

WEST AMWELL TOWNSHIP

ORDINANCE 19, 2011

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF WEST AMWELL, SPECIFICALLY CHAPTER 109-250 “OTHER VIOLATIONS” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.

SECTION I

CHAPTER 109-250 – Land Development, Article XLI “Violations and Penalties”, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-250. Other Violations.

A. Fines. Any owner, agent, person or corporation who violates any of the provisions of this chapter or who fails to comply with any of the requirements thereof or who erects, raises, moves, extends, enlarges, alters or demolishes any structure in violation of any detailed statement or plan submitted hereunder, or who puts into use any lot or premises in violation of any detailed statement or plans submitted hereunder or who refuses reasonable opportunity to inspect any premises, shall, upon conviction, be subject to a fine of not less than \$100 nor more than \$2,000, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof, for each violation, and in addition shall pay all costs and expenses involved in the case. Each day that any such violation continues after the expiration of an abatement notice or after initial construction, as the case may be, shall be deemed a distinct and separate offense and not a continuing offense. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation. The imposition of a fine in amount greater than \$1,250.00 upon an owner for violation of this ordinance shall provide for a thirty (30) day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded the opportunity for a hearing in the municipal court for an independent determination concerning the violation. Subsequent to the expiration of the thirty (30) day period, a fine greater than \$1,250.00 (up to a maximum of \$2,000.00) may be imposed if the court has not determined otherwise, or, upon reinspection of the property it is determined that the abatement has not be substantially completed. (Reference N.J.S.A. 40:49-5.)

B. The owner of any structure, lot of land, or part thereof, and/or the tenant or occupant of any building or structure, lot of land or part thereof, where anything in violation of this chapter is placed or exists, and any architect, builder, developer, contractor, agent, person or corporation engaged or employed in connection therewith who assists in the commission of such violation, shall each be guilty of a separate offense, and upon

conviction thereof shall each be liable to the fine or imprisonment, or both, as specified in Subsection A above.

SECTION II - SEVERABILITY

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION III

All other provisions of Chapter 109 – Land Development, of the Ordinances of West Amwell Township not modified herein shall remain unchanged and in full force and effect.

SECTION IV

This ordinance may be renumbered for codification purposes.

SECTION V

This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

APPROVED BY TOWNSHIP COMMITTEE

Thomas J. Molnar, Mayor

ATTEST:

Lora L. Olsen, RMC
Township Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on October 26, 2011. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on November 23, 2011 at 7:00 p.m. All interested parties will be heard at this time.