



RESOLUTION OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey

#R 166 -2019

**REQUESTING THE MAYOR OF THE CITY OF PHILADELPHIA, CERTAIN POLICE
DEPARTMENT OFFICIALS AND OTHERS TAKE IMMEDIATE ACTION TO AMELIORATE
AND ABATE THE ILLICIT AND NOXIOUS NOISE VIOLATIONS IMPACTING THE RIGHT
TO PEACEFUL ENJOYMENT OF PROPERTY AND QUALITY OF LIFE OF THE
RESIDENTS OF THE CITY OF GLOUCESTER CITY**

WHEREAS, residents of the City of Gloucester City ("Gloucester City") who reside along the Delaware River immediately across from the City of Philadelphia ("Philadelphia") enjoy many benefits from Philadelphia's scenic vistas, to taking advantage of its close proximity and enjoying the cultural, historical and entertainment benefits that Philadelphia has to offer; and

WHEREAS, while the benefits of residing in close proximity to Philadelphia are many, each June, July and August, brings about unwanted and intrusively excessive noise from motor vehicles commonly referred to as "Boom Cars"; and parking in the Jetro Cash & Carry ("Jetro"); and

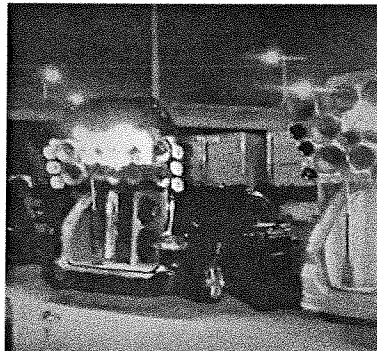
WHEREAS, last year, dozens of people and massive sound systems were found in the parking lot of Jetro Cash and Carry, 700 Pattison Ave, Philadelphia, PA 19148, next to the Lincoln Financial Field and recent complaints directed toward Jetro Manager, Frank Calderoni at (215) 334-2100 were responded to with information that the Jetro lots are now secured and locked nightly and that the noise violators are presenting using lots owned by the Philadelphia Phillies; and

WHEREAS, the noise infraction routinely occur between the hours of 12:00 midnight and 5:30 a.m.; and

WHEREAS, many Communities including Gloucester City have been dealing with overnight loud music for several years, including excessively loud bass sounds that vibrate the homes within Gloucester City; and

WHEREAS, organizations such as Noise Free America: A Coalition to Promote Quiet, located in Chapel Hill, North Carolina, have conducted studies of the noise and determined that motor vehicles are retrofitted with car stereos designed to pump out a whopping 175 decibels with up to 48,000-watt system which would be approximately eight (8) times louder than a 747 jet; and

WHEREAS, Boom Cars appear as depicted below:



; and

WHEREAS, various manufactures of such sound system actually brag that its equipment can “shake seats and annoy neighbors” and boasts that a four-channel 120 watt amp will “put the over-40 set into cardiac arrest” or gloat that their products “make you bleed” and even marketed by Sony developed the slogan for its Xplod speakers the claims it “disturbs the peace”; and

WHEREAS, studies have shown that these brutal, excruciatingly loud cars with powerful booming bass can be heard for more than a mile away, shake windows and furniture; and

WHEREAS, the impact upon the public’s health, safety and welfare is self-evident especially when the owners of the vehicles, including one at the recent International Sound Off in Kansas City, where cars and drivers competed for the highest volume, conceded that he doesn’t listen to his own system much because “I’d go deaf.”; and

WHEREAS, Boom Car noise is physically dangerous and in addition to causing hearing problems, the respected American Psychiatric Association reports that noise is related to chronic fatigue syndrome and the United States Environmental Protection Agency has long recognized noise as a risk factor for heart disease; and

WHEREAS, Boom Cars are a public safety hazard as well increasing the chance of accidents by distracting motorists and making it more difficult for drivers to hear emergency sirens; and

WHEREAS, the acoustic attacks fostered by Boom Cars runs counter to the desire of most Americans for peace and quiet, where the United States Census Bureau found that noise is Americans' No. 1 complaint about their neighborhoods; and

WHEREAS, in 2002, the United States Department of Justice Office of Community Oriented Policing Services (COPS) issued a report, "Loud Car Stereos," written by University of Wisconsin-Madison law school professor Michael S. Scott. The report states:

"Most jurisdictions have some form of noise law that regulates loud car stereos. Police are concerned about loud car stereos for two main reasons: (1) they annoy some people; and (2) they inhibit some drivers' ability to hear emergency signals on the road. This guide focuses on the annoyance aspect of loud car stereos, rather than the safety aspect, because there is not much published research and practice related to the latter. Loud car stereos can also make another noise problem worse: they can activate some car alarms. In some jurisdictions, drug dealers advertise by cruising neighborhoods with the car stereo turned up loud. In most jurisdictions, the problem of loud car stereos falls to the police to address, primarily because enforcement carries the risk of violent confrontation. The problem of loud car stereos is more widespread than a simply tally of complaints would reveal. Perhaps only five to ten percent of people bothered by any type of noise will file an official complaint, because other factors influence people. Many citizens are not aware of their legal right to quiet and do not know where they can register a complaint."; and

WHEREAS, a United States Department of Justice report outlines a number of approaches to reducing Boom Car noise:

