

Mayor Nolan offered the following ordinance as amended pass final reading and moved on its adoption:

**O-13- 7
BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING SECTION 3-2.3, "ENUMERATION OF NOISES" TO
PERMIT THE PLAYING OF OUTDOOR MUSIC UNTIL 10:00 P.M. ON
SUNDAYS BETWEEN MEMORIAL DAY WEEKEND AND LABOR DAY AND
TO PERMIT THE PLAYING OF OUTDOOR MUSIC UNTIL 11:00 P.M. ON
SUNDAY, MAY 26, 2013**

WHEREAS, the Borough of Highlands regulates the emanation of noise by and through Section 3-2, "Noise" of the Code of the Borough of Highlands; and

WHEREAS, the Borough wishes to amend Section 3-2.3, "Enumeration of Noises" to permit the playing of outdoor music, either live or recorded until 10:00 p.m. on Sundays between Memorial Day weekend and Labor Day; and

WHEREAS, due to the anticipated increased tourism resulting from the first opening of the Summer season after the effects of Hurricane Sandy, the Borough wishes permit the playing of outdoor music, either live or recorded until 11:00 p.m. on Sunday, May 26, 2013; and

WHEREAS, the Borough finds that it is in its best interests to amend Section 3-2.3 of the Code of the Borough of Highlands to permit to permit the playing of outdoor music until 10:00 p.m. on Sundays between Memorial Day weekend and Labor Day and to permit the playing of outdoor music until 11:00 p.m. on Sunday, May 26, 2013; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Borough Code Section 3-2.3(b), "Enumeration of Noises" shall be amended to provide as follows:

(b)(1)The playing of music outdoors, either live or recorded, between the hours of 8:00 p.m. and the following 8:00 a.m. on Sunday, Monday, Tuesday, Wednesday, Thursday, and between the hours of 10:00 p.m. and the following 8:00 a.m. on Friday and Saturday is hereby prohibited;

(2) On Sunday, May 26, 2013, the restriction provided by subparagraph (b)(2) above shall read "the playing of music outdoors, either live or recorded, between the hours of 11:00 p.m. and the following 8:00 a.m. on Friday, Saturday and Sunday is hereby prohibited;"

SECTION TWO. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION THREE. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FOUR. Effective. This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: Mr. Redmond

ABSTAIN: None

DATE: May 1, 2013

Carolyn Cummins, Borough Clerk

Introduction: May 1, 2013

Publication: May 4, 2013, Asbury Park Press

Public Hearing; May 15, 2013

Adoption: May 15, 2013

Publication: May 24, 2013, Two River Times