

**REVISED ORDINANCES**

**CHAPTER 1**

**GENERAL PROVISIONS**

**ANALYSIS**

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**ARTICLE 1.            IN GENERAL**

**Sec. 1.1-1.            SHORT TITLE.**

The Ordinances in this book shall be known as “The Revised Ordinances of the Township of Pennsville 2011,” and may be cited as the “Code”.

**Sec. 1.1-2.            SEVERABILITY**

If any Chapter, Article or Section of this Code, or any part thereof, shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such Chapter, Article, Section or part thereof shall to the extent that it is not unconstitutional, invalid or inoperative, be enforced and effectuated, and no such determination shall be deemed to invalidate or make ineffectual the remaining Chapters, Articles, Sections or parts thereof.

**Sec. 1.1-3.            CATCH-LINES OF SECTIONS.**

The catch-lines of the several Sections of this Code printed in capital letters are intended as mere catch-words to indicate the contents of the Sections and shall not be deemed or taken to be titles of such Sections, nor as any part of such Sections, nor unless expressly so provided, shall they be so deemed when any such Sections, including the catch-lines, are amended or re-enacted.

**Sec. 1.1-4.            REVIVAL OF REPEALED ORDINANCES.**

Whenever any Ordinance repealing former Ordinances, clauses or provisions, shall be itself repealed, such repeal shall not be construed to revive such former Ordinance, clause or provision, unless it shall be therein so expressly provided.

**Sec. 1.1-5.            TOWNSHIP SEAL.**

The Township Clerk shall have custody of the Township Seal, which shall be carefully preserved and kept in the Office of the Township Clerk at all times.

**Sec. 1.1-6. GENERAL PENALTY.**

1. Maximum Penalty:
  - A. For violation of any provision of this code or other ordinance of the Township of Pennsville unless a specific penalty is otherwise provided in connection with the provision violated, the maximum penalty upon conviction of the violation shall be one (1) or more of the following: imprisonment in the County jail or in any place provided by the Township Committee for the detention of prisoners, for any term not exceeding ninety (90) days; or a fine not exceeding two thousand (\$2,000) dollars; or a period of community service not exceeding ninety (90) days.
  - B. Unlawful Solid Waste Disposal. The Township Committee may prescribe that for the violation of any section of this Code pertaining to unlawfully solid waste disposal at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding two thousand five hundred (\$2,500.00) dollars or a maximum penalty by a fine not exceeding ten thousand (\$10,000.00) dollars. (NJSA 40:49-5)
2. Minimum Penalty
  - A. The Township Committee may prescribe that for the violation of any particular provision of the Code or of any particular ordinance at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred (\$100.00) dollars.
3. Powers of the Court
  - A. The court before which any person is convicted of violating any ordinance or Code provision shall have power to impose any fine, term of imprisonment, or period of community service not less than the minimum and not exceeding the maximum fixed in the Code or in such ordinance.

4. Additional Fine for Repeat Offenders

A. Any person who is convicted of violating the Code or any ordinance within one (1) year of the date of a previous violation of the same provision of this Code or of the same ordinance and who was fined for the previous violation, shall be sentenced by a 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 the minimum or exceed the maximum fine fixed for a violation of the ordinance or Code provision, but shall be calculated separately from the fine imposed for the violation of the ordinance or Code provision.

B. If the Township Committee chooses not to impose an additional fine upon a person for a repeated violation of any municipal ordinance or Code provision the Township Committee may waive the additional fine by ordinance or resolution.

5. Default of Payment of Fine

A. Any person convicted of the violation of any provision of this Code may, in the discretion of the court by which he/she is convicted, and in default of the payment of any fine imposed therefore, be imprisoned in the County jail or place of detention provided by the Township for any term not exceeding ninety (90) days, or be required to perform community service for a period not exceeding ninety (90) days.

6. Separate Violations

A. If provided by a specific ordinance, each and every day in which violation of any provision of this Code or any other ordinance of the Township of Pennsville exists shall constitute a separate violation.

