

**BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL**

ORDINANCE NO. 2022-17

**A BOROUGH ORDINANCE CONCERNING VIOLATIONS AND PENALTIES
CHAPTER 1, PART I OF THE ADMINISTRATIVE LEGISLATION**

WHEREAS, the Borough of Penns Grove desires to update and amend the general provisions which provide for certain penalties associated with violations of any rule, ordinance, regulation, or order promulgated pursuant to Borough Code; and

WHEREAS, the Borough desires and finds necessary the need to update and refine certain legislative language regarding the administration of Borough code and its interpretation;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council, that Chapter 1, Part I of the Administrative Legislation be amended as follows via replacement as cited herein:

EXHIBIT A

CHAPTER 1. GENERAL PROVISIONS

ARTICLE I VIOLATIONS AND PENALTIES

Section 1-2 General Penalty; Continuing Violations; Repeat Violations; other Penalties

- (a) General Penalty. Whenever in this Code, or in any other ordinance or resolution or in any rule, regulation or order promulgated pursuant to this Code or other ordinance of the municipality, any act which is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in such Code or in such other ordinance, rule, regulation, resolution or order, the doing of any act is required or the failure to do any act is declared to be unlawful or an offense (and where no specific penalty is provided therefor), the violation of any such provision of this Code or of any other ordinance, rule, regulation, resolution or order, or of any rule, regulation or order promulgated pursuant to this Code, shall be punished by one or more of the following, unless specifically exempted from these penalties as provided in the ordinances: a fine not exceeding \$2,000; imprisonment for a period not to exceed 90 days; or performance of community service for a period not exceeding 90 days.
- (b) Repeat Violations. Any person who is convicted of violating this Code or any other ordinance or resolution or any other rule, regulation or order promulgated pursuant to this Code or other ordinance within one year of the date of a previous violation of the same provision, and who was fined for that previous violation, shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall be neither less than the minimum nor more than the

maximum fine fixed for a violation of the provision, but shall be in addition to but calculated separately from the fine imposed for the current violation of the provision.

- (c) Alternate Penalties under Certain Circumstances. Whenever any provision of the New Jersey Revised Statutes limits the authority of the municipality to punish the violation of any particular provision of this Code or other ordinance, rule, regulation, resolution or order promulgated pursuant thereto to a fine of less amount than that provided in this section, imprisonment for a shorter term than that provided in this section or community service for a shorter term than that provided in this section, then the violation of such particular provision of this Code or other ordinance, rule, regulation, resolution or order shall be punished by the imposition of not more than the maximum fine, imprisonment and/or community service so authorized.
- (d) Minimum Penalty. The governing body may prescribe in any particular ordinance that for each violation of that ordinance a required minimum penalty may be imposed; with such fine not exceeding what is provided herein in this Article.
- (e) Continuing Violations. Each day any violation of this Code or any other ordinance, rule, regulation, resolution or order promulgated pursuant thereto shall continue or shall have continued shall constitute a separate offense, unless otherwise provided in the subject Code, ordinance, rule, regulation, resolution or order. Any person convicted of violating this Code or any ordinance or resolution or any other rule, regulation or order promulgated pursuant to this Code or other ordinance, and who is in default of the payment of any fine imposed for the violations may, in the court's discretion, be imprisoned for a term not exceeding 90 days or be required to perform community service for a period not exceeding 90 days.

(f)

ARTICLE II ADOPTION OF CODE

Section 1-2 Rules of Construction

In the construction of this Code and of all other Borough ordinances, words and phrases shall be read and construed with their context and shall, unless inconsistent with the manifest intent of the governing body or unless another or different meaning is expressly indicated, be given their generally accepted meaning according to the approved usage of the language. Technical words and phrases and words and phrases having a special or accepted meaning in the law shall be construed in accordance with such technical or special and accepted meaning.

In such construction, the following words and phrases shall have the meanings herein given:

CODE

The words "the Code" or "this Code" shall mean the Code of Penns Grove, New Jersey.

COMPUTATION OF TIME

Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act

is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted.

