

ORDINANCE 2019-13

AN ORDINANCE OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 450, ARTICLE 12 OF THE REVISED GENERAL ORDINANCES ~~OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER 450, ARTICLE 12, PERFORMANCE STANDARDS~~

WHEREAS, the Borough of Bradley Beach (“Borough”) has adopted Chapter 450, ~~to regulate “Zoning”, of the Code of the Borough (the “zoning ordinance”) to regulate the use of land~~ within the Borough pursuant to N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, ~~the Mayor and Council have determined it to be~~ is in the interests of the Borough and its citizenry that Performance Standards located ~~under Land Development Ordinance section in Article 12 of Section 450-58 of the zoning ordinance shall~~ apply to all uses of land, including ~~(business, industrial, and residential);~~ and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, ~~Monmouth County, of Monmouth and~~ State of New Jersey, that Chapter 450, Article 12, ~~Section 58 is and shall~~ be amended to read as follows:

Chapter 450 Zoning

Article XII Performance Standards

~~§ 450-58~~ **Minimum performance standards for business and industrial uses.**

~~The following performance standards shall be considered as minimum standards under which any business or industrial use or operation may be commenced or continued in any part of the Borough.~~

§ 450-58 Performance Standards For All Uses

The following performance standards shall be considered as minimum standards under which any use or operation may be commenced or continued in any part of the Borough.

~~§ 450-59~~ **Smoke.**

~~No smoke shall be emitted that would create any nuisance, physical discomfort or irritation, or property damage beyond the boundary line of any property on which the use emitting the smoke is situated. In no instance shall any smoke be emitted that has a shade of gray greater than Number 1 on the Ringlemann Smoke Chart as published by the US Bureau of Mines.~~

~~§ 450-60~~ **Dust, fly ash and other solid particles.**

~~No dust, dirt or fly ash shall be discharged into the atmosphere as the result of any operation on the site.~~

~~§ 450-61 — Toxic or corrosive gases or fumes.~~

~~No toxic or corrosive gases, vapors or fumes shall be emitted into the atmosphere.~~

~~§ 450-62 — Odors.~~

~~No odors shall be emitted in such quantities as to be offensive to the human senses at or beyond any property line of the site from which the odor is emanating.~~

~~§ 450-63 — Heat and glare.~~

~~No heat or glare (excepting that from outdoor lighting required by this chapter or other Borough ordinances) shall be generated beyond the boundary lines of any property.~~

A. Glare. No use (excepting that from outdoor lighting required by this chapter or other Borough ordinances) shall produce a strong, dazzling light or a reflection of a strong, dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining dwelling units, adjoining districts or streets.

B. Heat. No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which would cause the temperature to rise or fall in any body of water.

~~§ 450-64 — Vibration.~~

~~No operation shall cause any vibration perceptible to the human senses of feeling at or beyond any property line of the site.~~

C. Vibration. No operation shall cause any vibration perceptible to the human senses of feeling at or beyond any property line of the site.

~~§ 450-65 — Noise. [1]~~

~~No use of any premises, including residential, shall generate any noise which exceeds the limits herein set forth, except fire or burglar alarms or other warning devices.~~

~~A. Measurements of noise shall be taken at the following locations to determine if a violation exists:~~

~~(1) Noise emanating from uses in all zones shall be measured at the lot line of the site generating the noise.~~

~~B. The maximum permissible sound pressure levels for noise radiated from a facility are as follows:~~

Frequency Band in Cycles Per Second	Sound Pressure Level in Decibels
0 to 75	69
75 to 150	54

150 to 300	47
300 to 600	44
600 to 1,200	38
1,200 to 2,400	34
2,400 to 4,800	34
Above 4,800	34

C. ~~The following correction may be applied to the above table:~~

Type of Operation or Character of Noise	Correction in Decibels
Daytime operation only	5
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, screech, etc.)	-5
Noise source operates less than 5% of the time	+10a
Noise source operates less than 1% of the time	+15a

NOTE:

A = Apply one of these corrections only.

[1] Editor's Note: See also Ch. 310, Noise.

D. Noise. Refer to General Ordinance § 310-1.

~~§ 450-66 — **Waste or sewage.**~~

~~No waste or sewage shall be discharged except as shall be approved by the Municipal Health Officer under applicable municipal and state regulations and statutes.~~

E. Storage and Waste Disposal. No waste or sewage shall be discharged except as shall be approved by the Municipal Health Officer under applicable municipal and state regulations and statutes.

F. Odor. Odors shall not be discernible at the lot line or beyond.

~~§ 450-67 — **Radioactive and thermal wastes.**~~

~~No radioactive or thermal waste or sewage shall be discharged and no devices and equipment shall be installed except as shall be approved by the Municipal Health Officer under applicable municipal and state regulations and statutes.~~

G. Radioactive and thermal wastes. No radioactive or thermal waste or sewage shall be discharged and no devices and equipment shall be installed except as shall be approved by the Municipal Health Officer under applicable municipal and state regulations and statutes.

H. Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no HVAC or mechanicals, which present with any type of exterior ventilation, shall be permitted to ventilate toward an adjacent use unless set back 5 feet from the property line(s), or constructed and maintained to deflect the ventilation 90 degrees away from the adjacent use.

~~§ 450-68 — **Electrical disturbances.**~~

~~Electrical and electronic devices and equipment shall be installed and operated in such a manner that they will create no electrical disturbances that will adversely affect the operation and control of any electrical or electronic devices located beyond the boundaries of the site.~~

I. Electrical and/or Electronic Devices. Electrical and/or electronic devices and equipment shall be installed and operated in such a manner that they will create no electrical disturbances that will adversely affect the operation and control of any electrical ~~and/or~~ electronic devices located beyond the boundaries of the site.

~~§ 450-69 — **Approval by other agencies and private concerns.**~~

~~Prior to the issuance of a permit for any proposed use, the appropriate municipal officer or body may require approval by a qualified state or federal agency or private concern relative to the standards set forth herein. The Planning Board shall maintain a list of approved agencies and concerns for this purpose, and any costs or fees incurred therefor shall be borne by the applicant.~~

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of this Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED ~~that t,~~ This ordinance shall take effect twenty (20) days after passage by the Mayor and Council and publication according to law.

SO ORDAINED as aforesaid.

KELLY BARRETT
Municipal Clerk

GARY ENGELSTAD
Mayor

Introduced: [3/26/19](#)
Date of Hearing and Adoption:
[Publish 3/28/19](#)