

ORDINANCE 3-11
AN ORDINANCE AMENDING CHAPTER I, GENERAL, SECTION 1-5,
GENERAL PENALTY, AND OTHER PENALTY PROVISIONS OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF
KEYPORT AS FOLLOWS:

SECTION I. Amendments:

1-5 GENERAL PENALTY.

1-5.1 MAXIMUM PENALTY. For violation of any provision of this Revision, or any other ordinance of the Borough of Keyport, unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be a fine not exceeding [one thousand two hundred fifty (\$1,250)] two thousand (\$2,000.00) dollars and/or imprisonment in the County Jail or another place of imprisonment or confinement for a [period] term not exceeding ninety (90) days, or to a period of community service not exceeding ninety (90) days at the discretion of the Municipal Court Judge.

1-5.2 BUILDING, HOUSING, ZONING OR PROPERTY MAINTENANCE PENALTY. If the violation is of a provision of any building, housing, zoning or property maintenance code and the Code Enforcement Bureau official or other code enforcement officer chooses to impose a fine in an amount greater than one thousand two hundred and fifty (\$1,250.00) dollars, the owner or agent or contractor or other person having control of the building or premises shall have a period of not less than thirty (30) days in which the owner, agent or contractor shall be afforded the opportunity to cure or abate the condition constituting the violation. Subsequent to the expiration of the 30 day period a fine greater than \$1,250 may be imposed if a court of competent jurisdiction has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

1-5.3 Unlawful Solid Waste Disposal Violations. For violation of any provision of this Revision, or any other ordinance of the Borough of Keyport, which regulates or prohibits the disposal of solid waste, unless a specific penalty is otherwise provided in connection with the provision violated, the minimum penalty upon conviction of the violation shall be a fine not less than two thousand five hundred (\$2,500.00) dollars and the maximum penalty shall be a fine not exceeding ten thousand (\$10,000.00) dollars. At the discretion of the Municipal Court Judge this minimum penalty may be waived in the case of the minor solid waste disposal violations prohibited in Chapter IV, Police Regulations, Section 4-1, Litter, and Section 4-1A, Litter Control, of this Revision.

1-5.4 Separate Violation. Except as otherwise provided, each and every day or part of a day in which a violation of any provision of this Revision or any other ordinance of the Borough exists or occurs shall constitute a separate violation.

1-5.5 Application. The maximum penalty stated in the general penalty clause of this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation, unless a minimum penalty is provided.

1-5.6 Minimum Penalty. For violation of any provision of this Revision, or any other ordinance of the Borough of Keyport, unless a specific penalty is otherwise provided in connection with the provision violated, the minimum penalty upon conviction of the violation shall be a fine not less than one hundred (\$100.00) dollars[.]. [and/or imprisonment in the County Jail for a period not exceeding ninety (90) days, or to a period of community service not exceeding ninety (90) days at the discretion of the Municipal Court Judge.]

1-5.7 Repeat Offenders. Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance, and who was

fined for the 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 not be less than one hundred (\$100.00) dollars or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance, and the total sum of the basic fine imposed for the violation and the additional fine imposed as a repeat offender may exceed the maximum fine fixed for a violation of the ordinance.

4-3 REMOVAL OF VEHICLES FROM PUBLIC STREETS.

4-3.3 Penalties. Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1. These penalties shall be in addition to the liability for the costs of removal and impounding provided for elsewhere in this section.

4-16 WATER USE RESTRICTIONS DURING A WATER EMERGENCY.

4-16.5 Penalties. Any person violating any provision of this section shall, upon conviction for a second or subsequent offense, be subject to the penalties stated in Section 1-5 of Chapter 1, except that the minimum penalty for a second offense shall not be less than five hundred (\$500.00) dollars and for a third offense shall not be less than one thousand (\$1000.00) dollars.

4-18 DISORDERLY CONDUCT.

4-18.17 Penalties. Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1.

4-19 DRESSING AND UNDESSING IN PUBLIC PLACES.

4-19.3 Penalties. Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1.

4-20 INTERFERENCE WITH OR RESISTANCE TO POLICE OFFICER.

4-20.3 Penalties. Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1, except that the minimum penalty shall not be less than three hundred (\$300.00) dollars.

4-21 SEX OFFENDERS.

4-21.7 Penalties. Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1, except that the minimum penalty shall not be less than three hundred (\$300.00) dollars and/or imprisonment in the County Jail or another place of imprisonment or confinement for a term not exceeding one hundred and eighty (180) days, or to a period of community service not exceeding one hundred and eighty (180) days at the discretion of the Municipal Court Judge.

4-23 DISCHARGE OF WEAPONS.

4-23.4 Penalties. Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1, except that the minimum penalty shall not be less than three hundred (\$300.00) dollars for a first offense and for a second or subsequent offense shall not be less than five hundred (\$500.00) dollars. A person [further] convicted of a violation of a provision of this section shall forfeit any license to hunt within the Borough of Keyport for a minimum period of sixty (60) days to a maximum of one hundred eighty (180) days.

12-6 SMOKE DETECTORS.

12-6.8 Penalties. Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1.

12-14 LANDLORD REGISTRATION.

12-14.8 Penalties. Any person violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1, except that the minimum penalty shall not be less than two hundred (\$200.00) dollars for a first offense and for a second or subsequent offense shall not be less than five hundred (\$500.00) dollars.

16-1 STREETS, SIDEWALKS AND SANITATION.

16-1.39 Penalties. For the violation of the provisions herein contained, the Superintendent of the Department of Public Works or the Borough Engineer may revoke the permit and the excavation or opening and pavements may be restored by the borough of Keyport at the expense of the permittee. In addition, any person, firm or corporation [found guilty in the Municipal Court of the Borough of Keyport of a violation of the terms of this section shall be subject to a fine of not less than one hundred fifty (\$150.00) dollars, nor more than one thousand (\$1000.00) dollars or imprisonment for a period not exceeding ninety (90) days or both in the discretion of the Municipal Court Judge.] violating any provision of this section shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1, except that the minimum penalty shall not be less than three hundred (\$300.00) dollars for a first offense and for a second or subsequent offense shall not be less than five hundred (\$500.00) dollars.

XX PUBLIC INDECENCY.

20-6 Penalties. Any person violating any provision of this Chapter shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1.

XXII SEX OFFENDER RESIDENCY PROHIBITION.

22-1.4 Penalties. Any person violating any provision of this Chapter shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1.

XXV LAND USE REGULATIONS.

25:1-27 Penalties. Any person violating any provision of this Article shall, upon conviction thereof, be subject to the penalties stated in Section 1-5 of Chapter 1.

SECTION II. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION III. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: January 11, 2011

Public Hearing: February 1, 2011

Adopted: February 1, 2011

Valerie T. Heilweil, RMC
Borough Clerk
Borough of Keyport

Robert E. McLeod, Mayor
Borough of Keyport