

TOWNSHIP OF HAINESPORT

ORDINANCE 2020-8

SECOND COMPREHENSIVE ORDINANCE AMENDING THE TOWNSHIP CODE AS PART OF THE TOWNSHIP'S CODIFICATION PROCESS

WHEREAS, the Township, working with the Township Solicitor and General Code, the Code Book Publisher, periodically performs a comprehensive review of all chapters of the municipal code to ensure compliance with current legal precedent and all relevant federal and state statutes and regulations; and

WHEREAS, the process has identified multiple areas of the Township Code that require modernization and/or revisions or amendments; and

WHEREAS, rather than passing numerous many individual ordinances, the Township seeks to accomplish this goal with several comprehensive ordinances covering multiple chapters of the Code, the first of which was Ordinance 2020-7, and this is the second part of the initiative;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Hainesport, County of Burlington, State of New Jersey that the Code of the Township of Hainesport be and is hereby amended as follows in accordance with the Township's Codification process;

ARTICLE I. AMENDMENTS TO THE TOWNSHIP CODE

Section One. Amendments to Chapter 85.

Chapter 85 of the Township Code, entitled "Fire Prevention", is hereby amended to correct errors in the penalty provision of the chapter and make minor changes in terminology:

1. §85-2, entitled "Enforcing Agency" is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

"§85-2 Enforcing Agency. The local enforcing agency shall be the ~~Bureau of Fire Safety~~ Fire Prevention Bureau, of which the chief administrator shall be the Fire Official."

2. §85-5, entitled "Supervision of agency" is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

"§85-5 Supervision of agency. The ~~Bureau of Fire Safety~~ Fire Prevention Bureau shall be under the direct supervision and control of the Fire Official, who shall report to the Township Administrator.

3. §85-10 entitled “Key lock box system” is hereby amended at subparagraph E to read as follows: “E. Violations of the state uniform fire code are subject to the penalties provided for in N.J.A.C. 5:70-2.12.”

Section Two. Amendments to Chapter 89.

Chapter 89 of the Township Code, entitled “Flood Damage Prevention”, is hereby amended to its penalty provision at §89-8, to read as follows:

“§89-8 Violations and penalties. Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.”

Section Three. Amendments to Chapter 94.

Chapter 94 of the Township Code, entitled “Housing Standards”, is hereby amended to conform with existing statutes and to existing practices.

1. §94-1 entitled “Enforcing officer” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“§94-1 Enforcing officer. The Burlington County Health Department ~~and the Construction Code Official of the Township of Hainesport~~ is hereby designated as the enforcing agency ~~officers~~ to exercise the powers prescribed by the within chapter.”

2. §94-2, of the section entitled “Code adopted by reference, copies on file” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“§94-2 Code adopted by reference, copies on file. Pursuant to the provisions of Chapter 21 of the Public Laws of 1946 (N.J.S.A. 40:49-5.1), the New Jersey State Housing Code, as approved by the Departments of Community Affairs ~~Health and Conservation and Economic Development~~ and filed in the Secretary of State's office, is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation ~~and rental~~. A copy of the New Jersey State Housing Code is annexed to this chapter, and three (3) copies of the same have been placed on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.”

Section Four. Repeal of Chapter 99.

Chapter 99 of the Township Code, entitled “Junkyards”, is hereby repealed in its entirety as junkyards are prohibited in all districts of the Township of Hainesport and therefore their regulation is unnecessary.

Section Five. Amendments to Chapter 118.

Chapter 118 of the Township Code, entitled “Mobile Homes”, is hereby amended to remove outdated citations and to clarify ambiguous terms.

1. §118-3, entitled “Licensing requirements and procedure” is hereby amended to read as follows [deletions are indicated with ~~strikethrough~~]:

“§118-3 Licensing requirements and procedure.

[118-3(A) through -3(B) to remain unchanged.]

“C. Before such license shall be issued, the Zoning Officer shall check the application, plat and site and ascertain that the requisite approvals of the sewage disposal and water supply systems have been obtained from the Board of Health and that the application, plat, fee and other material submitted complies with the requirements of this chapter and other applicable ordinances of the Township. The Zoning Officer shall thereupon present the application, together with his written report and recommendations and the written report of the Board of Health, to the Township Committee at the regular meeting thereof occurring not later than three weeks after submission of the application to him. The applicant shall be notified of the time and place of the meeting, and, at the meeting, the governing body shall thereupon take action thereon and either issue the license or issue the license on conditions related to this chapter or deny the license; and in the event that it is denied, the governing body shall set forth its reasons therefor and promptly serve the applicant with a copy of the resolution denying the license.

“D. As a condition for the issuance of any license or renewal license required by the Township of Hainesport under this chapter, the applicant or mobile home park owner is required to pay any delinquent property taxes or assessments on the property that is the subject of the license or on which a licensed activity or business will be conducted. The license may be revoked or suspended when any licensee, who is an owner of the property upon which the licensed business or activity is conducted, has failed to pay the taxes due on the property for at least three consecutive quarters. Upon payment of the delinquent taxes or assessment, the license or permit shall be restored.”

2. §118-12 is hereby amended by replacing the terms “camp” and “campsite” with the term “mobile park” whenever these terms are used.

3. §118-14 entitled “Violations and penalties” is hereby amended to read as follows:

“§118-14 Violations and penalties.

“A. Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.”

Section Six. Amendments to Chapter 119.

Chapter 119 of the Township Code, entitled “Mosquito Control”, is hereby amended to refer to the general penalty provision of the Township Code, and §119.4 shall now read:

“§119-4 Enforcement, violations and penalties.

“A. No person shall provide, maintain or keep a pool in any manner on any property unless it is maintained pursuant to this chapter.

“B. It shall be the responsibility of the Municipal Code Enforcement Officer and/or Burlington County Health Department to enforce this chapter.

“C. Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.”

Section Seven. Amendments to Chapter 121.

Chapter 121 of the Township Code, entitled “Noise”, is hereby amended to refer to the general penalty section of the Township Code and to add the New Jersey State Police as an enforcing agency.

1. Chapter §121-4, entitled “Violations and penalties” is hereby amended to read as follows:

“§121-4 Violations and penalties.

“A. The New Jersey State Police is the enforcement agency authorized to enforce this chapter.

“B. Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.

Section -Eight. Amendments to Chapter 127.

Chapter 127 of the Township Code, entitled “Peddling and Soliciting”, is hereby amended to remove unnecessary language and refer to the general penalty provision of the Township Code.

1. §127-2 entitled “Definitions” is hereby amended as follows [deletions are indicated with ~~strikethrough~~]:

“Merchandise. All goods, wares, food, meat, fish, ice cream, fruits, vegetables, magazines, periodicals, printed material, farm products, services and orders or contracts for services, home improvements or alterations and anything that may be sold or distributed by peddlers or distributors.”

[remainder of the section to remain unchanged.]

2. §127-13, entitled “Violation and penalties,” is hereby amended to read as follows:

“Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.”

Section Nine. Amendments to Chapter 130.

Chapter 130 of the Township Code, entitled “Property, Abandoned and Vacant”, is hereby amended to refer to the general penalty provision of the Township Code.

1. §130-14, entitled “Violations and penalties” is hereby amended to read as follows:

“Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.”

Section Ten. Amendments to Chapter 132.

Chapter 132 of the Township Code, entitled “Property Maintenance”, is hereby amended to correct inconsistent terms, correct typographical errors and refer to the general penalty provision of the Township Code:

1. §132-3, entitled “Definitions and word usage” is hereby amended as follows [deletions are indicated with ~~striketrough~~]:

“§132-3 Definitions and word usage.

2. [Subsection “A” and subsection “B” shall remain unchanged, except that “Nuisance” is hereby amended to read:

“NUISANCE”

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Township of Hainesport.
- (2) Any attractive nuisance which may prove detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, excavations, abandoned iceboxes or refrigerators or other major appliances, abandoned or junk motor vehicles, any structurally unsound fences or structures, lumber, trash, ~~fences~~-or debris.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons and/or near the premises where the conditions exist.
- (4) Inadequate or unsanitary sewage or plumbing facilities in violation of Township ordinances.

(5) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.”

3. §132-7, entitled “Duties and responsibilities of occupants” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“§132-7 Duties and responsibilities of occupants.

[Sections “A” and “B” shall remain unchanged.]

“C. Ground surface hazards, unsanitary conditions, unregistered vehicles and/or vehicles without current license plates.

“1. It shall be the duty of the occupant to keep the premises free of holes, excavations and excretions of pets and other animals on paths, sidewalks, walkways, driveways, parking lots and parking areas and other vehicular or pedestrian access routes to the premises. Snow and ice shall be cleared from sidewalks and public access paths or routes or shall be made safely passable within 24 hours of the end of a storm. Holes and excavations shall be filled and repaired and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery. It shall also be the duty of the occupant to remove any motor vehicle which is unregistered or not registered to the owner or occupant and/or without current license tags or plates from the premises unless the same is properly stored in a closed garage or neatly covered with a protective tarpaulin (subject to a maximum of two such unregistered tarpaulin-covered vehicles), or in the case of nonresidential premises such motor vehicle is being currently serviced or repaired by a ~~garage man or~~ mechanic in order to meet inspection requirements of the Division of Motor Vehicles of the state of New Jersey. Any such vehicles in residential zones shall be stored either in the driveway or rear yard.

“2. No person shall park or permit to be parked any motor vehicle on any street in the Township for a period of more than ~~72~~ 48 hours unless such motor vehicle is operable and in condition for safe and effective performance of the function for which it is intended; provided, however, that the parking of a car, trailer, motorcycle or boat offered for sale shall be permitted for a maximum period of 30 consecutive days, a maximum of three times per calendar year.”

[Remainder of the section to remain unchanged]

3. §132-8(C)(3), a provision of §132-8, entitled “Refuse Storage and disposal” is hereby amended as follows [deletions are indicated with ~~striketrough~~]:

“3. Every owner, operator and occupant of residential premises shall place the containers aforementioned so as not to impede traffic in front of the premises no earlier than 12:00 noon of the day preceding ~~the nearest~~ collection day. Containers

shall be retrieved from their collection location no later than 12:00 midnight on the day of collection.”

4. §132-10 entitled “Violations and penalties; liens” is shall be amended to read as follows:

“§132-10 Violations and penalties; liens.

“A. Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.

“B. Fine as a lien. In the event of the imposition of a fine or penalty by the Municipal Court or any other court of competent jurisdiction against the owner, operator or lessor of any building or structure in the Township required to be registered for violation of any Township ordinance or any state law applicable to the Township, the fine or penalty, if unpaid within 30 days of imposition, shall be collectible as a lien against the premises, in addition to any other remedies provided by law.”

Section Eleven. Repeal of Chapter 138.

Chapter 138 of the Township Code, entitled “Records, Public Access To”, is hereby repealed in its entirety, as this subject matter is preempted by the provisions of the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, et seq.

Section Twelve. Repeal of Chapter 139.

Chapter 139 of the Township Code, entitled “Records, Storage of,” is hereby amended in its entirety as it no longer reflects current practice and is therefore not applicable.

Section Thirteen. Amendments to Chapter 144.

Chapter 144 of the Township Code, entitled “Sales”, is hereby amended to correct the hours in which auction sales are allowed and make minor drafting edits [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“B. All auction sales shall be conducted on not more than two consecutive calendar days between the hours of ~~8:00~~ 7:00 a.m. and ~~6:00~~ 9:00 p.m. on each day.”

2. Ordinance No. 2018-6, as it amends §144-5(H) is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“H. No device ~~or for~~ for amplifying sound, music or other sound device shall be allowed, and any necessary sound shall be kept sufficiently low as not to be audible within 50 feet of the property where any auction or garage sale is held.”

Section Fourteen. Amendments to Chapter 149.

Chapter 149 of the Township Code, entitled “Sewers”, is hereby amended as §149-6 to refer to the general penalty provision of the Township Code and reassign enforcement from the Police Department to the Administrator or his/her designee.

“§149-6 Enforcement.

This article shall be enforced by the Administrator or his/her designee. ~~Hainesport Township Law Enforcement Bureau.~~

§149-7 Violations and penalties

“A. Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.

“B. Each storm inlet found to be in violation of the provisions of this chapter shall constitute a separate violation subject to the penalties specified in §1-15 of the Township Code.”

Section Fifteen. Repeal of Chapter 149A.

Chapter 149A of the Township Code, entitled “Sex Offenders”, is repealed in its entirety due to State preemption expressed both in statute, N.J.S.A. 2C:7-1 et seq. and interpretive case law.

Section Sixteen. Amendments to Chapter 150.

Chapter 150 of the Township Code, entitled “Sexually Oriented Businesses”, is hereby amended to correct statutory references, make position titles consistent and refer to the general penalty provision in the Township Code.

1. §150-1(D), a subsection of §150-1 entitled “Purpose” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

“D. It is not the intent of this chapter to suppress any speech activities protected by the First Amendment, but to enact content-neutral regulations which address the secondary effects of sexually oriented businesses. It is also not the intent of the Township Committee to condone or legitimize the promotion of obscene material, and the Committee recognizes that, pursuant to N.J.S.A. ~~2C:34-2b~~ 2C:34-3, New Jersey State law prohibits "the dissemination of obscene materials to a person 18 years of age or younger either by sale, distribution, rental or exhibition and expects and encourages state enforcement officials to enforce the obscenity statutes against any such illegal activities" in Hainesport Township.”

2. §150-6, entitled “Enforcement” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“§150-6 Enforcement. This chapter shall be enforced by the Zoning Officer, Code Enforcement Officer ~~Official~~ and/or any law enforcement officers of the State of New Jersey.”

3. §150-7, entitled “Violations and penalties” is hereby amended to read as follows:

“§150-7 Violations and penalties. Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.

Section Seventeen. Amendments to Chapter 152.

Chapter 152 of the Township Code, entitled “Smoke Alarms”, is hereby amended at §§152-4 and -5 to correct the name of the municipal department responsible for fire prevention and to refer to the general penalty provision of the Township Code.

