

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#O- 19 -2024

ORDINANCE AMENDING CERTAIN FINES AND PENALTIES WITHIN THE CODE OF THE CITY OF GLOUCESTER CITY

WHEREAS, N.J.S.A. 40:49-5 provides that the governing body of a municipality may prescribe penalties for the violation of ordinances it may have the authority to pass, by imposing, inter alia, a fine in an amount not to exceed \$2,000.00; and

WHEREAS, the Mayor and Common Council of the City of Gloucester City desires to update its Code to reflect the statutory amendment approved on January 5, 2006.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Common Council of the City of Gloucester City as follows:

Section 1: The Code of the City of Gloucester City is hereby amended to read as follows:

§ 15-20 Violations and Penalties.

Any person who shall violate the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than \$2002,000 or be imprisoned for not more than 30 days, or both.

§ 47-2 Violations and Penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$5002,000 or by imprisonment not to exceed 90 days, or by both fine and imprisonment.

61-7 Violations and Penalties.

Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$5002,000 or by imprisonment for a term not exceeding 90 days, or both.

§ 73-20 Violations and Penalties.

Any violation of the ordinance or of any regulation promulgated thereunder shall be punished by a fine not to exceed \$100 for the first offense and up to \$1,2502,000 for subsequent offenses.

§ 36-14 Violations and Penalties.

Any person violating any provision of this ordinance shall, upon conviction thereof, be subject to a fine not exceeding \$5002,000 or imprisonment in the county jail for a term not exceeding 90 days, or both. Each and every day that such violation shall continue shall be a further and separate offense under the terms of this ordinance, subject to the penalties herein prescribed.

§ 15-17 Violations and Penalties.

Any person violating any of the provisions of this ordinance shall be subject to a fine not exceeding \$5002,000 or imprisonment in the county jail for a term not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the Judge before whom such conviction shall be had.

§ 46-8 Violations and Penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$5002,000 or by imprisonment not to exceed 90 days, or by both fine and imprisonment.

§ 53-16 Violations and Penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$5002,000 or by imprisonment not to exceed 90 days, or both such fine and imprisonment.

§ 58-5 Violations and Penalties.

Any person or persons, firm or corporation violating any of the provisions of this ordinance shall pay a fine on conviction thereof of not more than \$5002,000, or be imprisoned for not more than 90 days, or both.

§ 59A-7 Violations and Penalties.

Any person, firm or corporation violating any provision of this ordinance shall, upon conviction therefore, be fined not more than \$2000. If the violation is of a continuing nature, each day the violation continues constitutes a separate and distinct offense.

§ 76-15 Violations and Penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$5002,000 or by imprisonment not to exceed 90 days, or by both fine and imprisonment.

§ 83-8 Violations and Penalties.

Any person violating any provisions of this ordinance shall, upon conviction thereof, pay a fine of not more than \$5002,000 or be imprisoned for not more than 90 days, or both, in the discretion of the Judge of the Municipal Court of Gloucester City.

§ 13-14 Violations and Penalties. [1]

If any person or corporation shall violate any one or more of the prohibitions or requirements of this ordinance, the smoke-abatement engineer or a member of the Advisory Board or a police officer designated by the smoke-abatement engineer or a member of the Advisory Board shall enter suit before the Judge of the Municipal Court of the City of Gloucester City; and upon conviction such person or corporation shall be subject to a fine or penalty not exceeding \$5002,000 for each and every violation thereof, and each day's violation shall constitute a separate offense, or undergo an imprisonment in the county jail or workhouse of not more than 90 days, or both at the discretion of the Judge.

§ 28-8 Violations and Penalties.

If any builder or contractor shall violate the requirements herein, they or it shall, upon conviction, be subject to a fine of not more than \$5002,000 or imprisonment for a period not exceeding 90 days, or both. Each and every day that such violation continues after notice of the violation shall be considered a separate and specific offense under this ordinance and shall not be deemed a single continuing offense.

§ 41-15 Violations and Penalties.

Any person adjudged a disorderly person by the Judge of the Municipal Court of Gloucester City shall, upon conviction thereof, be punished by imprisonment in the county jail for a term not exceeding 90 days or by a fine not exceeding \$5002,000, or by both such fine and imprisonment in the discretion of the Judge before whom conviction is had.

§ 52-3 Violations and Penalties.

Any person or persons violating any of the provisions of this ordinance shall, upon conviction, be punishable by a fine of not more than \$5002,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment in the discretion of the Judge before whom such conviction shall be had.

68-3 Violations and Penalties.

Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction therefor before the Judge of the Municipal Court of Gloucester City, be fined not more than \$5002,000 or be imprisoned in the county jail for not more than 90 days, or both, in the discretion of the aforesaid Judge.

§ 15-3.1.4 Violations and Penalties.

Any person who has an interest in a license that has been issued a dry-opening permit and is found to be in violation of this section 15-3.1, shall, upon conviction, be penalized with a fine not to exceed \$1,2502,000 and/or six months in jail. The City of Gloucester City reserves the right to proffer charges against the license itself that may result in fines, and/or suspension or revocation of the plenary retail consumption license and/or the dry-opening permit after hearing requested by the licensee.

§ 19-16 Violations and Penalties.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, for each and every offense, be punishable by a fine of not exceeding \$5002,000, or by imprisonment in the county jail for a period not exceeding 90 days, or both, at the option of the Judge before whom any conviction may be had under this ordinance, and in default of the payment of any fine so imposed upon any person, such person shall be imprisoned in the county jail for a period not exceeding 90 days.

§ 50-6 Violations and Penalties.

Any person or persons or employee or agent of any corporation who shall violate any of the provisions of this ordinance shall, upon conviction thereof, pay a fine not exceeding \$5002,000 or be imprisoned in the County Jail of Camden County for not more than 90 days, and the Judge of the Municipal Court of Gloucester City before whom any such person or persons may be brought

may impose such punishment by fine or imprisonment as he may see fit, not exceeding the maximum herein fixed.

§ 50-6 Violations and Penalties.

Any person or persons or employee or agent of any corporation who shall violate any of the provisions of this ordinance shall, upon conviction thereof, pay a fine not exceeding \$5002,000 or be imprisoned in the County Jail of Camden County for not more than 90 days, and the Judge of the Municipal Court of Gloucester City before whom any such person or persons may be brought may impose such punishment by fine or imprisonment as he may see fit, not exceeding the maximum herein fixed.

§ 87-71 Violations and Penalties.

- A. Any person, contractor or utility who commits a violation of this article shall, upon conviction thereof, for a first offense pay a fine of not less than \$5002,000 and/or be imprisoned in the county jail for a term not exceeding 90 days; for a second offense, upon conviction thereof, pay a fine of not less than \$750 and/or be imprisoned in the county jail for a term not exceeding 90 days.

§ 67-7 Violations and Penalties.

- A. A first violation of § 67-2, or the conditions upon which a waiver has been granted by the Board, shall be punishable by a fine of not more than \$5002,000 for each unit in violation. Subsequent violations shall be punishable by a fine of not less than \$100250 or more than \$5002,000. Each day during which an owner is in violation of § 67-2 of this article, or the conditions upon which a waiver has been granted, shall constitute a separate violation hereunder.

§ 87-38 Violations and Penalties.

Every person convicted of a violation of the provisions of this ordinance shall, upon conviction thereof, forfeit and pay a fine of not less than \$100 and not more than \$1,2502,000 for the first offense; for repeat offenses within a one-year period of the date of the first offense, there shall be an additional fine imposed which shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, which shall be calculated separately from the fine imposed for the violation of the ordinance. For each repeat offense, the additional fine shall double until it reaches the maximum of \$1,250.

§ 48A-101.8 Violations and Penalties.

- A. No structure or land shall hereafter be constructed, relocated to, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to one or more of the following: a fine of not more than \$1,2502,000, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.
- B. Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the

violation, as the court may determine, except that the owner will be afforded the opportunity to cure or abate the condition during a thirty-day period 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-day period, a fine greater than \$1,2502,000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

§ 13-3 Penalties for Certain Violations.

If inspection and tests by qualified engineers representing the City of Gloucester City establish that such owner, agent, manager, lessee or occupant has failed to provide recognized and approved equipment, means, method, device or contrivance as specified above in § 13-2 or that such equipment fails to meet the requirements set forth in § 13-2, then such owner, agent, manager, lessee or occupant, as aforesaid, shall, upon receipt of a notice in writing duly served upon him or them by the Chief of Police, without delay, file a plan or statement of proposed alterations to abate such nuisance with the City Clerk, and shall as promptly as the circumstances will permit, after receipt of such notice, cause such nuisance to cease, and upon failure to do so, upon conviction thereof before the Judge of the Municipal Court be fined not more than \$5002,000 or be imprisoned in the county jail for a term not exceeding 90 days, at the discretion of said Judge. Each and every day said smoke, gas or fumes shall be unlawfully emitted shall be deemed to be and shall constitute a separate violation of this ordinance.

§ 61-14 Violations and Penalties.

C. A parent or legal guardian found guilty of violating any of the provisions of this article shall be required to perform community service in an amount not to exceed 50 hours, may be subject to a fine not to exceed \$5002,000, or both. If both the minor child and the parent or legal guardian are found guilty of violating any of the provisions of this article, they shall be required to perform the community service together. Community service may include attendance at a parenting skills program.

§ 85-19 Violations and Penalties.

Any person, firm or corporation who shall violate any term or provision of this ordinance shall, upon conviction thereof, be subject to imprisonment in the county jail or in any place provided by the City of Gloucester City for the detention of prisoners, for a term not exceeding 90 days, or to a fine not exceeding \$5002,000, or both. Any person so convicted may, in the discretion of the Judge by whom he was convicted, in default of the payment of any fine, be imprisoned in the county jail or place of detention provided by the City of Gloucester City, for any term not exceeding 90 days. They may issue out of the court of any Judge empowered to impose fines for the violation of this ordinance, execution against the goods and chattels of any person, firm or corporation convicted in such court or before such Judge. Execution shall be levied and enforced in the same manner as are executions from the Small Cause Court. Each day that a violation of any of the terms or provisions of this ordinance shall continue shall constitute a separate offense.

§ 1-12 Altering or Tampering with Code; Penalties for Violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which will

cause the law of the City of Gloucester City to be misrepresented thereby. Notwithstanding any provision of this Code to the contrary, the penalty for any violation of this Code shall be a fine of up to \$1,2502,000 and up to six months in jail to be determined by the Municipal Court. This maximum penalty shall apply to all provisions of the Code whether or not individual provisions contain a penalty section. This ordinance shall act as an amendment to all penalty provisions in the Gloucester City Code to increase each and every maximum penalty to the foregoing.

§ 13-13 Right of entry; Penalty for Refusal.

The smoke-abatement engineer, a member of the Advisory Board or a police officer designated by the smoke-abatement engineer or a member of the Advisory Board shall have the right to enter, in the performance of their duties, at all reasonable hours, all premises from which smoke is being emitted or has been emitted, and any person who shall, after proper identification, deny admittance to such person or persons or interfere with him or them in the performance of his or their duties shall be liable to a fine not exceeding \$5002,000 or undergo an imprisonment in the county jail or workhouse of not more than 90 days, or both, at the discretion of the Judge of the Municipal Court.

§ 15-13 Violations and Penalties; Revocation or Suspension of License.

- A. Any person who shall sell or distribute any alcoholic beverage without having complied with, or in violation of, any of the provisions of this ordinance shall be subject to a fine of not more than \$5002,000 or imprisonment for not more than 90 days, or by both such fine and imprisonment, in the discretion of the court.

§ 32-3 Conformity with Certain Rules and Laws Required; Penalty. [1]

The use and occupation of such cemetery or burial ground, when approved of and established as aforesaid, shall be in all respects subordinate to and in conformity with all the rules and regulations of the Board of Health of Gloucester City and the laws of the state in such case made and provided, as they now exist or may hereafter be legally changed, and any violation of said rules and regulations of said Board, or of said laws of the state, shall be punishable by a fine of not more than \$5002,000 or by imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment in the discretion of the Judge before whom conviction is had.

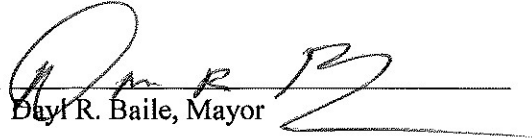
§ 61-7 Violations and Penalties.

Any person who violates any provision of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$5002,000 or by imprisonment for a term not exceeding 90 days, or both.

Section 2: All prior ordinances inconsistent with this ordinance are repealed only to the extent of such inconsistency.


Section 3: If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 4: This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.


Dayl R. Baile, Mayor

Passed on First Reading: June 24, 2024.

Adopted by the Mayor and Common Council of Gloucester City this 22nd day of July, 2024.


Vanessa L. Little, RMC, City Clerk