

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 5-2006

**AMENDING THE CODE OF THE TOWNSHIP OF MOORESTOWN TO
CREATE CHAPTER 66 ESTABLISHING PENALTIES FOR VIOLATIONS OF
ORDINANCES AND REPEALING CERTAIN SECTIONS OF THE CODE
CONCERNING PENALTIES**

WHEREAS, the Legislature has amended N.J.S.A. 40:69A-29 authorizing a Faulkner Act municipality to increase the amount of money which can be imposed as a penalty for violation of municipal ordinances; and

WHEREAS, the Code of the Township of Moorestown contains various penalty provisions and it would be in the best interest of the public to centralize within the Code general penalty provisions.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, in the County of Burlington, as follows:

Section 1. The Code of the Township of Moorestown is hereby amended to add Chapter 66 as follows:

PENALTIES FOR VIOLATION OF MUNICIPAL ORDINANCES

A. Unless specifically set forth within the applicable section of the Code, one or more of the following penalties may be imposed for violation of a municipal ordinance: fines not exceeding \$2000.00 or imprisonment for any term not exceeding 90 days, or for a period of community service not exceeding 90 days for the violation thereof.

B. For violation of an ordinance pertaining to unlawful solid waste disposal the minimum penalty shall be a fine of \$2,500.00 or a maximum fine of \$10,000.00.

C. Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

D. 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 30 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 30 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.

Section 2. The following sections of the Code of the Township of Moorestown are repealed: 1-9; 45A-12A; 45A-20; 46-3; 53-4; 65-11; 65-15; 75-5; 83-6C; 87-10; 90-5; 92-33; 95-2; 98-11; 101-8; 103-13; 108-4; 118-13; 121-15; 125-11A, B and C; 129-33; 132-8; 132-19; 137-4; 140-15; 145-B, which shall hereinafter provide: Any person violating any provision of this chapter shall, upon conviction, be subject to the penalties set forth in Chapter 66; 147-4; 150-9; 155-8; 155-19; 155-22; 160-12; 161-7; 168-3, which shall hereinafter provide: Any person violating this chapter for which a specific penalty is not imposed by Title 39 shall, upon conviction, be subject to the penalties set forth in Chapter 66; 169-6A and the caption of the remaining section shall be changed to - Civil Enforcement; 175-33; 175-47J; 175-54; 180-116; 185-8; 186-8A, B and C; 208-9. The effect of the repeal will be that the penalty for each violation shall be as set forth in this ordinance.

Section 3. Any reference in the Code of the Township of Moorestown to N.J.S.A. 40:49-5 shall hereinafter be to N.J.S.A. 40:69A-29.

Section 4. Section 45A-17 is hereby amended as follows:

A. The Director of Police shall investigate each false alarm and maintain a record of each false alarm, including the date and, if determined, the cause.

B. Following the third false alarm in any calendar year the Director of Police shall cause a notice to be mailed to the owner of the property advising that each subsequent false alarm in the calendar year will result in the imposition of a fine in accordance with the following schedule:

1. Fourth false alarm - \$50.00 fine.
2. Fifth false alarm - \$100.00 fine
3. Sixth false alarm - \$150.00 fine
4. Seventh false alarm - \$200.00 fine
5. Eighth false alarm - \$250.00 fine
6. Ninth false alarm - \$300.00 fine
7. Tenth false alarm - \$350.00 fine

- 8. Eleventh false alarm - \$400.00 fine
- 9. Twelfth false alarm - \$450.00 fine
- 10. Each Subsequent false alarm - \$500.00 fine

Payment shall be due within 72 hours of receipt of the written notice of the false alarm and the fine in accordance with the schedule.

C. Subsection 45A-17E shall be §45A-17C.

D. Subsection 45A-17F shall be §45A-17D

Section 5. Continuation. In all other respects, Chapter 6 shall remain in full force and effect.

Section 6. Severability. In the event that any section or paragraph, clause, phrase, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, phrase, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 7. Repealer. Any and all ordinances, inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 8. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

Section 9. Short Title. This ordinance shall be known as Ordinance No. 5-2006.

CERTIFICATION

I hereby certify that Ordinance No. 5-2006 was introduced and adopted on first reading by the Township Council at a meeting held on February 27, 2006. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on March 20, 2006.

| <u>VOTE:</u> | |
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| ABERANT | YES |
| ROCCATO | YES |
| MILLER | YES |
| SEGAL | ABSENT |
| ERON | YES |

 Patricia L. Hunt, RMC
 Township Clerk