

ORDINANCE #2020-17
AN ORDINANCE AMENDING AND SUPPLEMENTING
THE BOROUGH CODE OF THE BOROUGH OF
ALLENHURST, CHAPTER III, SUBSECTION 3.1.1
ENTITLED “LIMITING HOURS FOR THE USE OF
POWER MACHINERY, EQUIPMENT, OR DEVICES.”

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

WHEREAS, the Borough Council of the Borough of Allenhurst has determined that it is in the best interests of the community to revise a portion of its existing Borough Code concerning limitations on the use of power machinery, equipment or devices in the Borough.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allenhurst that Chapter III, section 3-1.1 of the Borough Code of the Borough of Allenhurst, be and is hereby amended and supplemented as follows:

SECTION 1. Existing section 3-1.1 is deleted and replaced and amended as follows:

3-1.1. Limiting Hours for the Use of Power Machinery, Equipment, or Devices.

a. Certain Construction Activities Prohibited. It shall be unlawful for any person, firm or corporation to operate any power equipment used in connection with construction activities and tree removal, or similar activities in the Borough between the hours of 6:00 p.m. and 8:00 a.m. the following day. Tree removal, by means of power equipment is hereby prohibited, except in emergency situations, between June 30th and Labor Day.

b. Certain Gardening and Landscaping Activities Prohibited. It shall be unlawful for any person, firm or corporation to operate any power equipment used in connection with gardening, landscaping, lawn service or similar activities in the Borough between the hours of 7:00 p.m. and 8:00 a.m. the following day. There shall be no commercial use of any power equipment used in connection with gardening, landscaping, lawn service, tree service or similar activities in the Borough at any time on Sundays. Notwithstanding the foregoing, nothing herein shall be deemed to prohibit a homeowner and/or their immediate family members, from using lawn equipment at their homes on Sundays between the hours of 8:00 a.m. and 7:00 p.m.

Exceptions to the foregoing shall be allowed in the following circumstances:

1. For snow blowers or other motorized snow removal equipment when snow has reached a depth that warrants the Borough snow plows to remove snow from public streets or when accumulation prevents personal access to walkways and vehicle access to driveways.
2. For emergency power generators in the case of a power outage until primary power is restored.
3. For chain saws when fallen trees affect egress or ingress to any structure, street or driveway or affect the structural integrity of any building or present personal harm or risk of injury to any citizen or resident.

c. Penalties. Any person, firm or corporation who violates any provision of this section shall, upon conviction thereof, be subject to a fine as follows:

- i. For a 1st Offense, fine of \$276.00, plus \$24.00 Court Costs;
- ii. For a 2nd Offense, fine of \$576.00, plus \$24.00 Court Costs; and
- iii. For a 3rd and any subsequent Offense, fine of \$1,176.00, plus \$24.00 Court Costs.

Each hour of such violation's continuance shall be considered a separate offense and be separately punishable.

SECTION 2. A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

SECTION 3. Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Allenhurst Borough Code are ratified and remain in full force and effect.

SECTION 4. If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions of applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption according to law.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

APPROVED: December 8, 2020

ADOPTED: December 22, 2020

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of an Ordinance adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on December 22, 2020.

Donna M. Campagna

Donna M. Campagna, RMC
Borough Clerk/Administrator