

ORDINANCE NO. 1998-9

ADOPTING ORDINANCE

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE
ORDINANCES OF THE TOWNSHIP OF TABERNACLE IN THE COUNTY OF
BURLINGTON, NEW JERSEY**

WHEREAS, the Township Committee of the Township of Tabernacle in the County of Burlington, New Jersey has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a Revision and codification known as "The Revised General Ordinances of the Township of Tabernacle, 1998."

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF TABERNACLE IN THE COUNTY OF BURLINGTON, NEW JERSEY, AS FOLLOWS:

Section 1. The ordinances of the Township of Tabernacle in the County of Burlington, New Jersey, of a general and permanent nature, as codified, Chapters 1 to 17 are hereby ordained as "The Revised General Ordinances of the Township of Tabernacle, 1998."

Section 2. All of the provisions of "The Revised General Ordinances of the Township of Tabernacle, 1998," shall be in force and effect on and after the effective date of this ordinance.

Section 3. All ordinances of a general and permanent nature, adopted by the Mayor and Township Committee and in force on March 2, 1998, and not contained in "The Revised General Ordinances of the Township of Tabernacle, 1998," are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

Section 4. The repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right of franchise conferred by the Township Committee;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Township;
- e. Any ordinance of the Township providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the Township;
- f. Any ordinance or resolution of the Township promising or guaranteeing the payment of money by or for the Township or authorizing the issuing of bonds or other evidence of the Township's indebtedness, or any contract of or obligation assumed by the Township;

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- g. The annual budget appropriation ordinance or resolution, and all ordinances and resolutions appropriating or transferring funds;
- h. The administrative ordinances or resolutions of the Township Committee not in conflict or inconsistent with the provisions of this Revision;
- i. Any ordinance or resolution of the Township Committee fixing compensation or salaries of the Township officials and employees or the pay and compensation of positions and clerical employments which are not provided for in this Revision and which are not in conflict or inconsistent therewith;
- j. Any ordinance or resolution of the Township Committee creating employments, positions or offices and fixing duties therefor which are not provided for in this Revision and which are not in conflict or inconsistent therewith;
- k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways until the Traffic and Parking Chapters of this Revision are finally approved by the Commissioner of the New Jersey Department of Transportation, and said chapters shall not take effect until finally approved by the Director as aforesaid;
- l. Ordinances adopted by the Board of Health of the Township of Tabernacle;
- m. Any ordinances of the Township Committee adopted upon final passage after the second day of March, 1998.

Section 5. The effect of proposed changes contained in the Revision is listed below:

Chapter 1: General. Chapter I is new and contains the official title, general definitions and rules of construction that are intended to provide uniform construction and interpretation of general terms used throughout the Revision, as well as for all other ordinances of the Township of Tabernacle. The chapter also contains a severability clause (Section 1-4) relating to the entire Code, which provides that if any chapter, section or subsection is declared unconstitutional, invalid or inoperable, the rest of the Code is not invalidated.

Section 1-5, Penalty, is new and contains the general penalty clause, which is applicable to the entire Revision or any other ordinance. In subsection 1-5.1, Maximum Penalty, a maximum penalty of a fine not exceeding \$1,000 and/or imprisonment for a term not to exceed 90 days and/or a period of community service not to exceed 90 days is established in accordance with State Statutes. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2, Minimum Penalty, permits the Township Committee to establish a minimum penalty for a particular ordinance which may be a fine that does not exceed \$100. Subsection 1-5.3, Additional Fine for Repeat Offenders, provides that additional fines may be imposed on repeat offenders. Subsection 1-5.4, Default of Payment of Fine, provides that any person who defaults on payment of a fine may be imprisoned in the County Jail or be required to perform community service. Subsection 1-5.5, Separate Violations, provides that each and every day a violation exists shall constitute a separate violation. Subsection 1-5.6, Application, states that the amount of any particular penalty is at the discretion of the Judge of the Municipal Court.

