**ORDINANCE 2-2015**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING chapter BH:III, “NOISE,” section BH:3-6, “ENFORCEMENT,” of the ordinances of the board of health of the code of the borough of bloomingdale to provide for maximum penalties permissible for noise violations of $2,000**

**WHEREAS,** the Borough of Bloomingdale previously adopted a Noise Ordinance which provided for a maximum civil penalty of not more than three thousand dollars ($3,000); and

**WHEREAS**, the Borough is in receipt of a letter from the NJ Department of Environmental Protection, Bureau of Local Environmental Management, informing all municipalities of the need to amend their Noise Ordinances to revise the maximum civil penalty permissible to $2,000 pursuant to N.J.S.A. 40:49-5.

**NOW THEREFORE, 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 BH:3, “Noise,” Section BH:3-6, “Enforcement” of the Ordinances of the Board of Health of the Code of the Borough of Bloomingdale is hereby amended to read as follows:

**BH:3-6 ENFORCEMENT.**

a. Violation of any provision of this chapter shall be cause for an enforcement document to be issued to the violator by the noise control officer according to procedures set forth at N.J.A.C. 7:29-1.6. The recipient of an enforcement document shall be entitled to a hearing in Municipal Court having jurisdiction to contest such action.

b. Any person who violates any provision of this chapter shall be subject to a civil penalty for each offense of not more than two thousand ($2,000.00) dollars. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

c. No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

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 All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.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

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Reorganization/Work Session Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 6th day of January 2015, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 16th day of February 3, at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

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Jane McCarthy, RMC

Municipal Clerk