7. Application

A. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. At the discretion of the Judge of the Municipal Court, any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

**Sec. 1.1-7**

**MAINTENANCE OF CODE**

1. Amendments to Code – Any and all additions, amendments or supplements to the “Revised General Ordinances of the Township of Pennsville, 2011” 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 Code so that reference to the “Revised General Ordinances of the Township of Pennsville, 2011” shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the book containing the Code, as amendments and supplements thereto.
2. Code Book to Be Kept Up to Date – 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 Pennsville, 2011” required to be filed in the office of the Clerk for the use of the public. All changes in the revision and all ordinances adopted subsequent to the effective date of this codification, which shall be adopted specifically as part of the Code, when finally adopted, shall be included therein by reference until such changes or new ordinances are printed as supplements to the Code book, at which time such supplements shall be inserted therein.
3. Altering or Tampering with Code – It shall be unlawful to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with this Code in any manner whatsoever which will cause the law of the Township to be misrepresented thereby.
4. All Township Department Heads, Township Committee Members and Township Professionals will be required to sign for their copy of the Code. The Code is property of the Township and is to remain in the Township Office that it is assigned to. At the end of their terms, Township Committee members are required to return their copy of the Code to the Township Clerk so that it can be distributed to their successor.

**ARTICLE 2.            DEFINITIONS AND RULES OF CONSTRUCTION**

**Sec. 1.2-1.            GENERAL.**

In the construction of this Code, and of all Ordinances, the definitions and rules contained in this Article shall be observed, unless otherwise expressly provided or unless such construction would be inconsistent with other Chapters, Articles or Sections of this Code or with the manifest intent of the governing body.

**Sec. 1.2-2.            COMPUTATION OF TIME.**

The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be Sunday or a legal holiday, that day shall be excluded.

**Sec. 1.2-3.            COUNTY.**

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

**Sec. 1.2-4.            GENDER.**

Words importing the masculine gender shall include the feminine and neuter as well as masculine.

**Sec. 1.2-5.            GOVERNING BODY.**

Governing body shall mean the Township Committee of the Township of Pennsville or such other duly authorized legislative body charged with governing the Township.

**Sec. 1.2-6.            MONTH.**

The word "month" shall mean a calendar month, unless otherwise expressed.

**Sec. 1.2-7.            MUNICIPAL COURT.**

Municipal Court shall mean the Municipal Court of the Township of Pennsville.

**Sec. 1.2-8.            NUMBER.**

Words used in the singular include the plural and the plural includes the singular number.

**Sec. 1.2-9. OATH.**

The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" or "affirmed".

**Sec. 1.2-10. PERSON.**

Person shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, including the principal or agent thereof, as well as an individual.

**Sec. 1.2-11. PERSONAL PROPERTY.**

Personal property includes goods and chattel, rights and credits, money and effects, evidences of debt, choices in action and all written instruments by which any right to, interest in, or lien or encumbrances upon, property or any debt or financial obligations as created, acknowledged, evidenced, transferred, discharged or defeated, in whole or in part, and everything except real property, as herein defined, which may be the subject of ownership.

**Sec. 1.2-12. PRECEDING, FOLLOWING.**

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

**Sec. 1.2-13. PROPERTY.**

The word "property" shall include real and personal property.

**Sec. 1.2-14. PUBLIC GROUNDS, PUBLIC SQUARES, PUBLIC PLACES OR PUBLIC PLACES.**

Public grounds, public squares, public places shall severally be construed to mean any and every public ground, public square, public park or other public place within the Township.

**Sec. 1.2-15. REAL PROPERTY.**

Real property shall include lands, tenements and hereditaments and all rights thereto and interests therein.

**Sec. 1.2-16.           SIDEWALKS.**

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, excluding parkways.

**Sec. 1.2-17.           SIGNATURE AND SUBSCRIPTION.**

Signature and subscription includes a mark when the person cannot write.

**Sec. 1.2-18.           STREET.**

The word "street" shall mean and include highways, roads, avenues, courts, public lanes and alleys, and it shall also be construed to include sidewalks and footpaths, unless the contrary is expressed.

**Sec. 1.2-19.           TENANT.**

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

**Sec. 1.2-20.           TOWNSHIP.**

The words "The Township" or "This Township" shall mean the Township of Pennsville, a municipal corporation of the State of New Jersey, located in the County of Salem.

**Sec. 1.2-21.           TOWNSHIP COMMITTEE.**

Township Committee shall mean the Township Committee of the Township of Pennsville.

**Sec. 1.2-22.           WRITING.**

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

**Sec. 1.2-23.           YEAR.**

The word "year" shall mean a calendar year, unless a contrary intention is expressed.

