

TOWNSHIP OF HAINESPORT

ORDINANCE 2020-7

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

WHEREAS, the Township Committee, in conjunction 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 accuracy, completeness, and compliance with current legal case law, statutes, and regulations; and

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

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 1.

Chapter 1 of the Township Code, entitled "General Provisions", is hereby amended by adding the following new paragraph entitled "General Penalties" to read as follows:

"§1-15 General Penalties."

- A. Except where another penalty is prescribed, any person violating any provision of this Code shall, upon conviction thereof, be subject to one or more of the following, in the discretion of the court before which such conviction shall be had: a fine not exceeding \$2,000; imprisonment in the county jail for a term not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days. Except as otherwise provided, each and every day in which a violation of each and any provision of this Code exists shall constitute a separate violation. ~~The Township waives the additional fine for a violation of an ordinance within one year of a previous violation of the same ordinance provided in N.J.S.A. 40:49-5.~~
- B. Where a fine in excess of \$1,250 is sought to be imposed for a housing violation or for a zoning violation, the applicable owner and/or operator shall be provided a thirty (30) day period ~~in which the owner and/or operator has an opportunity~~ to cure or abate the condition prior to the scheduling of a hearing in Municipal Court. In the event that the

objectionable activity or condition is not resolved to the satisfaction of the Township following said thirty (30) day period, then the owner/operator shall have an opportunity for a hearing before the municipal court. After the thirty (30) day period, the higher fine may be imposed if the municipal court has not determined that the abatement has been substantially completed.”

Section Two. Amendments to Chapter 5.

Chapter 5 of the Township Code, entitled “Claims”, is hereby amended to remove references to a “Certified Finance Officer” and replace them with the correct title “Chief Finance Officer,” to codify the provisions of Ordinance 2020-4, and to re-number certain remaining paragraphs [newly added material is indicated by underlined text; deletions are indicated by ~~strikethrough~~]:

A. Section 5-3 is hereby amended as follows:

“§5-3 Approval or disapproval:

Claims shall be considered by the governing body, which shall approve the same, and in addition designate the ~~Certified~~ Chief Finance Officer as the approval officer ~~with the title of Certifying and Approval Officer~~ for purposes of approving claims between meetings of the governing body. The ~~Certified~~ Chief Finance Officer shall comply with all purchasing, contracting requirements of the Township and N.J.S.A. 40A:5-17. The ~~Certified~~ Chief Finance Officer shall be restricted from paying any amount over the approved bid threshold in place. The governing body and/or ~~Certified~~ Chief Finance Officer may reject any claim presented stating the reason for such rejection. Any disapproved claim shall be referred back to the Township Clerk with such instructions as the governing body and/or ~~Certified~~ Chief Finance Officer may give at the time of disapproval.

B. Sections 5-6 through 5-8 are hereby re-numbered as Sections 5-7 through 5-9.

C. The provisions of Ordinance 2020-4 shall be codified as Section 5-6 (A) – (C).

Section Three. Amendment to Chapter 11.

Chapter 11 of the Township Code, entitled “Defense and Indemnification”, is hereby amended to clarify when indemnification coverage is available: [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

“§11-1 Coverage:

A present or former employee, appointee or official who becomes a defendant in a civil action for any action or omission arising out of the performance of the duties of such office, position, or employment, where the defendant is not covered by insurance and where in the opinion of the Township Committee, upon advice of the Township Solicitor, the Township’s interests are not divergent or adverse to those of the defendant ~~is not a party complaining against the defendant~~ shall be entitled (under the terms and conditions of this chapter) to be provided with legal defense by the Township, except as otherwise provided herein.

Section Four. Repeal of Chapter 13.

Chapter 13 of the Township Code, entitled “Economic Development Commission”, is hereby repealed, since the Commission was never formally implemented or appointed, and the Township has benefited from the annual appointment of an ad hoc “Economic Development Committee” as permitted by N.J.S.A. 40A:63A-7(d), which entity need not be created by ordinance.

Section Five. Repeal of Chapter 15.

Chapter 15 of the Township Code, entitled “Election Districts,” is hereby repealed, as that Chapter is antiquated and election district boundaries are not established by ordinance, nor are they required to be included within the Township Code.

Section Six. Amendment to Chapter 17.

Chapter 17 entitled “Environmental Commission”, is hereby amended to specify how alternate members of the Environmental Commission shall be appointed.

