**ORDINANCE 28-2013**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, the code of the borough of bloomingdale to supplement Chapter III, “Police regulations,” article 3-5, “noise level control,” section 3-5.4, “certain noises prohibited”**

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

**SECTION 1**. Chapter III, “Police Regulations,” Article 3-5, “Noise Level Control,” Section 3-5.4, “Certain Noises Prohibited,” of the Code of the Borough of Bloomingdale is hereby amended to add paragraph (e) and shall read as follows:

3-5.4 Certain Noises Prohibited.

a. Noise from within any premises located in a business or industrial zone shall not exceed eighty (80) dba. The noise level shall be measured at the boundary of the lot.

b. The noise from premises in any other zone between the hours of 7:00 a.m. and 10:00 p.m. shall not exceed sixty-five (65) dba. Between the hours of 10:00 p.m. and 7:00 a.m. the noise levels shall not exceed fifty-five (55) dba. The noise levels shall be measured at the boundary of the lot.

c. Noise from any motor vehicle less than eight thousand (8,000) pounds, including motorcycles, shall not exceed eighty-six (86) dba. The noise level shall be measured at a point fifty (50) feet from the source of the noise.

d. Noise from power equipment in residential areas for repeated use, such as, but not limited to, lawn mowers, small lawn and garden tools, and snow removal equipment shall not exceed seventy-four (74) dba. The noise level shall be measured at a point fifty (50) feet from the source of the noise.

e. Noise from construction, demolition and the use of power tools and power equipment shall be prohibited during the following times:

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| April 1 – November 1 | Monday thru Friday: 8 p.m. – 7 a.m.  Saturday & Sunday: 8 p.m. – 9 a.m. |
| November 1 – April 1 | Monday thru Friday: 7 p.m. – 7 a.m.  Saturday & Sunday: 7 p.m. – 9 a.m. |

The provisions of this paragraph shall not apply to the following: Emergency services, snow removal, or any circumstances deemed an emergency by State or local officials.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3**. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 4**. This law shall take effect immediately upon final passage, approval and publication as required by law.

law.

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on the 20th day of August 2013, and the same shall come up for final passage at the regular meeting of the Mayor and Council to be held on the 10th day of September, 2013, at 7:30 P.M., at the Bloomingdale Municipal Building, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

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Jane McCarthy, Borough Clerk