

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced and passed on first reading on regular meeting of the Mayor and Council on the 16th day of March, 2010, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 13th day of April, 2010 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE # 10-5

**An Ordinance Providing for Penalties for Violation of
Ordinances of the Borough of Westwood
Bergen County, New Jersey**

Whereas, the New Jersey State Legislature has revised statutory provisions governing the maximum penalties which may be imposed for violation of municipal ordinances by the adoption of P.L. 2005, c. 269; and

Whereas, the Borough of Westwood seeks to make such expanded penalties available to its municipal court;

Now, Therefore, Be It Ordained by the Borough Council of the Borough of Westwood, in the County of Bergen, State of New Jersey, as follows:

SECTION 1. For violation of any ordinance, housing or zoning provision of the Borough of Westwood, the maximum penalty upon conviction of the violation may be by one (1) or more of the following: imprisonment in the County jail or in any place provided by the municipality for the detention of prisoners, for any terms not exceeding ninety (90) days; or by a fine not exceeding two thousand dollars (\$2,000.00); or by a period of community service not exceeding ninety (90) days. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. At the discretion of the judge of the municipal court, any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular violation.

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, be required to pay an additional fine as a repeat offender. The additional fine shall be not less than the minimum 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 the violation of any provision of any ordinance may, in the discretion of the municipal court, and in default of the payment of any fine imposed, be imprisoned in the County jail or place of detention provided by the Borough, for any term not exceeding ninety (90) days, or be required to perform community service for a period not exceeding ninety (90) days.

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. This ordinance shall replace and supersede all penalty sections of the zoning, housing, property maintenance and all other ordinances in effect in the Borough of Westwood.

SECTION 6. This ordinance shall become effective upon its final passage and publication as required by law.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk