gears and backfires from the racetrack over top of the lawnmowers and leaf blowers.

Now, if one reasons that since the normal human voice -- 60 decibels -- could not be heard above the lawn-care noise (lawn mowers at 85 decibels, not counting the leaf blowers), and the racetrack noise

could be clearly heard, then one must conclude that the racetrack noise exceeded 85 decibels.

Furthermore, at about 8:45 a.m. my wife was using a vacuum cleaner to vacuum her car. I was standing within three feet of the cleaner -- probable noise level of 80 decibels -- and even then the racetrack noise was clearly heard above that level. So, again one is comfortable in assuming the racetrack noise was greater than 80 decibels.

In my office at home, the only way to drown out the noise was to turn my stereo up to the point where it was clearly heard outside my home. But, if I went outside, even hearing my stereo, the racetrack noise was still much louder.

I called the city of Millville to register my complaint, finally getting the voice mailbox of former Mayor James Quinn. I did not receive a return call, nor did I receive a visit from the enforcement official whose responsibility it is to investigate complaints, and enforce the ordinance. Essentially then, the Motorsports Park is given a free pass by the state and another one by an ordinance that, if it exists, exists in name only. The public has nowhere to turn. Both the city and Motorsports Park are testing the limits of my patience.

So, now we come to the uneasy question to which the city of Millville owes its citizenry an answer. Why are you not enforcing the ordinance you say you have and which is clearly being violated?

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Millville