§17-6 entitled, “Alternate members,” shall be amended as follows [newly added material is indicated by underlined text]:

- A. The Environmental Commission shall have two alternate members, to be appointed by the Mayor and designated at the time of appointment as Alternate No. 1 and Alternate No. 2.
- B. The terms of the alternate members shall be for two years except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2. A vacancy occurring other than by expiration of term shall be filled for the unexpired term only.
- C. The rights, duties, and obligations of alternate members shall be as set forth in N.J.S.A. 40:56A-1.

Section Seven. Amendments to Chapter 26.

Chapter 26 of the Township Code, entitled “Officers and Employees”, is hereby amended as follows:

- A. §26-24, entitled “Administrative Assistant, position created”, is hereby amended to read as follows:

§26-24 “Position Created.”

There ~~is~~ are hereby created ~~an~~ employment positions within the Township which shall be known as "Administrative Assistants." Said positions shall be part-time, and supplemental to other titles, and are to be considered overtime exempt. ~~Said position shall be a full time employment position and is to be considered overtime nonexempt.~~

B. Section 26-28, entitled "Experience", is hereby amended to read: "The Administrative Assistant may be required to have at least two years' experience involving the organization of office clerical processes and procedures or as a secretary to an executive or administrative officer in a public or private organization."

C. §26-34, entitled "Salary range", is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]

§26-34 Salary Range

The salary range for the full time position of Director of Public Works shall be established in the annual salary ordinance ~~from \$25,000 to \$45,000.~~

Section Eight. Amendments to Chapter 28.

§28-1 relating to Personnel Policies, and entitled "Enactment", is hereby amended at the last line only of said paragraph to change the language from "together with any subsequent revisions, amendments, modifications, or additions to the manual as may be approved from time to time by the township governing body" to "together with any subsequent revisions, amendments, modifications, or additions to the manual as may be approved from time to time by Resolution duly adopted by the governing body.

Section Nine. Amendments to Chapter 30.

Chapter 30 of the Township Code, entitled "Purchasing", is hereby amended to reflect current practices [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

§30-3 Department of Purchasing.

There is hereby established by the governing body of the Township of Hainesport, under the general supervision of the Township Administrator ~~Chief Financial Officer or Assistant Director of Finance~~, a Purchasing Department, ~~and the position of Purchasing Agent as head of such department~~ and the Purchasing Agent will work with the Chief Financial Officer and Township Administrator on all purchasing functions.

Section Ten. Amendments to Chapter 34.

Chapter 34 of the Township Code, entitled "Recreation Commission, Board of" is hereby amended to correct typographical errors.

1. §34 entitled “Recreation Commission, Board of” is hereby amended as follows [newly added material is indicated by underlined text]:

§ 34-1 Establishment

There is hereby established in and for the Township of Hainesport a Board of Recreation Commissioners in accordance with the Laws of 1949, Chapter 138, etc. (N.J.S.A. 40:12-1 et seq.).

§34-2 Membership; terms

The Board of Recreation Commissioners shall consist of three citizens and residents of the Township of Hainesport who shall be appointed by the Mayor and, in their initial appointment, shall respectfully be appointed for terms of one year for one member, two years for one member and three years for the third member; in each succeeding year the appointment shall be for a three-year term.

§34-3 Powers and duties

The Board of Recreation Commissioners shall have all the powers, duties and obligations as set forth by the Laws of 1949, Chapter 138 (N.J.S.A. 40:12-1 to 40:12-8).

Section Eleven. Amendments to Chapter 36.

Chapter 36 of the Township Code, entitled “Retirement”, is hereby amended to reflect current practices.

1. Chapter 36 entitled “Retirement” is hereby repealed and replaced by the following:

§36 Retirement.

§36-1 Positions eligible.

Positions eligible for the Defined Contribution Retirement Program are those positions listed in N.J.S.A. 43:15C-2. All eligible employees shall participate in the Defined Contribution Retirement Program.

§36-2 Regulations.

The Township’s Defined Contribution Retirement Program shall be implemented, construed, and subject to N.J.S.A. 43:15C-1 et seq., as amended, as well as any regulations promulgated by the Division of Pensions and Benefits and the Local Finance Board.

Section Twelve. Amendments to Chapter 47.

Chapter 47 of the Township Code, entitled “Alcoholic Beverages”, is hereby amended as follows:

1. The text of §47-3, entitled “License Fees” is hereby repealed and replaced with the following:
 - A. The annual fee for each plenary retail consumption license, commencing July 1 of each year, shall be \$2,500.
 - B. The annual fee for each plenary retain distribution license, commencing July 1 of each year, shall be \$2,500.
 - C. The annual fee for each club license, commencing July 1 of each year, shall be \$188.
2. §47-6, entitled “Suspension or revocation of license,” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

“§47-6 Suspension or revocation of license.

Any license issued pursuant to this article may be suspended or revoked for violation of any of the provisions of this article or for violation of any of the provisions of the Alcoholic Beverage Law hereinbefore referred to or of any of the rules and regulations promulgated by the ~~State Commissioner of~~ Director of the Division of Alcoholic Beverage Control as provided by law.

3. §47-12, entitled “penalties for possession or consumption; exceptions” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

[§47-12(A) through -12(C) remain unchanged.]

§47-12(D): The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.

[§47-12(E) through -12(F) to remain unchanged.]

§ 47-12(G): This section does not prohibit possession of alcoholic beverages by any such person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution; however, ~~no ordinance enacted pursuant to this section shall~~

~~not be construed~~ construed to preclude the imposition of a penalty under ~~this section~~, N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at a premises licensed for the sale of alcoholic beverages.

4. A new section §47-13, entitled “Exemption from prosecution” is hereby added and shall read as follows:

§47-13 Exemption from prosecution.

- A. An underage person and one or two other persons acting in concert with the underage person shall be immune from prosecution under this article if:
 1. One of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption;
 2. The underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;
 3. The underage person was the first person to make the 9-1-1 report; and
 4. The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.
- B. The underage person who received medical assistance as provided in Subsection A of this section also shall be immune from prosecution under this article.

Section Thirteen. Amendments to Chapter 50.

Chapter 50 of the Township Code, entitled “Amusements”, is hereby amended to remove redundant fees and to require Committee approval for new amusement licenses.

1. §50-2, entitled “Fees” is hereby amended as follows [deletions are indicated with ~~strikethrough~~]:

§50-2 Fees

The fee for such bagatelle devices, ~~or~~ pinball machines or ~~coin-operated~~ paid mechanical or electronic devices for amusement purposes shall be \$50 for each machine, ~~plus an annual application fee of \$50 for each business for one year~~, and for each such machine for the production of music, such as but not limited to jukeboxes, digital jukeboxes, or other forms of “pay-per-play” music devices, ~~Vietrolas, orchestrelles or player pianos~~, the fee shall be \$50 for each machine for one year, which said license fee is imposed for revenue purposes.

2. §50-4 entitled “Application for license” is hereby amended as follows [newly added material is indicated by underlined text]:

§ 50-4 Application for license

Every applicant for a license shall fill out a form of application to be furnished by the Township Clerk, who shall submit the application to the Township Committee and, pending their approval, shall issue the license as herein provided upon payment of the appropriate license fee.

Section Fourteen. Amendments to Chapter 53.

Chapter 53 of the Township Code, entitled “Animals”, is hereby amended to conform with existing statutes and to existing practices.

1. §53-1 entitled “Statutory provisions to control” is hereby amended as follows [deletions are indicated with ~~strikethrough~~]:

§53-1 Statutory provisions to control

The provisions of N.J.S.A. 4:19-15.1 et seq. regarding licenses and registration tags, kennels, dog control, disposition of money collected, information to be forwarded to the State Department of Health, ~~annual canvass~~, seizure and impoundment and interference with authorized persons shall be controlling in the Township of Hainesport.

3. §53-6(A), of the section entitled “Property damage; injuries to lawns or gardens; penalties”, is hereby amended as follows [newly added material is indicated by underlined text]:

§53-6(A)

No person owning, keeping or harboring a dog shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property. Any person owning, harboring, keeping or in charge of any dog who shall cause, suffer, allow or permit such dog to soil, defile or defecate on any common thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk or upon any public property whatsoever; or upon any private property without the permission of the owner of said property; or within 50 feet of a stream, creek, pond, lake or other body of water shall be subject to a fine of not less than \$35 nor more than \$100. A person violating this section of this article for a second or subsequent time shall be subject to a fine of not less than \$100 nor more than \$250. In addition, for a first or any subsequent offense, an offending person may be required by the court to provide restitution for the damage done by the dog, if any, upon the presentation of evidence showing damage to the property. This subsection shall not apply to a blind person using a guide dog.

5. §53-7, entitled “Violations and Penalties,” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

§53-7 Violations and Penalties.

Except as otherwise provided in this article, upon the entry of a plea of guilty to a first or second offense for a violation of any provisions of this article, the fine shall be \$35 for each such offense and no court appearance shall be required. Upon the issuance of a citation or summons for a third or subsequent offense, a court appearance shall be required. Except as otherwise provided in N.J.S.A. 4:19-1 et seq. and except as otherwise provided in this section, a violation of any provision of this article shall be punishable by a fine penalty as established in §1-15 of the Township Code. ~~of not more than \$2,000 and imprisonment for a term not to exceed 90 days.~~

6. §53-13 entitled “Enforcement” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

§53-13 Enforcement.

- A. This article shall be enforced by the ~~local~~ Township Code Enforcement Official Officer and any Municipal Animal Control Officer.
- B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

7. §53-14 entitled “Violations and penalties” is hereby amended to read as follows:

§53-14 Violations and penalties.

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.

Section Fifteen. Amendments to Chapter 62.

Chapter 62 of the Township Code, entitled “Buildings, Numbering of”, is hereby amended to correct typographical errors and to amend the fine provision.

1. §62-2 entitled “Applicability” is hereby amended as follows [newly added material is indicated by underlined text]:

§62-2 Applicability.

All residential, commercial, industrial or other structures erected or to be erected within the Township of Hainesport shall display address identification numbers as provided herein and in accordance with specifications provided herein.

1. §62-10(A) of the section entitled “Violations and penalties” is hereby amended as follows [deletions are indicated with ~~strikethrough~~]:

§62-10 Violations and penalties.

- A. Any person, partnership or corporation violating any provision of this chapter shall, upon conviction, be subject to one or more of the following. ~~plus costs not to exceed \$25:~~
1. A fine not exceeding \$2,000 for each offense;
 2. Imprisonment for a term not exceeding 90 days; or
 3. A period of community service not exceeding 90 days.

Section Sixteen. Amendments to Chapter 65.

Chapter 65 of the Township Code, entitled “Buildings, Unfit”, is hereby amended to reflect changes in relevant state legislation.

1. §65-3 entitled “Determination of unfit buildings” is hereby amended to read as follows”

§65-3 Determination of unfit buildings.

- A. Any building within the Township of Hainesport is hereby declared to be unfit for human habitation, occupancy or use if conditions exist in such building which are dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of such municipality, including, without limiting the generality of the foregoing, defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanness; or failure to conform to other laws of the State of New Jersey or ordinances of this Township or of the local Board of Health of this Township regulating the safety and sanitation of buildings, including the New Jersey State Housing Code.
- B. Any buildings or buildings, or parts thereof, which have been damaged to such an extent that nothing remains but the walls, or parts of the walls and other supports, shall regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of the municipality, and the municipality may exercise its police powers to repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to the procedures set forth in this chapter.
2. §65-4 entitled “Institution of proceedings; service of complaint” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

§65-4 Institution of proceedings; service of complaint.

Whenever a petition is filed with the Public Officer by a public authority or by not fewer than five (5) residents of this municipality, which petition charges that any building located therein is unfit for human habitation, occupancy or use or whenever it appears to the Public Officer, from his own investigation, that any building is unfit for human habitation, occupancy or use, the Public Officer shall make a preliminary investigation of the charges if the basis of his action is a

petition; and if his preliminary investigation of said charges discloses a basis therefor or if his own investigation furnishes such a basis to him, he shall issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Public Officer at a place therein fixed, not less than 10 7 days nor more than 30 days after the serving of said complaint.

3. §65-9 entitled "Posting of building" is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

§65-9 Posting of building.

If the owner fails to comply with an order so issued by the Public Officer to repair, alter or improve or, at the option of the owner, to vacate and close the building, the Public Officer may cause such building to be repaired, altered or improved or to be vacated and closed; and the Public Officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful." ~~"This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."~~

4. §65-12(A), is hereby amended as follows [deletions are indicated with ~~striketrough~~]:

§65-12 Manner of serving complaints or orders; records.

- A. Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once ~~each week for two successive weeks~~ in a newspaper printed and published in the Township of Hainesport. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order.
5. §65-13 entitled "Additional powers of public officer" is hereby amended by the addition of additional subsections lettered "E" and "F" that shall read as follows:

§65-13

E. Any action taken using revenues derived from the local property tax shall be taken only after advertisement for, and receipt of, bids therefor, pursuant to the provisions of the "Local Public Contracts Law," P.L. 1971, c.198 (C. 40A:11-1 et seq.), unless the action is necessary to prevent imminent danger to life, limb or property.

F. Any person aggrieved by an order issued by a public officer under this act may, within 30 days after the posting and service of such order, bring an action for injunctive relief to restrain the public officer from carrying out the provisions of the order and for any other appropriate

relief. The court may proceed in the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the public officer shall be entitled to recover any damages for action taken pursuant thereto, or because of noncompliance by any person with any order of the public officer.

6. §65-17 entitled “Violations and penalties” is hereby amended to read as follows:

§65-17 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 Section 67.

Chapter 67 of the Township Code, entitled “Business Licenses”, is hereby amended to clarify unclear language in the original text.

1. §67-4 entitled “Delinquent taxes” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

As a condition for the issuance of any license or renewal license required by the Township of Hainesport the applicant, if he or she is the owner thereof, 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 is or will be conducted. ~~any delinquent property taxes or assessments on the property wherein the business or activity for which the license or permit is sought or wherein the business or activity is to be conducted.~~ Proof of payment of taxes shall be provided to the Township Clerk by submission of the form entitled "Certification of Tax Collector." 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 assessments, the license ~~or permit~~ shall be restored. The provisions of this section shall not apply to or include any alcoholic beverage license or permit issued pursuant to the Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et seq.

2. §67-11 entitled “Violations and penalties” is hereby amended to read as follows:

§67-11 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 Eighteen. Amendments to Chapter 73.

Chapter 73 of the Township Code, entitled “Curfew”, is hereby amended to conform to the relevant state statutes.

1. §73-2, entitled “Unlawful acts” is amended as follows [newly added material is indicated by underlined text]:

§73-2 Unlawful acts.

- A. It shall be unlawful for a juvenile of any age under 18 years to be on any public street or public place between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by the juvenile's parent or guardian or unless engaged in, or traveling to or from, a business or occupation which the laws of this state authorize a juvenile to perform.
 - B. It shall be unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place between the hours of 10:00 p.m. and 6:00 a.m.
 - C. It shall be unlawful for a juvenile of any age under 18 years to be in any public place during the hours when the juvenile is required to be in attendance at either a public or nonpublic school unless the juvenile is accompanied by a parent or guardian or is carrying written permission from juvenile’s educational authority allowing the juvenile to be in a public place.
2. §73-4 entitled “Violations and penalties” is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~strikethrough~~]:

§73-4 Violations and penalties.

Any person found guilty of having violated § 73-2 of this chapter shall be required to perform community service and may be subject to a fine of up to ~~\$1,000~~\$2,000. If both a juvenile and the juvenile's parent or guardian violates such ordinance, they shall be required to perform community service together. The community service shall not exceed 90 days.

Section Nineteenth. Amendments to Chapter 77.

Chapter 77 of the Township Code, entitled “Drugs”, is hereby amended to delete duplicative provisions.

1. Article II of Chapter 77, comprising §§77-5 through 77-8 are hereby deleted in their entirety.

Section Twenty. Amendments to Chapter 79.

Chapter 79 of the Township Code, entitled “Dumpsters”, is hereby amended to refer to a new general penalty and correct inadvertent errors in prior versions of the chapter.

1. §79-4 entitled “Exceptions to requirements” is hereby amended as follows [newly added material is indicated by underlined text]:

§79-4 Exceptions to requirements.

This article shall not apply to the following:

- A. Permitted temporary demolition containers.
 - B. Litter receptacles (other than dumpsters or other bulk containers).
 - C. Individual homeowners' trash and recycling containers.
 - D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES ~~NJDES~~ permit.
 - E. Large, bulky items (e.g., furniture, bound carpet and padding, white goods) placed at curbside for pickup.
2. §79-5 entitled "Enforcement" is hereby amended as follows [newly added material is indicated by underlined text; deletions are indicated with ~~striketrough~~]:

§79-5 Enforcement.

This article shall be enforced by the Hainesport Township Code Enforcement Officer. ~~Law Enforcement Bureau.~~

3. 79-6 entitled "Violations and penalties" " is hereby amended to read as follows:

§79-6 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.

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.

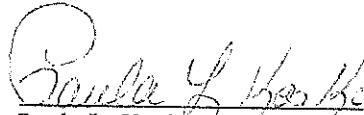
**TOWNSHIP OF HAINESPORT
NOTICE OF PUBLIC HEARING**

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2020-7**

**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 September 8, 2020. It will be further considered for passage after a public hearing at the regular meeting to be held on October 13, 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: September 8, 2020



Paula L. Kosko, RMC, Township Clerk
Township Administrator

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

NOTICE OF FINAL PASSAGE

HAINESPORT TOWNSHIP

ORDINANCE NO. 2020-7

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

Notice is hereby given that Ordinance No. 2020-7 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 October 13, 2020. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: October 13, 2020



Paula L. Kosko, RMC, Township Clerk
Township Administrator

ACKNOWLEDGMENT OF
APPROVAL BY:

Dated: October 13, 2020



Bruce MacLachlan
Mayor of Hainesport Township

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

Introduced: September 8, 2020
First Publication: September 15, 2020
Adoption: October 13, 2020
Final Publication: October 16, 2020