

**CITY OF HACKENSACK
CITY CLERK'S OFFICE
65 Central Avenue
Hackensack, New Jersey 07601
201-646-3940**

DATE: October 7, 2026
FROM: Timothy Hoffman, Acting City Clerk
RE: Ordinance 19-2026

PLEASE NOTE, THE FOLLOWING IS TO BE PUBLISHED AS SOON AS POSSIBLE:

**CITY OF HACKENSACK
ORDINANCE NO. 19-2026**

NOTICE IS HEREBY GIVEN that Ordinance No. 19-2026 of the City of Hackensack, County of Bergen and State of New Jersey, entitled: **AN ORDINANCE TO AMEND CHAPTER 112 OF THE CODE OF THE CITY OF HACKENSACK, "NOISE," TO ADOPT A NOISE CONTROL ORDINANCE BASED UPON THE MODEL ORDINANCE PREPARED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE NEW JERSEY NOISE CONTROL ACT** was introduced and has passed its first reading at a meeting of the governing body of the City of Hackensack, in the County of Bergen, State of New Jersey, on October 6, 2026. It will be further considered for final passage after a public hearing thereon, at a meeting of the City Council to be held at City Hall, Council Chambers, 65 Central Avenue, on October 20, 2026 at 5:30 p.m., or as soon thereafter as the matter can be reached.

**CITY OF HACKENSACK
ORDINANCE NO. 19-2026**

AN ORDINANCE TO AMEND CHAPTER 112 OF THE CODE OF THE CITY OF HACKENSACK, "NOISE," TO ADOPT A NOISE CONTROL ORDINANCE BASED UPON THE MODEL ORDINANCE PREPARED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE NEW JERSEY NOISE CONTROL ACT

WHEREAS, the New Jersey Department of Environmental Protection ("NJDEP") has promulgated a Model Noise Control Ordinance to serve as guidance for municipalities to follow when adopting a noise control ordinance

pursuant to the State's Noise Control Act and seeking to establish specific decibel standards to control noise; and,

WHEREAS, the City Council of the City of Hackensack believes that excessive sound is a serious hazard to the public health, welfare, safety, and quality of life of the residents of Hackensack, and believes the NJDEP Model Noise Control Ordinance is an appropriate means to ensure that such excessive noise is substantially abated; and,

WHEREAS, the City Council believes that the existing noise ordinance, as set forth in Chapter 112 of the Code of the City of Hackensack, has not been updated to reflect current standards, and wishes to ensure that is remedied by the adoption of this Ordinance; and,

WHEREAS, all of the provisions of this Ordinance meet or exceed the standards contained in the State's noise code, in accordance with the Noise Control Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKENSACK, as follows:

Section 1:

Chapter 112, "Noise" of the Code of the City of Hackensack is hereby replaced in its entirety, and shall now read as follows:

112-1. Declaration of Findings and Policy

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and, WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and, WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound, Now THEREFORE, it is the policy of the City of Hackensack to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the City of Hackensack.

112-2. Definitions

The following words and terms, when used in this ordinance, shall have

the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4 or IEC 61672. The unit of reporting is dBC. The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency" means an unexpected occurrence or situation resulting from natural or unnatural causes that endangers or has the potential to endanger a public or private facility or the health, safety or resources of citizens, and as such, necessitates prompt action and response at the site of the emergency.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) having a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, knowing, reckless, or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same parcel of land; or
- B. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and be currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and

enforcement procedures. An NCI may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by an NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or non-residential property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, then the real property line would be the exterior boundaries of the receiving unit). This definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to, any musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the

manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

112-3. Applicability

(A) This model noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Community service facilities;
4. Residential properties;
5. Multi-use properties;
6. Public right-of-ways;
7. Public spaces; and,
8. Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Community service facilities;
3. Residential properties;
4. Multi-use properties; and,
5. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

112-4. Exemptions

(A) Except as provided in 112-9 and 112-10 below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-

1.5.

- (B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.
- (C) Assisted mobility devices, when used for the intended purpose within a dwelling, including but not limited to wheelchairs, walkers, canes and crutches, provided that the equipment is properly maintained and feet or tips are rubberized where available.
- (D) Construction and demolition activities are exempt from the sound level standards set forth herein except as provided for in 112-9, below.

112-5. Enforcement Officers

- (A) Noise Control Officers (NCO) shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- (B) Noise Control Investigators (NCI) shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) NCOs and NCIs may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

112-6. Measurement Protocols

- (A) Sound measurements made by an NCO shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in 112-6(B) of this ordinance and with the definition of "real property line" as contained herein.

Note: Additional information at "Guidelines for the

Investigation of Noise Complaints Pursuant to the State of New Jersey Noise Control Regulation (N.J.A.C. 7:29) and the Model Noise Control Ordinance” available on the NJDEP noise control website.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

112-7. Sound Level Standards

(A) Continuous Sound

No person shall cause, suffer, allow, or permit the operation of any source of continuous airborne sound on any source property listed in 112-3(A) in such a manner as to create a sound level that equals or exceeds the applicable sound level standards set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in 112-6(B).

(B) Impulsive Sound

1. Outdoors

- a. Impulsive sound shall not equal or exceed 80 dBA. This applies to all receptors and at all times, except as provided in 112-7(B)1.b.
- b. Between 10:00 p.m. and 7:00 a.m., for residential receptors, impulsive sound that repeats four or more times in any hour shall not equal or exceed 50 dBA.

2. Indoors

- a. Impulsive sound that repeats less than ten times per hour

shall not equal or exceed 70 dBA. Impulsive sound that repeats ten or more times in any hour shall not equal or exceed 60 dBA. This applies to all receptors and at all times, except as provided in 112-7.(B)2.b.

- b. Between 10:00 p.m. and 7:00 a.m., for residential receptors, impulsive sound that repeats four or more times in any hour shall not equal or exceed 40 dBA.

- c. This section shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property. This section shall not apply to noise associated with footfalls between dwelling units.

TABLE I
A-WEIGHTED SOUND LEVEL STANDARDS
WHEN MEASURED OUTDOORS

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial, community service facility, or non-residential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Sound level dBA	<65	<50	<65

TABLE II
A-WEIGHTED SOUND LEVEL STANDARDS
WHEN MEASURED INDOORS

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial, community service facility, or non- residential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Sound level dBA	<55	<40	<55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

TABLE III
OCTAVE BAND
SOUND PRESSURE LEVEL STANDARDS

Receiving Property Category	Residential property, or residential portion of a multi-use property	Residential property, or residential portion of a multi-use property	Commercial , community service facility, or non- residential portion of a multi-use	Commercial , community service facility, or non- residential portion of a multi-use
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	OUTDOORS		INDOORS		property	property
					OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	<96	<86	<86	<76	<96	<86
63	<82	<71	<72	<61	<82	<72
125	<74	<61	<64	<51	<74	<64
250	<67	<53	<57	<43	<67	<57
500	<63	<48	<53	<38	<63	<53
1,000	<60	<45	<50	<35	<60	<50
2,000	<57	<42	<47	<32	<57	<47
4,000	<55	<40	<45	<30	<55	<45
8,000	<53	<38	<43	<28	<53	<43

Note: When octave band measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal

source frequencies, discontinue the measurement.

112-8. Sound Production Devices

(A) Outdoor Measurements

No person shall cause, suffer, allow, or permit the operation of any sound production device operated on any source property listed in 112-3(A) in such a manner as to create a sound level that equals or exceeds the applicable sound level standards set forth in Tables I or III when measured at or within the real property line of any of the receiving properties listed in Tables I or III.

(B) Indoor Measurements

No person shall cause, suffer, allow, or permit the operation of any sound production device operated on any source property listed in 112-3(A) in such a manner that the sound crosses a real property line and exceeds the sound level standards in Table II or raises the total sound levels above the neighborhood residual sound level by more than the maximum permissible sound level standards set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in 112-6(B) of this ordinance. The sound level measurements shall be conducted with the sound level meter set for "A" weighting, "slow" response for measurements pursuant to Table II and "C" weighting, "fast" response for measurements pursuant to Table IV.

TABLE IV

SOUND PRODUCTION DEVICES

MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS WITHIN A RESIDENTIAL PROPERTY

Weekday nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3 dBC	6 dBC

(C) A violation of this section shall be considered minor, as defined herein, pursuant to the Grace Period Law (N.J.S.A 13:1D-125 et. seq.), except for sound emissions from the following property categories:

1. Residential
2. Commercial where the use of a sound production device is a non-essential function of business, such as background music at a bar or restaurant.

112-9. Restricted Uses and Activities

The following standards shall apply to the activities or sources of sound set forth below:

- (A) Power tools, home maintenance tools, landscaping and/or yard maintenance equipment, excluding when used for emergency work, shall not be operated on a residential property between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable standards set forth herein. At all other times, the standards set forth herein do not apply. All motorized equipment used in these activities shall be operated with an original, properly functioning, manufacturer installed muffler and/or sound reduction device or an original equipment manufacturer acoustically equivalent muffler and/or sound reduction device.
- (B) Power tools, landscaping and/or yard maintenance equipment, excluding when used for emergency work, shall not be operated on a commercial facility, community service facility, industrial facility, or public space unless such activities can meet the applicable standards set forth herein. All motorized equipment used in these activities shall be operated with an original, properly functioning,

manufacturer installed muffler and/or sound reduction device or an original equipment manufacturer acoustically equivalent muffler and/or sound reduction device.

(C) Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the applicable standards set forth herein. At all other times, the standards set forth herein do not apply. All motorized equipment used in construction and demolition activity shall be operated with an original, properly functioning, manufacturer installed muffler and/or sound reduction device or an original equipment manufacturer acoustically equivalent muffler and/or sound reduction device.

(D) Motorized snow removal equipment shall be operated with an original, properly functioning, manufacturer installed muffler or an original equipment manufacturer acoustically equivalent muffler and/or a sound reduction device when being used for snow removal. The standards set forth herein do not apply.

(E) All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the standards set forth herein do not apply.

(F) Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet or more in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet or more in any direction from the operator.

(G) It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or

intentionally fail to cease the unreasonable noise when ordered to do so by an NCO or NCI. Prima facie evidence of a violation of this section shall include but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

112-10. Motor Vehicles

(A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified, as determined by an NCO or NCI to be causing excessive or unusual noise pursuant to N.J.S.A. 39:3-70. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

(B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

(C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet or more in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

(D) Personal or commercial vehicular music amplification or

reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet or more in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

112-11. Enforcement

(A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the NCO or NCI.

(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) Upon identification of a violation of this Ordinance the NCO or NCI shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the NCO or NCI to be a minor violation (as defined in Section II of this ordinance) an NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (minimum of 30 days; maximum 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued, by the NCO/NCI appointed by the City of Hackensack. It shall be noted that the

NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the NCO or NCI to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, an NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not. If an NOV (i.e., a warning without penalty) is issued, a NOPA may be issued the same day if a subsequent violation is documented.

(F) The violator may request from the NCO or NCI, an extension of the compliance deadline in the enforcement action. The NCO or NCI shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The NCO or NCI may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and

4. The compliance history of the violator.

112-12. Consistency, Severability and Repealer

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

Section 2:

Submittal to the Department of Environmental Protection. Pursuant to the Department of Environmental Protection regulations, the City of Hackensack has used the model ordinance, changing only formatting and numbering, not considered to be significant. Following the adoption of this Ordinance, it shall be submitted to the New Jersey Department of Environmental Protection, Legal and Regulatory Affairs, Office of Enforcement Policy, Bureau of Environmental Management, as required by applicable state law and regulations with certification of such.

Section 3:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 4:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it

being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5:

Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 6:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Timothy Hoffman, Acting City Clerk