

TOWNSHIP OF FRANKLIN
GLOUCESTER COUNTY, NEW JERSEY

ORDINANCE # 22-22

**ORDINANCE AMENDING SECTIONS 253-195; 295-7 AND 329-25
OF THE CODE OF THE TOWNSHIP OF FRANKLIN
ESTABLISHING PENALTIES FOR VIOLATION OF ANY PROVISION OF THE
FRANKLIN TOWNSHIP CODE OR ANY ORDINANCE OF THE TOWNSHIP OF
FRANKLIN FOR WHICH NO OTHER SPECIFIC PENALTY IS PROVIDED**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Franklin, County of Gloucester and State of New Jersey, as follows:

SECTION 1 - Findings

- A. Under the provisions of P.L. 2005, c.269, in the provisions of N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29 provide for the maximum fine that can be imposed for violations of a municipal ordinance to \$2,000.00 with an effective date of December 26, 2001;
- B. It is appropriate to amend the provisions of the Franklin Township Code to reflect the change in the authorized maximum fine for ordinance violations.

SECTION 2 - §253-195; §295-7 A, C and D; and §329-25 of the Franklin Township Code are hereby amended to read as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

1. Chapter 253 – Land Development

Article XXXVIII – Penalties

§253-195 – Violations and penalties

~~Any person who shall violate this chapter or do any act or thing prohibited or refuse or fail to do any act or thing required to be done or refuse or fail to comply with an order from the Administrative Officer or any order of the Zoning Board of Adjustment shall, upon conviction thereof, before any judicial officer authorized to hear and determine the matter, forfeit and pay such fine, not exceeding the sum of \$200, as shall be imposed by such judicial officer in his discretion or, if the party so convicted be a natural person, be imprisoned for a term not exceeding 90 days as such judicial officer, in his discretion, shall determine; provided, however, that if the party so convicted be a natural person, such judicial officer shall have the power, in his discretion, to impose sentence of either or both fine and imprisonment not exceeding the maximum limits hereinbefore fixed. Whenever such person shall have been officially notified by the Administrative Officer or by service of a summons in a prosecution or in any other official manner that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.~~

- A. *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 of not less than five hundred dollars (\$500.00) and not more than two thousand dollars (\$2,000.00), imprisonment for a term not exceeding ninety (90) days, or a period of community service not exceeding ninth (90) days, or any combination there in the discretion of the Municipal Court Judge. A second offense within six (6) months of conviction shall have a minimum fine of seven hundred fifty dollars (\$750.00); and a third offense within six (6) months of conviction shall have a minimum fine of one thousand dollars (\$1,000.00). Each day on which a violation of an ordinance exists shall be considered to be a separate and distinct violation and subject to the imposition of a separate penalty for each day of the violation, as the Municipal Court Judge may determine.*

B. The penalties set forth above shall not be the exclusive remedy available, and nothing in this chapter shall prevent the application for and obtaining of injunctive relief as set forth below.

1. In case any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter or of any other ordinance or other regulation made under authority conferred hereby, the proper local authorities of the Township or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, and to prevent any illegal act, conduct, business or use in or about such premises.

A. Civil action.

(1)

In addition to the foregoing, the Township may institute and maintain a civil action:

(a)

For injunctive relief, and

(b)

To set aside and invalidate any conveyance made pursuant to a contract of sale and before final subdivision approval has been granted if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.

2. In any action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.

C. Neither the Planning Board, Zoning Board of Adjustment nor the Township Council shall approve the application of any corporation or partnership which does not comply with this Act.

D. The Planning Board or Zoning Board of Adjustment, as the case may be, may by resolution rescind a prior resolution approving a subdivision or site plan if the applicant fails to comply with the conditions of said approving resolution or if another referring authority imposes conditions contrary to the original resolution.

2. Chapter 295 – Property Maintenance
§295-7 – Violations and penalties

A. Any owner or owners, occupant or occupants of any premises neglecting to remove any brush, tall uncultivated grass, weeds, dead or dying trees or other obnoxious growth, filth, garbage, trash or other obnoxious debris or junk vehicles, bulky waste, unregistered vehicles, vehicle trailers or trailer coaches from said lands and premises in the Township of Franklin within 10 days after being notified to remove the same by or through the public officer shall, upon conviction before the Franklin Township Municipal Court, be subject to a fine in the sum of not

more than ~~\$100~~ **\$250** for each first offense and not more than **\$1,000** for each subsequent offense. Each day following such ten-day notice shall constitute a new and separate offense hereunder.

B. Any person who fails to register abandoned real property on an annual basis as set forth in § 295-10 shall be subject to a fine of \$300.

C. *Whenever a fine is to be imposed in an amount greater than \$1,250.00 for violations of housing or zoning codes, the owner shall be provided a thirty (30) day period during which the owner shall be afforded the opportunity to cure or abate the condition and shall be afforded the opportunity for a hearing before the 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 may be imposed if the court has determined that the abatement has not been substantially completed.*

D. *The maximum penalty set forth herein shall not apply where a specific lower maximum penalty is provided for in a specific section of the Franklin Township Code.*

3. Chapter 329 – Solid Waste and Recycling

Article II – Yard Waste Collection and Disposal

§329-25 – Violations and penalties

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine ~~not to exceed \$250~~ *of a minimum of \$250.00 and a maximum of \$500.00*

SECTION 3 - All Ordinances or parts of Ordinances of the Township of Franklin heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency, except that any abatement granted to a residential dwelling under prior ordinance provisions shall remain in effect for exemptions and abatements granted pursuant thereto until those exemptions and abatements shall expires.

SECTION 4 - This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

Barbara Freijomil, Clerk

John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on September 13, 2022 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on September 27, 2022 at which time any person interested therein will be given an opportunity to be heard.

Barbara Freijomil, Municipal Clerk

Introduced September 13, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Doyle						
Deegan						
Petsch-Wilson						
Flaim						
Bruno						

Adopted September 27, 2022

Name	Motion	Second	Yes	No	Abstain	Absent
Doyle						
Deegan						
Petsch-Wilson						
Flaim						
Bruno						