

**ORDINANCE 2016-3**

**AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE BOROUGH CODE ENTITLED NOISE**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Island Heights, County of Ocean, State of New Jersey, as follows:

1. Borough Code 4-4.4, entitled Operating Hours and Prohibited Acts for Commercial Businesses is hereby created and established as follows:
  - a) Commercial Business shall operate between the hours of 6:00 a.m. and 1:00 a.m. the following day.
2. No person shall make, continue, cause or permit to be made verbally or mechanically any unnecessary noise (noise disturbance).
3. Prohibited Acts
  - a) Refuse Collection. The operating or permitting to be operated of any motor vehicle which collects, disposes of or compacts refuse between the hours of 7:00 p.m. and 8:00 a.m. the following day.
  - b) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 7:00 p.m. and 8:00 a.m. the following day.
4. Violations and penalties
  - a) Any person who violates any provision of this chapter shall be fined for each offense not more than \$100.
  - b) Any person who willfully or knowingly violates any provision of this chapter shall be fined for each offense a sum of not less than \$100 and not more than \$1,000.
  - c) Each day of violation of any provision of this chapter shall constitute a separate offense.
5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason declared invalid or unconstitutional by any court or federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
6. All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

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7. This ordinance shall become effective upon publication as required by law.

### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced by the Borough Council, Borough of Island Heights at a meeting held on **May 24**, 2016. Notice is hereby given that the Ordinance will be considered for final adoption and passage at a meeting to be held by the Mayor and Council on June 28, 2016 at 7:00 pm, at One Wanamaker Complex, Island Heights, NJ. At that time any interested person may come forward and be heard regarding the proposed adoption of this Ordinance.

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Joseph Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk