

TOWNSHIP OF WALL

ORDINANCE NO. 15-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 1-1 OF THE TOWNSHIP CODE TO PROVIDE THAT THE MAXIMUM PENALTY FOR VIOLATION OF ANY PROVISION OF THE TOWNSHIP CODE OR ANY OTHER TOWNSHIP ORDINANCE SHALL BE THE MAXIMUM PENALTY PERMITTED BY THE STATE OF NEW JERSEY.

WHEREAS, the Township of Wall, through adoption of Wall Municipal Code Chapter 1-1 has established the maximum penalty for violation of any provision of this Code, or any other ordinance of the Township where no specific penalty is provided; and,

WHEREAS, the Township has determined that this ordinance should be amended to remove specific penalties and provide instead that the maximum penalty shall be the maximum permitted by the laws of the State of New Jersey; and,

NOW, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

Section 1. Chapter 1-1 Maximum penalty; repeated offenses, shall be amended as follows (new language is underlined and deleted language is stricken through):

A. Maximum Penalty. For violation of any provision of this Code, or any other ordinance of the Township where no specific penalty is provided, the maximum penalty upon conviction shall be a fine not exceeding ~~\$2,000- the maximum fine permitted under New Jersey State law for the violation of a municipal ordinance, in accordance with N.J.S.A. 40:49-5,~~ or imprisonment for a period not exceeding ~~90 days- the maximum time permitted under New Jersey State law for the violation of a municipal ordinance, in accordance with N.J.S.A. 40:49-5,~~ or both. In any case where the penalty is an amount greater than \$1,250 upon an owner for violations of housing or zoning codes, the owner shall be provided 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 \$1,250 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.

B. The additional fine for repeated offenses established by N.J.S.A. 40:49-5 be and the same is hereby waived, and the penalty to be imposed for repeated violation of Township ordinances shall be determined in the sound discretion of the Municipal Court Judge.

Section 2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

Section 3. This Ordinance may be renumbered for codification purposes.

Section 4. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

Section 5. This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: September 26, 2018

Adopted: October 24, 2018

Attest: Roberta M. Lang
Roberta M. Lang, RMC
Township Clerk

Approve: Timothy Farrell
Timothy Farrell
Mayor