

ORDINANCE NO. 14, 2021

AN ORDINANCE AMENDING CHAPTER 183 NUISANCES, ARTICLE I PROHIBITIONS, SECTION 183-1, PROHIBITED USES, AND ARTICLE IV. PENALTIES, SECTION 183-5 VIOLATIONS AND PENALTIES OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 183, Article I, Section 183-1 Prohibited uses, Section B(2)(b)[10], is hereby amended to read as follows:

[10] A commercial establishment, which is licensed and authorized to sell alcoholic beverages, from which loud noise emanates as a result of musical instruments, bands, mechanical musical devices and/or any sound reproduction device, including but not limited to megaphones, air horns and whistles, live entertainment or patrons, from either the inside or any outside portion of such establishment, shall be in violation of this section whenever such noise is significantly audible, to be determined at the sole discretion of the enforcing authority, at the property line of the source from where it emanates. All outside music must end by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. Friday and Saturday.

SECTION 2: Chapter 183, Article IV, Section 183-5 Violations and penalties, is hereby amended to read as follows:

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of at least \$250 but not to exceed \$500 for the first offense (no penalty will be imposed for a first offense for a commercial entity if the business certifies that it has corrected the condition and provides satisfactory and verifiable evidence of the correction), a fine of at least \$750 but not to exceed \$1,500 for the second offense, and a fine of at least \$1,500 but not to exceed \$2,500 for the third offense.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 5: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

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| <i>FIRST READING:</i> | <i>June 9, 2021</i> |
| <i>PUBLICATION:</i> | <i>June 14, 2021</i> |
| <i>PASSAGE:</i> | <i>June 23, 2021</i> |

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, June 9, 2021 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on June 23, 2021.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR

ORDINANCE NO. 14, 2021

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