

Title 1

GENERAL PROVISIONS

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CODE ADOPTION

(Reserved)

Chapter 1.04

GENERAL PROVISIONS

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1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the township of Edgewater Park, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

“Committee” means the township committee of the township of Edgewater Park. “All its members” or “all committee members” means the total number of committee members holding office.

“County” means the county of Burlington, New Jersey.

“Law” denotes applicable federal law, the Constitution and statutes of the state of New Jersey, the ordinances of the township, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

“May” is permissive.

“Month” means a calendar month.

“Must” and “shall” are each mandatory.

“Oath” means and includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

“Owner” applies to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

“Person” means and includes a natural person, joint venture, joint stock company, partnership, association, limited liability corporation or partnership, club company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Personal property” includes money, goods, chattels, things in action and evidences of debt.

“Preceding” and “following” means next before and next after, respectively.

“Property” means and includes real and personal property.

“Real property” means and includes lands, tenements and hereditaments.

“Sidewalk” means that portion of a street between the curbline and the adjacent property line

intended for the use of pedestrians.

“State” means the state of New Jersey.

“Street” means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the township which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

“Tenant” and “occupant,” applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

“Township” means the township of Edge-water Park, or the area within the territorial limits of the township and any territory outside of the township over which the township has jurisdiction or control by virtue of any constitutional or statutory provision.

“Written” means and includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

“Year” means a calendar year. (Ord. 6-97 § 1 (part): prior code § 0:1-1)

1.04.020 Interpretation of language.

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 6-97 § 1 (part): prior code § 0:1-2)

1.04.030 Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the city unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 6-97 § 1 (part): prior code § 0:1-3)

1.04.040 Acts by agents.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 6-97 § 1 (part): prior code § 0:1-4)

1.04.050 Prohibited acts include causing and permitting.

Whenever in the ordinances of the township any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 6-97 § 1 (part): prior code § 0:1-5)

1.04.060 Computation of time.

Except when otherwise provided, the time within which a act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 6-97 § 1 (part): prior code § 0:1-6)

1.04.070 Construction—Provisions of ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 6-97 § 1 (part): prior code § 0:1-7)

Chapter 1.08

GENERAL PENALTY

Sections:

- 1.08.010 Violation—Penalty.
- 1.08.020 Power of magistrate.
- 1.08.030 Default of payment.
- 1.08.040 Repeat offenders.

1.08.010 Violation—Penalty.

Any person who shall violate any of the provisions of any ordinance or part thereof of the township, upon conviction, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) or a jail term not to exceed ninety (90) days or a period of community service not to exceed ninety (90) days or any combination of said penalties or all of said penalties, at the discretion of the municipal court judge. Each day that a violation shall continue shall be construed as a separate violation pursuant to NJSA 40:49- 5 as amended. (Prior code § 1:1-1)

1.08.020 Power of magistrate.

The magistrate before whom any violator of any such ordinance, or section or part thereof, is convicted shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed by Section 1.08.010 of this chapter. (Prior code § 1:1-2)

1.08.030 Default of payment.

In default of the payment of any fine imposed for any breach, as aforesaid, any person convicted of the violation of any ordinance, or section or part thereof, of the said township may at the discretion of the magistrate by whom he was convicted, be imprisoned in the county jail, or any place of detention provided by the municipality for any term not exceeding ninety (90) days as aforesaid. (Prior code § 1:1-3)

1.08.040 Repeat offenders.

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. (NJSA 40:49-5 June 29 1989.) (Prior code § 1:1-4)