

**BOROUGH OF SHREWSBURY
COUNTY OF MONMOUTH**

ORDINANCE 2020-1071

**AN ORDINANCE ESTABLISHING CHAPTER 146
ENTITLED, "LANDSCAPING, LANDSCAPER LICENSING,
REGISTRATION, AND NOISE" OF THE CODE OF THE
BOROUGH OF SHREWSBURY**

WHEREAS, the Borough values residential and commercial property maintenance; and

WHEREAS, the Borough also appreciates the need for noise reasonable restriction; and

WHEREAS, the Borough wishes to balance the two stated values in the best interest of the health safety and welfare of its' residents and businesses.

NOW, THEREFORE, the Mayor and Council of the Borough of Shrewsbury hereby **ORDAIN** as follows:

SECTION I

There is hereby established in the Code of the Borough of Shrewsbury a Chapter 140, entitled "Landscaping, Landscaper Licensing, Registration, and Noise," which shall read:

140-1: Purpose.

No person shall landscape on or engage in any landscaping on any public or private property within the Borough for hire without first registering with the Borough Clerk on forms to be supplied by the Borough.

140-2: Definitions.

FOR HIRE – to demand and/or accept payment or compensation for completion of services.

LANDSCAPE and LANDSCAPING – business, occupation, or trade of adorning or improving property or portion of property by trimming or cutting grass and/or shrubs; planting; installing or removing leaves, branches, grass, flowers, mulch, hedges, or shrubs; planting, removing, or installing tress; or similar business activities. This shall also include the solicitation of the services and products described herein.

140-3: Application, registration, fees.

a. At the time of registration, applicants shall certify that they have received copies, understand, and shall comply with the applicable Borough ordinances, policies, and provisions.

b. Each registration shall be issued and renewed annually, effective February of each year upon the Borough's acceptance of a \$10.00 fee. This fee shall be assessed and paid with each registration annually.

c. Registration shall not be required for services otherwise requiring registration to be performed by the owner or tenant of such real property belonging or under the care of the owner or tenant.

d. The Borough make no such affirmation, representation, support, or guarantee regarding the fitness, knowledge, or qualification of any person or entity that is registered by the Borough pursuant to this Chapter.

140-4: Noise.

In addition to the Borough's existing ordinances pertaining to noise restriction, Landscapers for hire shall not make or cause to make audible noise by landscape, erection, excavation, demolition, alteration, or repair of any real property or improvements thereon other than between the hours of 8:00 AM – 6:00 PM Monday through Friday, 9:00 AM – 6:00 PM on Saturday, and in no case on Sunday.

Residents performing landscaping services on their own property shall not make or cause to make audible noise by landscape, erection, excavation, demolition, alteration or repair to their real property and improvements thereon other than between the hours of 8:00 AM – 8:00 PM Monday through Friday, 9:00 AM – 6:00 PM on Saturday, and 10:00 AM – 6:00 PM on Sunday.

140-5: Penalties.

Any person or entity in violation of any provision of this Chapter shall, upon conviction, pay a fine not exceeding two hundred dollars (\$200.00). Each day a violation occurs, even if in continuance of a prior day's activities, shall constitute a separate violation.

SECTION II

All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Borough Clerk 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, section 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.

First Reading/Introduction: June 15, 2020

Second Reading/Public Hearing: July 6, 2020

Adoption: July 6, 2020

ATTEST: Maureen L. Muttie
Maureen L. Muttie, Clerk

APPROVE: 
Erik Anderson, Mayor