

MOORESTOWN TOWNSHIP

ORDINANCE NO. 12-2011

**AMENDING CHAPTER 66-4 GOVERNING
“VIOLATIONS AND PENALTIES FOR HOUSING OR ZONING CODES”**

WHEREAS, Chapters 103 and 180 provide that certain code and zoning violations are treated as separate offenses for each day that they occur; and

WHEREAS, Chapter 66 was amended in 2006 and Section 4 does not explicitly state whether each day is treated as a separate offense; and

WHEREAS, the Township Zoning Officer has had occasion to write separate violations on a daily basis in order to be clear with regard to the violation and penalty; and

WHEREAS, the Township Council desires to amend the Code to cure any potential inconsistency and to avoid further unnecessary administrative time.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Council of the Township of Moorestown as follows:

Section 1. Chapter 66-4, governing “Violations and penalties for housing and zoning codes” is hereby amended by adding the underlined sentence as follows:

66-4 Violations and penalties for housing or zoning codes.

If the Township chooses to impose a fine in an amount greater than \$1250.00 for violations of housing or zoning codes it shall provide a thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed. A separate offense shall be deemed committed for each day during which a violation occurs or continues.

Section 2. In all other respects, Chapter 66 shall remain in full force and effect.

Section 3. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 4. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 5. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

Section 6. Short Title. This ordinance shall be known as Ordinance No. 12-2011.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on June 27, 2011. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Media Center of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on July 11, 2011 at 7:30pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk