

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 3 ENTITLED “POLICE REGULATIONS” AND CHAPTER 12 ENTITLED “BUILDING AND HOUSING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, AS IT PERTAINS TO CONSTRUCTION NOISE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS as follows:

Section 1. Section 3-2.7 of the Revised General Ordinances of the Borough of Harvey Cedars entitled “Noise Prohibited” is hereby supplemented and amended to add the following to the paragraph:

~~No person shall operate or permit the operation of any leaf blower, lawn mower, saw, drill, sander, grinder, or similar devices outdoors Mondays through Fridays before the hours of 7:00 A.M. and after 6:00 P.M. after Labor Day through Memorial Day, or before 8:00 A.M. and after 6:00 P.M. from Memorial Day through Labor Day; or on any Saturday or Sunday before 8:00 A.M. and after 6:00 P.M. This coincides with the permissible hours of construction.~~

No person shall operate or permit the operation of any leaf blower, lawn mower, saw, drill, sander, grinder, or similar devices outdoors as follows:

1. Mondays through Thursdays before the hours of 7:00 A.M. and after 7:00 P.M. after Labor Day through Memorial Day, or before 8:00 A.M. and after 7:00 P.M. from Memorial Day through Labor Day;
2. Fridays before the hours of 7:00 A.M. and after 6:00 P.M. after Labor Day through Memorial Day, or before 8:00 A.M. and after 6:00 P.M. from Memorial Day through Labor Day;
3. Any Saturday or Sunday before 8:00 A.M. and after 6:00 P.M.

Section 2. Section 12-9.1 of the Revised General Ordinances of the Borough of Harvey Cedars entitled “Hours of Construction” is hereby amended by inserting in the first sentence after the first 4 words, the words “whether performed by a contractor, business owner or homeowner”.

Section 3. Section 12-9.1 of the Revised General Ordinances of the Borough of Harvey Cedars entitled “Days and Hours” paragraph b. “Saturdays”, subparagraph 2 is hereby amended as follows:

2. From Memorial Day through Labor Day beginning no earlier than 9:00 a.m. and ending no later than 2:00 p.m., except by the homeowner ending no later than 6 p.m.

Section 4. Section 12-9.1 of the Revised General Ordinances of the Borough of Harvey Cedars entitled “Days and Hours” paragraph c is hereby amended as follows:

- c. No construction activity shall be performed on Sundays, except by the homeowner beginning no earlier than 9:00 a.m. and ending no later than 6:00 p.m.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court 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.

Section 5. This Ordinance shall take effect upon final adoption after publication in accordance with law.

1st NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **April 9, 2021**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **May 7, 2021** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Daina Dale, Municipal Clerk

2nd NOTICE

Public notice is hereby given that the Ordinance as entitled above was tabled by the Board of Commissioners of the Borough of Harvey Cedars at the second reading held at the regular meeting on **May 7, 2021** to incorporate amendments as addressed in the public hearing. Further notice is given that said Ordinance shall be re-considered with amendments as written above for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **May 17, 2021** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard. Copies of the ordinance are available in the Clerk's office and on the website www.harveycedars.org.

Daina Dale, Municipal Clerk