COUNCIL OR MAYOR AND COUNCIL

The words "council" or "mayor and council" shall mean the council or mayor and council of Penns Grove.

COUNTY

The words "county," "the county" or "this county" shall mean the County of Salem.

GENDER

Words importing gender shall apply to females as well as to males, and to bodies corporate, partnerships, limited partnerships and associations, foreign and domestic, as well as to individuals.

GOVERNING BODY

Governing Body shall mean the council, unless the context requires the meaning mayor and council.

MONTH

The word "month" shall refer to a calendar month.

MUNICIPALITY

The word "municipality" shall mean the Borough of Penns Grove, a municipal corporation of the State of New Jersey.

NUMBER

Words used in the singular number shall include the plural, and words used in the plural number shall include the singular number.

OATH

The word "oath" shall be construed to include an affirmation where an affirmation may be substituted for an oath. In such cases the words "swear" and "sworn" shall be construed to be equivalent to the words "affirm" and "affirmed."

OFFICER OR OFFICIAL IN TITLE

The words "officer" or "official," and the title of an officer or official, shall be construed as if the words "of Penns Grove" followed them.

OFFICER; SUBORDINATE OFFICER; EMPLOYEE

The following definitions apply only in connection with the procedures set forth in this Code which specifically address the appointment, hiring, promotion, discipline, suspension or discharge (as applicable) of subordinate officers and employees of the municipality: the word "officer" shall apply only to the mayor and council members; the term "subordinate officer" shall apply to (a) the holder of an office created or recognized by state law, including but not limited to the administrator, attorney, prosecutor, public defender, construction official, subcode officials and engineer, and (b) the holder of an office established by the council who is responsible for performing a permanent municipal function; and the word "employee" shall mean a person employed directly by the Borough of Penns Grove.

OWNER

The word "owner" shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of a building or land.

PERSON

The word "person" shall include corporations, companies, clubs, societies, firms, partnerships, associations, organizations and any other group or entity acting as a unit, as well as an individual.

PRECEDING; FOLLOWING

The words "preceding" and "following" shall mean next before and next after, respectively.

Penns Grove

The word "Penns Grove" shall mean the Borough of Penns Grove, a municipal corporation of the State of New Jersey, in Salem County, New Jersey.

SHALL; MAY

The word "shall" is mandatory; the word "may" is permissive.

SIDEWALK

The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

STATE

The words "state," "the state" or "this state" shall mean the State of New Jersey.

STREET

The word "street" shall mean and include public highways, roads, avenues, courts, public lanes, alleys and sidewalks.

TENANT OR OCCUPANT

The words "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

TENSE

Words used in the past or present tense include the future, as well as the past and present.

WEEK

The word "week" shall mean a calendar week.

WRITING; WRITTEN

The words "writing" and "written" shall include printing and any other mode of representing words, letters and figures.

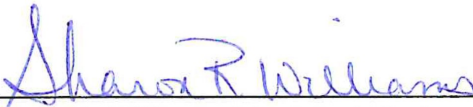
Section 1-10—Sale of Code Book.


[Repealed and replaced by the following]

Section 1-10 Provisions Considered as Continuations of Existing Ordinance

The provisions appearing in this Code, so far as they are the same in substance as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

ATTEST:



Sharon R. Williams, Municipal Clerk


LaDaena D. Thomas, Mayor

Intro:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter	X		X			
Martin			X			
Mincey			X			
Rambo			X			
Scarpaci			X			
Worley		X	X			

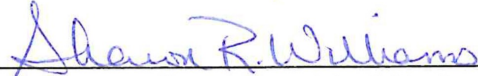
Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on 10/4/2022 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey on 10/18/2022 at which time any interested person will be given an opportunity to be heard.


Sharon R. Williams, Municipal Clerk

FINAL:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Carter			X			
Martin		X	X			
Mincey			X			
Rambo			X			
Scarpaci			X			
Worley	X		X			

Notice: The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on 10/4, 2022 and was adopted, after a public hearing was held by the Mayor and Council at Borough Hall, 1 State Street, Penns Grove, New Jersey on October 18, 2022



Sharon R. Williams, Municipal Clerk