

**TOWNSHIP OF WEST WINDSOR
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 2008 -08

**AN ORDINANCE TO SUPPLEMENT THE CODE OF WEST WINDSOR TOWNSHIP
PART I ADMINISTRATIVE LEGISLATION
CHAPTER 1: GENERAL PROVISIONS**

WHEREAS, N.J.S.A. 40:49-5 authorizes a governing body to prescribe penalties for a violation of municipal ordinances up imprisonment for a term not exceeding 90 days, a fine not exceeding \$2,000.00, or a period of community service not exceeding 90 days; and

WHEREAS, the Township Council wishes to revise the Township ordinances to permit the Municipal Court Judge to impose penalties up to the maximum extent provided; and

WHEREAS, doing so requires amending the Code of the Township of West Windsor Township;

NOW, THEREFORE, BE IT ORDAINED, by the West Windsor Township Council, County of Mercer, State of New Jersey, that the Code of West Windsor Township, Part 1 Administrative Legislation, Chapter 1 General Provisions, Article II Penalty be amended as follows:

SECTION I

§ 1-3. General penalty.

- A. Maximum penalty. For violation of any provision of this chapter, any other chapter of this Code or any other ordinance of the Township where no specific penalty is provided regarding the section violated, the maximum penalty, upon conviction, shall be one or more of the following: a fine not exceeding ~~\$2,000.00~~ ~~\$1,250~~—or imprisonment for a period not exceeding 90 days or a period of community service not exceeding 90 days, at the discretion of the Municipal Court Judge (N.J.S.A. 40:49-5).
- B. Separate violations. Except as otherwise provided, every day in which a violation of any provision of this chapter or any other ordinance of the township exists shall constitute a separate violation.
- C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

- D. Additional remedies. The imposition of a penalty as provided in Subsection A, or as specifically provided in any other chapter of this Code or in another ordinance of the township, shall be in addition to any injunctive or remedial relief which is authorized under the laws of the state, with the same force and effect as though provided for in this Code. Such penalty shall not be deemed to be in lieu of any provision for revocation or suspension of any license or permit.
- E. Repeat offender. 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 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, but shall be calculated separately from the fine imposed for the violation of the ordinance.

SECTION III

In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

SECTION IV

This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication in accordance with the law.

Introduction: May 5, 2008

Public Hearing:

Adoption:

Mayors Approval:

Effective Date: