

## ORDINANCE 36-2012

### ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 75 OF THE BOROUGH CODE ENTITLED "BUILDING CONSTRUCTION" TO ESTABLISH HOURS AND DAYS FOR CONSTRUCTION AND DEMOLITION ACTIVITY

**WHEREAS**, the Borough Administrator has recommended amending Chapter 75, of the Borough Code, entitled "Building Construction" to include, a new Section 75-15, entitled "Construction and Demolition Hours"; and

**WHEREAS**, the Borough Council has considered the proposed amendment and wishes to amend the Code.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 75 of the Borough Code entitled "Building Construction" shall be amended as follows:

Section 1. Chapter 75 entitled, "Building Construction", section 75-2 Building Construction, Definitions is hereby amended to include:

#### **"EARTHWORK"**

Any commercial or industrial operation or action connected with excavations and embankments of each in preparing foundations of buildings or the preparation of a site for construction or physical alteration. Earthwork includes and is not limited to excavation and piling of earth in an engineering operation and/or rock removal and physical alteration of terrain."

Section 2. Chapter 75 entitled, "Building Construction", Add New Section 75-15 Construction and Demolition Hours, to provide as follows:

"75-15 - Construction and demolition activity, excluding emergency work, shall be performed between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays and federal holidays. No commercial work is allowed on Sundays All motorized equipment used in construction and demolition activity shall be operated with a muffler. No earthwork associated with commercial or industrial construction will be permitted on weekends.

The Uniform Construction Code Official of the Borough of Madison has the authority to extend the aforementioned hours after a determination that the public health, safety and welfare will not be impaired by construction activity and that there is sufficient justification for a waiver."

Section 3. 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.

Section 4. All Ordinances of the Borough of Madison which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

ADOPTED AND APPROVED

Attest:

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ROBERT H. CONLEY, Mayor

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ELIZABETH OSBORNE, Borough Clerk