

ORDINANCE NO. 21, 2018

AN ORDINANCE AMENDING CHAPTER 183 NUISANCES, ARTICLE I PROHIBITIONS, SECTION 183-1, PROHIBITED USES, 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)[2], is hereby amended to read as follows:

[2] Radio and television sets, stereos, etc. The use of radio or television receiving sets, musical instruments, stereos or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with volume louder than is necessary for the convenient hearing of the person or persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such device between the hours of 9:00 p.m. and 7:00 a.m., Monday through Saturday, and prior to 9:00 a.m. and subsequent to 6:00 p.m. on Sunday, in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located or, in the case of such instruments operated in the open, at a distance of 50 feet from the instrument shall create a rebuttable presumption of a violation of this section.

SECTION 2: Chapter 183, Article I, Section 183-1 Prohibited uses, Section B(2)(b), is hereby amended to add the following:

[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 a distance of 100 feet from the place where it emanates between the hours of 11:00 p.m. and 11:00 a.m. of the following day.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.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

<i>FIRST READING:</i>	<i>October 10, 2018</i>
<i>PUBLICATION:</i>	<i>October 15, 2018</i>
<i>PASSAGE:</i>	<i>October 24, 2018</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, October 10, 2018 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on October 24, 2018.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

RICHARD L. DEPAMPHILIS, III, MAYOR