

**BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY**

ORDINANCE No. 790-2019

SUBJECT: AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE No. 782-2018 TO CONFORM CHAPTER 20, ARTICLE 2, APPENDIX B WITH CHAPTER 7 SECTION 7-1.5 (i) OF THE CODE OF THE BOROUGH OF AVALON, 2013

WHEREAS, Ordinance No. 782-2018 was adopted on January 19, 2019 and, prior to adoption, was amended to add “driving of piles or pilings” as prohibited work on Saturday during July and August of each year and was intended to be codified as Chapter 7 Section 7-1.5 (i) of the Code of the Borough of Avalon, 2013; and

WHEREAS, due to a clerical error that same provision was not included within the list of prohibited construction activities appearing in Chapter 20, Article 2, Appendix B which was adopted as part of Ordinance 782-2018 and such error needs to be corrected.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL of the Borough of Avalon, in the County of Cape May and State of New Jersey as follows:

SECTION 1. Ordinance 782-2018 is amended and supplemented, in part, in order to conform Chapter 20 Article 2 Appendix B with Chapter 7 Section 7-1.5 (i). Appendix B is therefore amended, in part, and shall hereafter provide as follows:

CHAPTER 20

ARTICLE 2

APPENDIX B

CHART OF CONSTRUCTION ACTIVITIES – HOURS AND RESTRICTIONS

<u>ACTIVITY</u>	<u>OFF-SEASON</u>	<u>IN-SEASON</u>
Building and construction activity – inclusive of site work involving landscape construction <i>but excluding routine landscape maintenance (see Chapter 20) (hereafter ‘Construction’)</i>	[Monday after the Second Sunday in September through the Sunday before the third Monday in June]	[From the third Monday in June through and including the second Sunday in September]
Sunday	9:00 am to 5:00 pm	No construction activity
Monday through Friday	7:00 am to 7:00 pm	8:00 am to 5:00 pm
Saturday	8:00 am to 5:00 pm	8:00 am to 5:00 pm EXCEPT 8:00 am to 4:00 pm in July and August

Prohibited work on Saturday – July and August only	Not applicable	Prohibited work: <u>Driving of piles or pilings;</u> Rough framing; roofing; exterior siding & trim; cutting of masonry materials related to installation of a foundation for any structure, and any equipment related to the installation of cement or plaster materials related to the installation of a pool or spa. Other interior activity is permitted.
Holidays	Construction prohibited on: Easter Sunday Memorial Day* Thanksgiving Day only Christmas Day only	Construction prohibited on: July 4* Labor Day*

*If this holiday falls on a Tuesday, Wednesday, or Thursday, construction is prohibited on the holiday only. If it falls on Friday, construction is prohibited from Friday through Sunday. If it falls on Monday, construction is prohibited Saturday through Monday.

SECTION 2. Except as herein amended and supplemented, all other provisions of Appendix B of said Chapter 20, Article 2 shall remain in full force and effect.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 4. SEVERABILITY. If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5. EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on June 12, 2019. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 26th day of June, 2019 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:15 p.m. and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk’s Office in said Municipal Building to the members of the general public who shall request the same.

C. DANIELLE NOLLETT, Borough Clerk