

## ORDINANCE #2024-28C

**AN ORDINANCE AMENDING Chapter 74, "Construction Codes, Uniform," and Chapter 141, "Peace and Good Order," of the Borough Code of the Borough of Beach Haven, County of Ocean, State of New Jersey, 2000,"**

*Purpose: To require temporary electric poles on construction sites and require paver, brick, concrete, stone, fiberglass, and plastic dust be contained and disposed of properly.*

**NOW THEREFORE, THE MAYOR AND COUNCIL OF THE BOROUGH OF BEACH HAVEN DO ORDAIN:**

### SECTION I

Section §74-28, shall be amended as follows (underscoring represent additions; ~~strikethroughs~~ represent deletions):

~~§ 74-28. Construction standards; piling requirements; permits required.~~

§74-28D shall be relabeled as §74-28B(5)

C. Temporary electric poles. Gas-powered generators shall be prohibited on construction sites, but rather a temporary electric power pole shall be installed and activated to bring electric power to the construction site. Exceptions may be made to this section in the case of urgent necessity in the interest of public health and safety.

D. Dust generated by cutting of brick pavers, bricks, concrete blocks, stone and fiberglass.

Any person, firm, corporation or other legal entity engaged in cutting any stone or masonry products, including without limitation, brick pavers, bricks, concrete blocks and stone shall perform such cutting only by using water-dampened cutting disks or water-dampened cutting saws to control as much as may be practicable the dispersion of dust generated by such cutting, and any person, firm, corporation or other legal entity sanding any fiberglass product or fiberglass deck shall do so only with a sander equipped with a vacuum-type bag to capture to the greatest extent possible the particles of ground fiberglass generated by the cutting or sanding operation.

E. Dust, Trash, and Plastic Contaminants Control. Contractors, operating within the Borough of Beach Haven, in addition to other regulatory requirements, shall adhere to the following guidelines to control dust, trash, and plastic contaminants at their worksites:

(1) When cutting and drilling AZEK, TREX, any fiberglass, plastic, poly-compound materials, or plastics, contractors shall use a vacuum attachment to control dust, trash, and plastic contaminants at their worksites:

(2) Contractor shall cut and drill in confined spaces to keep dust levels to a minimum and facilitate ease of cleanup.

(3) Contractors shall not engage in cutting or drilling activities without placing a tarp under power tools to catch debris and contaminants.

(4) Contractors shall tarp their work areas and clean the area a minimum of once a day to prevent the dispersion of dust and plastic contaminants.

(5) Contractors shall clean up all plastic contaminants before leaving their worksites, ensuring that no waste is left behind nor can be blown into neighboring properties or the street.

(6) Contractors are responsible for informing their employees and subcontractors of the requirements and obligations set forth in this ordinance.

(7) Prohibition on Storm Drain Disposal.

a. Contractors are strictly prohibited from blowing debris, dust, or plastic contaminants into streets and/or storm drains. All contractors must dispose of waste materials properly in accordance with existing municipal waste disposal regulations.

b. Contractors must separate waste and recyclable materials, such as cardboard, and dispose of in accordance with Borough ordinances.

c. Contractors whose job site drains to a public stormwater inlet after stormwater leaves the property, prior to cutting, drilling, and any activity regulated by the section, shall install a filter as that stormwater inlet Polypropylene Geotextile which conforms to ASTM Test D4491, D4751, and D4355.

(8) Dust, Trash, and Plastic Contaminants Control - Compliance and Enforcement. Any person who violates, fails or refused to comply with any part or section thereof, shall upon conviction in the Municipal Court be punished for each offense by a fine not to exceed \$1,000 or by imprisonment for any term not exceeding 90 days, or both. Every such violation or refusal shall be deemed a separate violation, and each day that the same shall continue shall be deemed a separate violation.

## SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Clerk of the Borough is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

## SECTION III

If any word, phrase, clause, sections, or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

## SECTION IV

This Ordinance shall take effect upon publication thereof after final passage according to law.

**CERTIFICATION**

I, Sherry Mason, RMC, Municipal Clerk of the Borough of Beach Haven, do hereby certify that the foregoing Ordinance was duly adopted by the Borough Council of the Borough of Beach Haven at a public meeting held on the 9<sup>th</sup> day of September 2024, a quorum being present and voting in the majority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 9<sup>th</sup> day of September 2024.

  
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Sherry Mason, RMC, Borough Clerk



<i>Introduction:</i>	<i>August 12, 2024</i>
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