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Chapter 2: Administration. This chapter contains text material which refers to the organization and meetings of the Township Committee; the powers and duties of the Administrator, the Prosecutor and Clerical Assistant; the establishment of the Municipal Court; the ordinances in reference to Police Protection and the Fire Department; the establishment of the Recreation Committee; the ordinance recognizing the Importance of Farming; and Interlocal Service Agreements and Contracts.

Section 2-1, Township Committee, is new and provides as follows. Subsection 2-1.1 provides that all legislative powers of the Township shall be exercised by the Township Committee; subsection 2-1.2 provides the time when the Township Committee shall hold its annual organization meeting, and provides for the election of the Mayor from the members of the Township Committee; subsection 2-1.3 states the powers of the Mayor; subsection 2-1.4 provides for "regular" and "special" meetings and oral notice of "special" meetings; subsection 2-1.5, matters of procedure and 2-1.6, the requirements for a quorum. The manner of election of the Deputy Mayor is provided in subsection 2-1.7.

In Section 2-4, the appointment of the Clerical Assistant, has been revised to be a duty of the Administrator.

Subsection 2-7.1 was revised to recognize rather than establish the Medford Farms volunteer fire department as the official fire fighting organization or department of the Township.

Section 2-8 was revised from Recreation Commission to Recreation Committee.

Section 2-10, Tax Assessor, is new and provides the duty of the Tax Assessor to provide the certified list of property-owners when required.

Section 2-13 was revised to require submission of claims and all duties pursuant thereto to the Treasurer.

Chapter 3: Police Regulations. This chapter contains the regulations enforced by the Police Protection Agency which include regulations concerning Litter (3-1); Noise Control Regulations (3-2); Consumption of Alcoholic Beverages in Public Places (3-3); Registration of Minibikes (3-4); and Curfew for Minors (3-5). Subsection 3-4.2, Definitions, has been revised to provide a definition for a "minibike." Subsection 3-4.15 has been revised to recite the statutory requirements for the operation of all terrain vehicles.

Throughout the Code, individual penalty clauses have been revised to refer to Section 1-5, the General Penalty Clause.

Chapter 4: General Licensing. Chapter 4 codifies the ordinances regulating licensing and includes the general licensing requirements for canvassers and solicitors; amusement parlors, amusement devices and music machines; junkyards and garage sales.

Subsection 4-1.2, Registration with Township Clerk, requires registering prior to canvassing or soliciting.

Subsection 4-1.3, Definitions, has been revised to include the definition of "solicitor."

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Subsection 4-1.4, Certified Application, deletes the requirements for fingerprinting by the Township Clerk or his designee.

Subsection 4-1.11, Hours Solicitation Permitted, is new and establishes the hours permitted.

Subsection 4-1.12, Administrative Fee, is new and establishes a fee for each license.

Subsection 4-1.16 provides for the severability of this ordinance.

Chapter 5: Animal Control. Chapter V contains the ordinances requiring the licensing and regulation of dogs and the penalty for a violation of any provision of this chapter. Section 5-2, Penalty, is new, and is included to provide a penalty for a violation of the Animal Control Chapter.

Chapter 6: Alcoholic Beverage Control. The existing Township ordinances on this subject have been included in this chapter.

This Chapter has been placed into the format recommended by the Division of Alcoholic Beverage Control.

Section 6-2 is new and is included to provide definitions relating to this chapter. Subsection 6-3.1 is new and provides that all proceedings under this chapter shall be in conformance with State Statutes.

Subsection 6-3.3 is new and requires a license to sell or distribute alcoholic beverages.

Subsection 6-4.5 is new and prohibits sales to intoxicated persons or persons under the legal age.

Chapter 7: Traffic. This chapter contains the traffic ordinances of the Township placed in accord with the model of organization that has been recommended by the State of New Jersey Division of Motor Vehicles. This chapter has been submitted for approval and may not be enforced until approval is obtained from the Director of the Bureau of Traffic Engineering, New Jersey Department of Transportation. New and revised street regulations are included as they have been recommended by the Police Department and/or the Department of Transportation.

Chapter 8: Reserved for Future Use.

Chapter 9: Building and Housing. This chapter includes the State Uniform Construction Code Enforcing Agency; Buildings Unfit for Human Habitation; Occupancy and House Numbering. Within this chapter, all references to "Public Officer" have been revised to "Township Committee."

