

**ORDINANCE 2011-6 AN ORDINANCE MODIFYING FINES AND PENALTIES FOR
VIOLATION OF ORDINANCES OF THE TOWNSHIP OF BERLIN,
COUNTY OF CAMDEN, STATE OF NEW JERSEY**

WHEREAS, pursuant to P.L. 2005, c. 269, the New Jersey State Legislature amended N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, the statutory provisions governing the maximum penalties which may be imposed for violation of municipal ordinances;

WHEREAS, in accordance therewith, the Township of Berlin (“Township”) seeks to revise the penalties for violations of its ordinances, having determined that to do so is in the best interests of the health, safety and welfare of the Township and its residents.;

NOW, THEREFORE, BE IT ORDAINED by the by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

SECTION 1:

A. For violation of any ordinance of the Township of Berlin, with the exception of violations of housing or zoning codes, the maximum penalty upon conviction of the violation shall be one (1) or more of the following: A fine not exceeding two thousand dollars (\$2,000.00), imprisonment for any term not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days.

B. For violation of any housing or zoning provisions of any ordinance of the Township of Berlin, the maximum fine upon conviction of the violation shall not exceed one thousand two hundred and fifty dollars (\$1,250.00).

C. The municipal judge before whom any violator of any ordinance or any section or part thereof is convicted shall have the power to impose any fine or term of imprisonment or term of community service or combination thereof not exceeding the maximum fixed by Section 1A or 1B above, as appropriate.

SECTION 2: Any person who is convicted of violating any ordinance within one (1) year of the date of a previous violation of the same provision of the same ordinance and who was fined for the previous violation may, in the discretion of the municipal court judge, be required to pay an additional fine as a repeat offender. The additional fine shall be not less than the minimum fine, if any, nor more than the maximum fine fixed for the violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

SECTION 3: Any person convicted of violating any provision of any ordinance and who is in default of the payment of the fine imposed may, in the discretion of the municipal court judge, be imprisoned in the County jail or place of detention provided by the Township of Berlin for any term not exceeding ninety (90) days, or be required to perform community service for a period not exceeding ninety (90) days, or any combination thereof.

SECTION 4: Except as otherwise provided in any ordinance, each and every day in which a violation of any provision of any ordinance exists shall constitute a separate violation.

SECTION 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on March 21, 2011 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on April 11, 2011 at 5:00 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk