

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORDINANCE 16-24

**AN ORDINANCE OF THE BOROUGH OF ALLENDALE,
COUNTY OF BERGEN, NEW JERSEY AMENDING AND
SUPPLEMENTING CHAPTER 270-26 OF THE BOROUGH
CODE ENTITLED “RESTRICTED USES AND ACTIVITIES”**

WHEREAS, excessive noise is a serious hazard and detriment to the public health, welfare, safety, and the quality of life of the Borough’s residents; and

WHEREAS, the residents who reside in residential neighborhoods have a right to, and should be ensured of, an environment free from excessive sound and other disturbances, in particular during the evening hours; and

WHEREAS, pursuant to its police powers, Governing Body may adopt any ordinance for the public health, safety and welfare of the Borough and its inhabitants, which powers include the authority to restrict hours of operation of business establishments; and

WHEREAS, the Governing Body finds that a business establishment that operates twenty four (24) hours a day and that is located in close proximity to a residential neighborhood or within a central business zone will interfere with the quality of life and the residential and other desirable characteristics of such neighborhoods; and

WHEREAS, the Governing Body finds that reasonable restrictions on the hours of operation of businesses located in close proximity to a residential neighborhood or within a central business zone will eliminate the evening noise intrusions on said neighborhoods and its residents and that such restrictions will thereby benefit the public health, safety and general welfare, and quality of life of the Borough’s residents.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allendale that Chapter 270, Section 270-26 of the Borough Code entitled “Prohibited uses within the Borough,” is hereby amended and supplemented to add the following to said Section 270-26:

(k) Any business establishment that is situated on a lot which is either (1) located within 150 feet of any of the Borough’s zoning districts in which residential use is permitted or (2) located within the Central Business Zone District (C-1) or within the Central Business Zone District-Shopping Center (C-2), shall not be permitted to conduct business between the hours of 2:00 a.m. and 5:00 a.m.

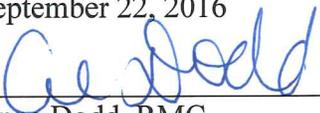
BE IT FURTHER ORDAINED THAT if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable; and

BE IT FURTHER ORDAINED THAT any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance, and all other provisions of the Borough's Ordinances are ratified and remain in full force and effect; and

BE IT FURTHER ORDAINED THAT the Ordinance shall take effect immediately upon its passage and adoption according to law.

| | Motion | Second | Yea | Nay | Absent | Abstain |
|------------|--------|--------|-----|-----|--------|---------|
| Bernstein | | | ✓ | | | |
| Homan | | | | | ✓ | |
| McSwiggan | | | | | ✓ | |
| Sasso | ✓ | | ✓ | | | |
| Strauch | | | ✓ | | | |
| Wilczynski | | ✓ | ✓ | | | |
| White | | | | | | |

I hereby certify the above to be a true copy of an Ordinance adopted by the Governing Body of the Borough of Allendale on September 22, 2016


 Anne Dodd, RMC
 Municipal Clerk


 Mayor Elizabeth White