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Chapter 10: Mobile Home Parks and Trailer Parks. This chapter codifies the ordinances pertaining to Mobile Home Parks for Senior Citizens (10-1) and Trailers and Trailer Parks (10-2).

Chapter 11: Fire Prevention and Protection. This chapter contains the ordinance creating a Fire District and the Board of Fire Commissioners and the enforcement of the Fire Safety Act.

Chapter 12: Streets and Sanitation. This chapter includes excavations in streets; obstructions in gutters; removal of snow and ice from certain streets; prevention of damage to street surfaces; recycling regulations and the formation of the garbage collection district.

Chapter 13: Cable Television. Ordinance No. 1986-5, the Cable TV Franchise, is codified as Chapter XIII.

Chapter 14: Land Use Procedures. The ordinance establishing the Planning Board and The Zoning Board of Adjustment is included herein.

Chapter 15: Application Fees and Escrow Fees. This chapter includes the fee requirements for applications for variances, escrow fees and appeals of actions by an administrative officer.

Chapter 16: Land Subdivision. This chapter codifies Ordinance No. 1985-8, the Land Subdivision Ordinance of the Township of Tabernacle, as amended and supplemented.

Chapter 17: Zoning. This chapter includes Ordinance No. 1985-7 in toto, which is the Zoning Ordinance of the Township of Tabernacle, as further amended and supplemented.

Appendix A. Schedule I, Lease of Public Property, will be included as part of the first supplement to the Code.

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Throughout the Revision there has been reorganization and editing of the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases provisions of the source ordinances have not been included in the Revision either because they have been expressly or impliedly repealed by later ordinances, are obsolete or no longer apply in the Township of Tabernacle.

Section 6. A copy of the Revised General Ordinances of the Township of Tabernacle, in the County of Burlington and State of New Jersey has been filed in the office of the Township Clerk

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of the Township of Tabernacle and shall remain there for the use and examination of the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of Tabernacle by impressing thereon the seal of the Township of Tabernacle, as provided by law, and such certified copy shall remain on file in the office of the Township Clerk of the Township of Tabernacle to be made available to persons desiring to examine the same during all times while the Revision is in effect.

Section 7. Amendments to the Revision. Any and all additions, amendments or supplements to the Revision when passed and adopted in such form as to indicate the intent of the Township Committee to make them a part thereof shall be deemed to be incorporated into such revisions so that reference to "The Revised General Ordinances of the Township of Tabernacle, 1998" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Revision shall be adopted they shall thereafter be printed, and as provided hereunder inserted in the book containing the Revised General Ordinances as amended and supplemented thereto.

Section 8. It shall be the duty of the Township Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Revised General Ordinances of the Township of Tabernacle, 1998," required to be filed in his office for the use of the public. All changes in the Revision and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Revision and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

Section 9. The Township Clerk of the Township of Tabernacle, pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the Township of Tabernacle. Sufficient copies of the Revised General Ordinances of the Township of Tabernacle shall be maintained in the office of the Township Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Revision for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Revision for all purposes.

Section 10. Copies of the book containing "The Revised General Ordinances of the Township of Tabernacle, 1998" may be purchased from the Township Clerk upon the payment of a fee to be set by resolution of the Township Committee which may also arrange by resolution the procedures for the periodic supplementation thereof.

Section 11. Each section of "The Revised General Ordinances of the Township of Tabernacle, 1998" and every part of each section is an independent section or part of a section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

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Section 12. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Introduced: 11/16/98

Adopted: 12/21/98

Approved:

Attest:

I HEREBY CERTIFY that the foregoing ordinance is a true copy of an ordinance given its final reading and adopted by the Mayor and Township Committee of the Township of Tabernacle, in the County of Burlington, New Jersey, at a regular meeting of that body, held in the Committee Chamber, Municipal Building, Tabernacle, on the twenty-first day of December, 1998 and approved by the Mayor on that date.

/s/ _____
LaShawn Lindsey, RMC
Township Clerk 11/22/98