1. Enforcing laws that prohibit "plainly audible" car stereos.
2. Enforcing laws that establish specific decibel limits for car stereos.
3. Enhancing penalties or lowering tolerance levels for loud car stereo violations that occur in specified zones.
4. Enhancing penalties for repeat offenders.
5. Impounding cars with loud car stereos as evidence.
6. Holding car owners liable for loud car stereo violations.
7. Obtaining nuisance abatement orders against loud car stereo owners.
8. Sentencing offenders to listen to music they do not like.
9. Issuing written warnings.
10. Requiring car stereo dealers to provide customers with warnings about the health and legal consequences of playing car stereos loudly.
11. Posting warning signs in areas where loud car stereos are common; and

WHEREAS, across America, large cities have begun to assist citizens reclaim their quiet enjoyment of property, including the City of Chicago where Boom Cars that can be heard from 75 feet are subject to seizure and their owners may be fined \$615, as well as stepped up enforcement efforts in Buffalo, Cleveland, and Pittsburgh; and

WHEREAS, several actions may be taken to abate this ongoing problem including petitioning local officials to consider the enactment of harsher laws, pressuring auto stereo manufacturers to stop glorifying audio violence, companies that gloat about disturbing the peace should hear from angry consumers and Law Enforcement Officials should carry decibel meters and those driving with their windows down should be on the lookout for noise violators; and

WHEREAS, across the Nation, Anti-Boom Car programs has been enacted, including an extremely successful program in Elkhart, Indiana, a town of around 52,000 near the University of Notre Dame, where the City's anti-noise program relies on active enforcement of noise ordinances to reduce noise, strict fines from noise enforcement to generate revenues to fund a noise enforcement officer and anti-noise publicity, which serve to lessen noise levels, have improved the community's quality of life and reduced crime as evidenced by one year when the Elkhart's noise control officer did more drug busts than any other Elkhart police officer and he was looking for noise violators, not drugs; and

WHEREAS, the City of Gloucester understands that Philadelphia has a myriad of policing issues to confront, including the current opioid crisis; and

WHEREAS, the Mayor and Common Council are simply seeking solutions to a solvable problem through stepped up police noise enforcement, and those who desire peace and quiet should lobby their mayor, city council, and police department to enact and enforce strong ordinances against excessive noise from loud car stereos; and

WHEREAS, multiple calls to the Philadelphia Police Department have not resolved this ongoing torment and Gloucester City residents continue to report the problem persists; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester, County of Camden and State of New Jersey as follows:

1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.
2. The following officials are respectfully requested to take swift and immediate action to abate this nuisance, securing the parking facilities in and around Citizen Bank Park and Jetro, enforce appropriate laws dealing with the constant stream of deafening noise emanating the subject area from Boom Car and restore the quiet and peaceful tranquility to Gloucester City: The Honorable James Kenney, Mayor, City of Philadelphia, Richard Ross Jr., City Police Commissioner, Philadelphia Police Department District 3 Leader, Captain Brian Hartzell, Frank Calderoni, Jetro Manager, Phillies Facilities Management including Mike DiMuzio, Director, Operations/Facility, Frank Bowens Manager, Ballpark Operations, Salvatore DeAngelis Director, Operations/Security and Ed Speer Manager, Operations/Security.

3. Take immediate action to enforce the provisions of:

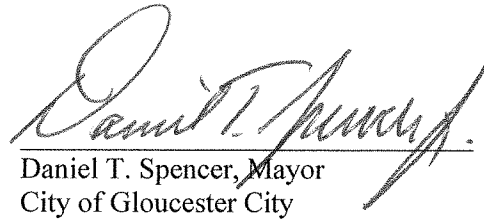
City Ordinance - **CHAPTER 10-400. NOISE AND EXCESSIVE VIBRATION**, which provides in pertinent part:

§ 10-401. Legislative Findings - (1) The City Council of the City of Philadelphia finds:

- (a) that noise and excessive vibration degrade the environment of the City to a degree which:
 - (1) is harmful and detrimental to the health, welfare and safety of its inhabitants;
 - (2) interferes with the comfortable enjoyment of life, property and recreation and with the conduct and operation of business and industry;
 - (3) causes nuisances;
 - (4) during the course of various public events important within the cultural and civic framework of the City's annual activities, such as the Mummers Parade, tends to cause discomfort, disruption and annoyance both to the event participants and its observers;
- (b) that no one has any right to create noise or excessive vibration;
- (c) that effective control and elimination of noise and excessive vibration is essential to the furtherance of the health and welfare of the City's inhabitants and to the conduct of the normal pursuits of life, recreation, commerce and industrial activity.

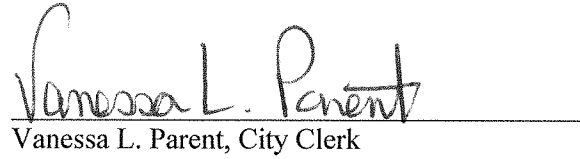
4. A certified copy of this Resolution be executed by the Honorable Daniel T. Spencer, Mayor and approved and endorsed unanimously by Common Council and forwarded to the Honorable James Kenney, Mayor, City of Philadelphia, Richard Ross Jr., City Police Commissioner, Philadelphia Police Department District 3 Leader, Captain Brian Hartzell, Frank Calderoni, Jetro Manager, Phillies Facilities Management including Mike DiMuzio,

Director, Operations/Facility, Frank Bowens Manager, Ballpark Operations, Salvatore DeAngelis Director, Operations/Security and Ed Speer Manager, Operations/Security.



Daniel T. Spencer, Mayor
City of Gloucester City

Passed by the Mayor and Common Council of the City of Gloucester this 25th day of July 25, 2019.



Vanessa L. Parent, City Clerk