“§152-4 Fees.

“A fee shall be paid to the Fire Prevention Bureau ~~Municipal Fire Bureau~~ to offset the cost of the inspection and certification required by this chapter. Said fee shall be in addition to any other fees required by other ordinances in connection with inspections and certifications by any other local, county or state agency. The fee schedule shall be as follows:

[Fee schedule to remain unchanged.]”

2. §152-5 entitled “Violations and penalties” is hereby amended to read as follows:

“§152-5 Violation and penalties. Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.”

Section Eighteen. Amendments to Chapter 158

The Township Committee amends Chapter 158, entitled “Soil Removal” to reflect current recycling requirements.

1. §158-5(B) a subsection of §158-5 entitled “Curbside program established” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“B. Designated recyclable materials for the curbside program are those materials designated by the DSW for collection within the BCRP. These materials are: aluminum cans, corrugated cardboard, glass containers, paper, plastic bottles (coded 1, ~~and~~ 2, 5),

steel (tin) cans and other recyclable materials as may be designated from time to time by the DSW.”

2. §158-6(E) a subsection of §158-6, entitled “Source separation and collection requirements for curbside program” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“E. Recyclables shall not be placed for collection earlier than noon ~~the evening~~ of the day preceding a scheduled collection day. Recyclables must be placed at the roadside by 6:00 a.m. on the scheduled collection day.”

3. §158-7(B) a subsection of §158-7, entitled “Municipal recycling depot program established” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“B. The following source-separated recyclables will be accepted at the municipal recycling depot:

1. Aluminum cans;
2. Corrugated cardboard;
3. Glass containers;
4. Paper;
5. Plastic bottles coded 1, ~~and 2~~ and 5;
6. Steel (tin) cans; and
7. Cartons
8. Other recyclables as designated by the municipality from time to time.

4. §158-17 entitled “Injunctions; concurrent remedies” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

“§158-17 Injunctions; concurrent remedies.

“In addition to any other remedy provided in this article, the municipality may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this article for an injunction to restrain a violation of this article or the County Plan. In addition to an injunction, the court may impose penalties as authorized by § 158-16 hereof. The penalties and remedies prescribed by this article shall be deemed concurrent. The ~~existence, exercise or of~~ any remedy shall not prevent the municipality or the county from exercising any other remedy provided by this article or otherwise provided by law or equity.”

Section Nineteen. Amendments to Chapter 161

Chapter 161, entitled “Stormwater Management,” is hereby amended to refer to the general penalty provision.

“§161-5 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a penalty as specified in §1-15 of the Township Code.”

2. §161-15(D) a subsection of §161-15, entitled “Maintenance and repair; violations and penalties is hereby amended to read as follows:

“D. Any person(s) who is found to be in violation of the provisions of this article shall be subject to a penalty as specified in §1-15 of the Township Code.”

ARTICLE II. REPEALER, SEVERABILITY, AND EFFECTIVE DATE

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

NOTICE OF PUBLIC HEARING

HAINESPORT TOWNSHIP ORDINANCE NO. 2020-8

SECOND COMPREHENSIVE ORDINANCE AMENDING THE TOWNSHIP CODE AS PART OF THE TOWNSHIP'S CODIFICATION PROCESS

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on November 10, 2020. It will be further considered for passage after a public hearing at the regular meeting to be held on December 8, 2020 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:00 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated: November 10, 2020

Paula L Kosko

Paula L. Kosko, RMC, Township Clerk
Township Administrator

	Motion	Second	Yes	No	Abstain	Absent
Gilmore		X	X			
Costa			X			
Schneider	X		X			
Clauss						X
MacLachlan			X			

NOTICE OF FINAL PASSAGE

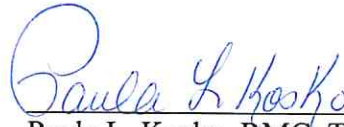
**HAINESPORT TOWNSHIP
ORDINANCE NO. 2020-8**

**SECOND COMPREHENSIVE ORDINANCE AMENDING THE TOWNSHIP CODE
AS PART OF THE TOWNSHIP'S CODIFICATION PROCESS**

Notice is hereby given that Ordinance No. 2020-8 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on December 8, 2020. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: December 8, 2020



Paula L. Kosko, RMC, Township Clerk
Township Administrator

ACKNOWLEDGMENT OF
APPROVAL BY:

Dated: DECEMBER 8, 2020



Bruce MacLachlan
Mayor of Hainesport Township

	Motion	Second	Yes	No	Abstain	Absent
Gilmore	X		X			
Costa			X			
Schneider		X	X			
Clauss			X			
MacLachlan			X			

Introduced: November 10, 2020
First Publication: November 17, 2020
Adoption: December 8, 2020
Final Publication: December 11, 2020