

**ORDINANCE NO. 2024-26-OAß**

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" SO AS TO CREATE §7-33, TO BE ENTITLED "ENGINE BRAKING"**

**BE IT ORDAINED** by the Mayor and Township Council of the Township of Berkeley, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** Chapter VII of the Township Code of the Township of Berkeley, entitled "Traffic," is hereby amended so as to create §7-33, entitled "Engine Braking," which shall read as follows:

**§7-33 ENGINE BRAKING**

**§ 7-33.1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ENGINE-BRAKING**

The use or operation of any mechanical exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive loud, unusual or explosive noise from such vehicle.

**§ 7-33.2. Prohibition.**

It shall be unlawful for the driver of any motor vehicle to use or operate or cause to be used or operated, at any time and on any road within the Township of Berkeley, any mechanical exhaust or decompression device which results in the practice known as "engine-braking."

**§ 7-33.2. Exceptions.**

The provisions of this article shall not apply to the application of un-muffled compression brakes where necessary for the protection of persons and/or property if said application is necessary for the health, safety and welfare of the community. Sounds created by emergency equipment for emergency purposes are also exempt.

**§ 7-33.4. Posting of signs.**

The Township is hereby authorized to post, at reasonable locations within the Township, signs indicating the prohibition of "engine-braking," which shall state "Warning: Use of un-muffled engine brakes prohibited except in an emergency," or "Jake Braking/Engine Braking Prohibited," with additional reference to the ordinance number.

**§ 7-33.5. Violations and penalties.**

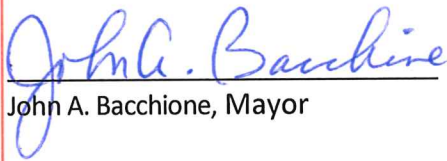
Unless another penalty is expressly provided by New Jersey Statutes, a person convicted of a first violation of this chapter shall be subject to a fine of not more than \$100 and/or to imprisonment

for a period not to exceed 10 days. A person convicted of a second violation of this chapter shall be subject to a fine of not more than \$200 and/or to imprisonment for a period not to exceed 20 days. A person convicted of a third or subsequent violation of this chapter shall be subject to a fine or not more than \$500 and/or by imprisonment for a period not to exceed six months.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law.

  
John A. Bacchione, Mayor

  
Keith Buscio, Council President  
Angelo Guadagno, Council Vice President

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on May 20, **2024**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **24<sup>th</sup> day of June 2024**, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

  
**KAREN STALLINGS, RMC**  
Township Clerk, Township of Berkeley

**AFFIDAVIT OF PUBLICATION**

State of New Jersey, County of Hudson, ss:

Deidre Stevens-DiGiovanni, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

**PUBLICATION DATES:**

Jun. 1, 2024

**NOTICE ID:** 5p5R3boZWJj5KPMuKZ6f

**PUBLISHER ID:** COL5678

**NOTICE NAME:** Ordinances May 20 2024

**Publication Fee:** 144.60

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

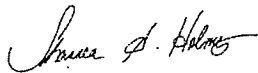
(Signed) Deidre Stevens-DiGiovanni

**VERIFICATION**

State of New Jersey  
County of Hudson

SHANNEA H HOLMES  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires August 1, 2026

Subscribed in my presence and sworn to before me on this: 06/06/2024



Notary Public  
Notarized remotely online using communication technology via Proof.

## 05-20-24 Berkeley Township Notice of Pending and Adopted Ordinances

24-24-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, SO AS TO AMEND SECTION 7-35.2, ENTITLED "HANDICAPPED PARKING ON STREET FOR PRIVATE RESIDENCES"

24-25-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEE TITLES, AND ESTABLISHING THE METHOD OF SUCH COMPENSATION (Secretary, Confidential Secretary)

24-26-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" SO AS TO CREATE §7-33, TO BE ENTITLED "ENGINE BRAKING"

24-27-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF JOHNSON AVENUE ABUTTING BLOCK 939.05, Lots 1 & 2

24-28-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 26-1.7A: ADVERTISING FEES AT STAGE AREA OF VETERANS PARK

24-29-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 1614, LOT 13, FROM MICHAEL CAVALLARO IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1) (Sand Road)

24-30-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 1614, LOT 13, FROM RUSSELL AND BERNADETE BROOKS IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1) (Sand Road)

24-31-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF EMORY AVENUE ABUTTING BLOCK 951, LOT 16.04 AND BLOCK 946, LOT 4.01

24-32-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XII, ENTITLED "PROPERTY MAINTENANCE" SO AS TO AMEND SECTION 12-6, ENTITLED "LEAD-BASED PAINT INSPECTIONS"

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on May 20, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 24th day of June, 2024, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Copies of the Ordinance will be provided upon request from the Clerk's office at the address above, during regular business hours and can be found online at [www.berkeleytownship.org](http://www.berkeleytownship.org).  
Karen Stallings, RMC  
Township Clerk, Township of Berkeley

### Berkeley Township Notice of Ordinance Adoption

24-14-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING AN AMENDMENT TO THE TOWN CENTER REDEVELOPMENT PLAN AMENDING CHAPTER 37-1 TOWN CENTER REDEVELOPMENT PLAN AND AMENDING THE CHAPTER 35-105 TOWN CENTER REDEVELOPMENT PLAN

24-15-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 35-105 OF THE REVISED GENERAL ORDINANCES OF BERKELEY TOWNSHIP, ENTITLED "LAND DEVELOPMENT"

24-17-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" §7-24, ENTITLED "RIGHT TURN ONLY" (SHORE PLAZA)

24-18-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF BERKELEY, SO AS TO AMEND SECTION 7-35.2, ENTITLED "HANDICAPPED PARKING ON STREET FOR PRIVATE RESIDENCES" (106 Sprague Ave)

24-19-OAB

AN ORDINANCE AMENDING Chapter 35, Land Development, OF THE CODE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 35, LAND DEVELOPMENT, ARTICLE XVIII, PINELANDS AREA USE (Pinelands Comprehensive Management Plan)

24-20-OAB

AN ORDINANCE OF THE CODE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY: ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14

24-21-OAB

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE VACATION OF A PORTION OF VIRGINIA AVENUE (BETWEEN ARLINGTON AND PRINCETON AVES.) ABUTTING BLOCK 675 LOTS: 29-34 AND BLOCK 674, LOTS: 1- (Greg & Meghan Senatore)

24-22-OAB

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 513, LOT 20 ON THE MUNICIPAL TAX MAP TO JAMES & HEATHER DELLA PIETRO IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (MADISON AVENUE, \$30,300.00)

Foregoing Ordinances were duly passed after Public Hearing held March 18, 2024 at a regular meeting of the Township of Berkeley and were approved by the Mayor on 5/20/2024  
Printer Fee: \$144.50  
Pub Date: June 1st, 2024

Order #: COL5678