BOROUGH OF DEAL
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

ORDINANCE NO. 2026-15

AN ORDINANCE AMENDING CHAPTER 3 ("NOISE") OF THE CODE OF THE BOROUGH OF DEAL TO AMEND THE ENFORCEMENT AND PENALTY PROVISIONS THEREOF

WHEREAS, the Borough of Deal has heretofore adopted Chapter 3 of the Code of the Borough of Deal, entitled "Noise," establishing regulations governing loud, disturbing, and unnecessary noise within the Borough (the "Noise Ordinance"); and

WHEREAS, the Board of Commissioners of the Borough of Deal has determined that it is in the interest of the public health, safety, and welfare to revise the enforcement procedure and penalty provisions of the Noise Ordinance so as to provide for a single written warning upon a first offense and a fixed monetary penalty for any subsequent offense, in lieu of the tiered warning and escalating-fine structure currently in effect; and

WHEREAS, the Board of Commissioners has determined that the penalty prescribed herein does not exceed the maximum penalty authorized for a violation of a municipal ordinance under N.J.S.A. 40:49-5; and

WHEREAS, all other provisions of the Noise Ordinance not specifically amended by this Ordinance shall remain unchanged and in full force and effect;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, as follows:

SECTION 1. Chapter 3, § 3-1.10 ("Radios, Musical Instruments, and Other Devices" — Enforcement) of the Code of the Borough of Deal is hereby amended in its entirety to read as follows:

Radios, Musical Instruments, and Other Devices.

Any person violating this section shall be given a single written warning for a first offense. Any person violating this section after having been given such written warning shall be issued a summons for a second offense and for every offense thereafter.

SECTION 2. Chapter 3, § 3-1.12 ("Violations and Penalties") of the Code of the Borough of Deal is hereby amended in its entirety to read as follows:

Violations and Penalties.

Any person who violates any provision of this section shall, for a first offense, be subject to a single written warning. For a second offense, and for every offense thereafter, such person shall be subject to a fixed fine of two thousand dollars ($2,000.00).

SECTION 3. Except as specifically amended by this Ordinance, all other provisions of Chapter 3 ("Noise") of the Code of the Borough of Deal shall remain unchanged and in full force and effect.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced by Commissioner __Sam Cohen_

Seconded by Commissioner _David Simhon__

Roll Call: - All in favor- Sept.8, 2026 First Reading___

Motion to Adopt by Commissioner __Sam Cohen_

Seconded by Commissioner ____David Simhon__

Roll Call: _All in favor- Second Reading Oct. 2, 2026___

Acting Municipal Clerk