

**TOWNSHIP OF ROCHELLE PARK
ORDINANCE NO. #1013-09**

**AN ORDINANCE AMENDING THE
CODE OF THE TOWNSHIP OF ROCHELLE PARK
TO PROVIDE FOR A “GENERAL PENALTY”
FOR ALL ORDINANCE VIOLATIONS**

WHEREAS, the Governor has signed into law an amendment to N.J.S.A. 40:49-5 which increases the maximum fine which can be imposed for any local ordinance violation from \$1,250 to \$2,000; and

WHEREAS, the aforesaid amendment has certain conditions as they relate to zoning and housing code violations; and

WHEREAS, currently, the Township of Rochelle Park does not have a general penalty ordinance but relies upon the penalties set forth in individual ordinances; and

WHEREAS, the Township Committee has determined that it would be in the best interests of the Township to provide for a an ordinance amending the code of the Township of Rochelle Park to add a chapter entitled: “General Penalty”, as

WHEREAS, specifically, Ordinance 102-11 provides for a penalty which is inconsistent with the provisions N.J.S.A.40:49-5.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Rochelle Park, County of Bergen and State of New Jersey, as follows:

SECTION I: General Penalty

For violation of any of the provisions of this chapter, any other chapter of this Code or any other Ordinances of the Township of Rochelle Park, where no specific penalties are otherwise provided regarding the Section violated, the maximum penalty, upon conviction, shall be a fine not to exceed \$2,000 or imprisonment for a term not exceeding 90 days or by a period of

community service not exceeding 90 days. All individual penalty provisions set forth in the Code of the Township of Rochelle Park are deemed amended accordingly.

SECTION II Housing or Zoning Code Violations

Notwithstanding the increase in maximum penalty as set forth in Section A above, for violations of housing or zoning codes, a 30-day period in which the owner shall be afforded the opportunity to cure or abate the condition, shall be provided and the owner shall also be provided an opportunity for a hearing before the Court concerning the violation. This 30-day period to cure or abate the violation shall be provided prior to the imposition of a fine which exceeds \$1,250. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if the Court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION III: Separate Violations

Except as otherwise provided, each and every day in which a violation of any provision of the Code of the Township of Rochelle Park or any other Ordinance of the Township exists shall constitute a separate violation.

SECTION D: Application

The maximum penalty stated in this section is not intended to state or mandate an appropriate penalty for each and every violation. The exact penalty to be imposed shall be established within the sound discretion of the Court or other municipal agency.

SECTION IV: Repealer

All Ordinances of the Township of Rochelle Park which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION V: Invalid Provisions

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION VI: Effective Date

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.
