

ORDINANCE #2015-02

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ALLENHURST, CHAPTER III, NOISE, SECTION XI, ENFORCEMENT

NOW THEREFORE, BE IT ORDAINED, That Section XI, Enforcement, be amended as follows:

XI. Enforcement

(B) Any person who violates any provision of this ordinance 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, which is \$2,000 as of December 2014*. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate and distinct offense.

(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 Summons with a civil penalty of no more than *the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014*, will be issued. If a non-minor violation is immediately corrected a Written Warning 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 Summons shall be issued regardless of whether the violation is immediately corrected or not.

XII. Consistency, Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

APPROVED: January 13, 2015

ADOPTED: February 10, 2015