

BOROUGH OF LEONIA
ORDINANCE NO. 2022-03

**THE CODE OF THE BOROUGH OF LEONIA IS AMENDED AND SUPPLEMENTED WITH
CHAPTER 182 ENTITLED "RESTRICTIONS ON USE OF TOOLS AND EQUIPMENT"**

Be it ordained that Code of the Borough of Leonia is hereby amended and supplemented by the addition of Chapter 182 entitled "Restrictions on Use of Tools and Equipment" as follows:

Chapter 182 Restrictions on use of tools and equipment

Section 1.

- (A) On Sundays, there shall be no use or operation of any of the following types of tools and equipment: Pile drivers, steam shovels, pneumatic or electric jack hammers, derricks, steam or electric hoists, tree clippers, gasoline-powered chain saws, gasoline-powered leaf blowers, excavation equipment, or any tools or commercial equipment which shall make any loud or disturbing noise.
- (B) On any day other than Sunday, it shall be unlawful to use or operate tools or equipment related to demolition or construction between the hours of 6:00 p.m. and 8:00 a.m. Apparatus or equipment subject to this restriction include, without limitation, the equipment identified in §182-1(A).
- (C) **Commercial landscaping tools and equipment.**
 - (1) It shall be unlawful to use or operate tools or equipment related to commercial contracting or commercial landscaping except on the following days, during the hours listed:
 - (a) Monday through Friday: 8:00 a.m. until 6:00 p.m.
 - (b) Saturday: 9:00 a.m. until 2:00 p.m.; and
 - (c) Sunday: prohibited all day.
 - (2) Apparatus or equipment subject to this restriction include, without limitation, such apparatus or equipment listed in §182 1(A) and (B).
- (D) There shall be no excavating, demolition, erection, alteration, repair or other building operations within 1,000 feet of any dwelling or business property during the above-stated hours, except in cases of urgent necessity in the interest of public safety, and then only upon notification to the duty officer of the Police Department as to the nature of the emergency.
- (E) Notwithstanding §182-1(A), (B) and (C), nothing herein shall prohibit the reasonable noncommercial use of landscaping equipment during the hours listed:
 - (1) Monday through Friday: 8:00 a.m. to 8:00 p.m.;

(2) Saturday: 9:00 a.m. to 6:00 p.m.; and

(3) Sunday: 10:00 a.m. to 6:00 p.m.

(F) The reasonable commercial and noncommercial use of snow removal equipment is not prohibited.

(G) Nothing herein shall prohibit the use by the Borough of necessary tools and equipment in the public interest.

Section 2.

Consistency, Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or part of ordinances, which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

Section 3.

Severability

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 4.

Repealer


All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4.

Effect

This ordinance will take effect immediately upon publication.

RECORD OF VOTE													
Council	First Reading						Second Reading						
	February 7, 2022						February 23, 2022						
	M	S	Y	N	A	AB	M	S	Y	N	A	AB	
Flaim	✓		✓						✓				
Davis			✓						✓				
Fusco		✓	✓						✓				
Grandelis			✓						✓				
Terrell						✓	✓		✓				
Ziegler			✓					✓	✓				
Mayor Zeigler													
M - Motion S - Seconded Y - Yes N - No A - Abstain AB - Absent													



 Judah Zeigler, Mayor

ATTEST:



 Trina Lindsey, RMC
 Borough Clerk