

TOWNSHIP OF EDGEWATER PARK

ORDINANCE NO. 07-2006

AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK IN BURLINGTON COUNTY, STATE OF NEW JERSEY AMENDING SECTION 1.08.010 OF THE EDGEWATER PARK TOWNSHIP CODE ESTABLISHING PENALTIES FOR VIOLATION OF ANY PROVISION OF THE EDGEWATER PARK TOWNSHIP CODE OR ANY ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK FOR WHICH NO OTHER SPECIFIC PENALTY IS PROVIDED

BE IT ORDAINED by the Township Committee of the Township of Edgewater Park in Burlington County, State of New Jersey as follows:

Section 1. Findings.

- a. Under the provisions of P.L. 2005, c. 269, the provisions of *N.J.S.A. 40:49-5* and *N.J.S.A. 40:69A-29* have been amended to increase the maximum fine that can be imposed for violations of a municipal ordinances to \$2,000.00 with an effective date of December 26, 2001;
- b. It is appropriate to amend the provisions of the Edgewater Park Township Code to reflect the change in the authorized maximum fine for ordinance violations.

Section 2. Section 1.08.010 of the Edgewater Park Township Code is hereby amended to read as follows:

1.08.010 Violation - Penalty

a. Any person who shall violate any of the provisions of any ordinance or part thereof of the Township, upon conviction shall be subject to a fine of not more than two thousand dollars (\$2,000.00), imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof in the discretion of the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered to be a separate and distinct violation and subject to the imposition of a separate penalty for each day of the violation, as the Municipal Court Judge may determine.

b. Whenever a fine is to be imposed in an amount greater than \$1250.00 for violations of housing or zoning codes the owner shall be provided a 30-day period during which the owner shall be afforded the opportunity to cure or abate the condition and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the

expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if the court has determined that the abatement has not been substantially completed.

c. The maximum penalty set forth herein shall not apply where a specific lower maximum penalty is provided for in a specific section of the Edgewater Park Township Code.

Section 3. Section 1.08.020 of the Edgewater Park Township Code is hereby amended to read as follows:

1.08.010 Power of Municipal Judge

The Municipal Judge before whom any violator of any ordinance or section or part thereof is convicted shall have the power to impose any fine or term of imprisonment or term of community service or combination thereof not exceeding the maximum fixed by Section 1.08.010 of this Chapter.

Section 4. Wherever the term “Magistrate” appears in any section of the Edgewater park Township Municipal Code or in any Ordinance of the Township of Edgewater Park, the term “Magistrate” shall be replaced with the term “Municipal Judge” or “Judge of the Municipal Court” as appropriate.

Section 5. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 6. All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency, except that any abatement granted to a residential dwelling under prior ordinance provisions shall remain in effect for exemptions and abatements granted pursuant thereto until those exemptions and abatements shall expire

Section 7. This ordinance shall take effect immediately upon its final passage and publication as provided by law.

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BURLINGTON COUNTY, STATE OF NEW JERSEY AMENDING
SECTION 1.08.010 OF THE EDGEWATER PARK TOWNSHIP CODE
ESTABLISHING PENALTIES FOR VIOLATION OF ANY PROVISION
OF THE EDGEWATER PARK TOWNSHIP CODE OR ANY
ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK**

Take Notice that the Ordinance identified above which amends the penalties for violations of any provision of the Edgewater Park Township Code or any ordinance of the Township of Edgewater Park by increasing the maximum fine to \$2,000.00 for any violation for which no specific penalty is otherwise imposed, in accordance with the authorization provided by P.L. 2005, c. 269 has been adopted on first reading by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey. The ordinance further provides that a fine greater than \$1,250.00 shall not be imposed for violations of housing and zoning codes unless the owner has been afforded a 30-day period within which to cure or abate the condition. The ordinance further corrects the references in the Edgewater park Township Municipal Code to delete the term "Magistrate" and to substitute the term "Municipal Judge" or "Judge of the Municipal Court" as appropriate. The adoption on first reading took place at a public meeting held on February 7, 2006. It will be considered for final passage after a public hearing to be held on February 21, 2006, at 7:30 P.M. in the Municipal Complex, 400 Delanco Road, Edgewater Park, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Edgewater Park in the Municipal Complex. Copies may be obtained on request and a copy is posted on the municipal bulletin board in the Municipal Complex at 400 Delanco Road, Edgewater Park, New Jersey.

Linda Dougherty, RMC
Township Clerk