

**ORDINANCE 2023 – 11**

**AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE PENALTY PROVISIONS FOR VIOLATION OF AN ORDINANCE IN ORDER TO MAKE THE PENALTIES UNIFORM**

**WHEREAS**, the Borough seeks to promote and protect the health, safety and welfare of Borough Residents and Visitors; and

**WHEREAS**, the Governing Body recognizes that in providing for these goals there is a need to impose penalties for the violation of ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Point Pleasant Beach, in the County of Ocean and State of New Jersey, as follows:

**Section 1.** Chapter 2 entitled “Administration,” shall be amended as follows:

Section 2-45.11 shall be deleted and replaced by:

2-45.11 Violations and Penalties

Any violation of the provisions of this Chapter shall be punishable as provided in Chapter 3, Section 15, entitled “Penalty.”

**Section 2.** Chapter 3 entitled “Police Regulations,” shall be amended as follows:

Section 3-8A.6 shall be deleted and replaced by:

3-8A.6 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled “Penalty.”

Section 3-15.4 shall be deleted and replaced by:

3-15.4 Minimum Penalty

The minimum penalty for the violation of any particular code provision or ordinance of the Borough shall be a fine in the maximum amount permitted at the time of the offense for a minimum fine by N.J.S.A. 40:49-5.

Section 3-25.4 shall be deleted and replaced by:

#### 3-25.4 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-27.9 shall be deleted and replaced by:

#### 3-27.9 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-29.4 shall be deleted and replaced by:

#### 3-29.4 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-30.7 shall be deleted and replaced by:

#### 3-30.7 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-32.5 shall be deleted and replaced by:

#### 3-32.5 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-40.5 shall be deleted and replaced by:

#### 3-40.5 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-41.5 shall be deleted and replaced by:

3-41.5 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-42.6 shall be deleted and replaced by:

3-42.6 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-44.1(d) shall be deleted and replaced by:

3-44.1

(d) Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 3-50.7(b) shall be deleted and replaced by:

3-50.7

(b) Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

**Section 3.** Chapter 5 entitled "Licenses," shall be amended as follows:

Section 5-8.6 shall be deleted and replaced by:

5-8.6 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 5-13.8 shall be deleted and replaced by:

5-13.8 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 5-16-7 shall be deleted and replaced by:

5-16.7 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 5-18.14 shall be deleted and replaced by:

5-18.14 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 5-23.3 shall be deleted and replaced by:

5- 23.3 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 5-22.7 shall be deleted and replaced by:

5-22.7 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

**Section 4.** Chapter 11 entitled "Licenses," shall be amended as follows:

Section 11-14.7 shall be deleted and replaced by:

11-14.7 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 11-16 shall be deleted and replaced by:

11-16 Violations and Penalties

In addition to the liability for any expense, loss or damage imposed by any part of this section, and in addition to all other remedies available to the Borough of Point Pleasant Beach authorized by

law, any person who shall violate any provision of this section shall be subject to the penalties provided in Chapter 3, Section 15, entitled "Penalty."

**Section 5.** Chapter 12 entitled "Buildings," shall be amended as follows:

Section 12-2.5 shall be deleted and replaced by:

12-2.5 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

**Section 6.** Chapter 13 entitled "Housing," shall be amended as follows:

Section 13- 26 shall be deleted and replaced by:

13-26 Violations and Penalties

a) any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

b) in addition to any other penalty, a property owner shall be denied a certificate of occupancy and a license for all rental properties in which any of the owners or their principles has an interest for a period of two years after a conviction for violation of this chapter.

c) in addition to any other penalty, any real estate agent, broker, or other real estate professional who assists in a violation, or otherwise participates in a rental prohibited under this chapter, shall be prohibited from applying for, or receiving, any certificate of occupancy or license for any property for a period of two years from the date of the conviction for violating this chapter.

**Section 7.** Chapter 14 entitled "Streets and Sidewalks," shall be amended as follows:

Section 14-1.13 shall be deleted and replaced by:

14-1.13 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 14-3.7 shall be deleted and replaced by:

14-3.7 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

Section 14-5.5 shall be deleted and replaced by:

14-5.5 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

**Section 8.** Chapter 15 entitled "Licenses," shall be amended as follows:

Section 15-13 shall be deleted and replaced by:

15-13 Violations and Penalties

Any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

**Section 9.** Chapter 19 entitled "Development," shall be amended as follows:

Section 19-17.1 shall be deleted and replaced by:

19-17.1 Violations and Penalties

a) any violation of the provisions of this section shall be punishable as provided in Chapter 3, Section 15, entitled "Penalty."

b) The owner of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, where anything in violation of this chapter shall be placed or shall exist or be suffered, allowed or permitted to exist; and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation, shall each be guilty of a separate violation, and upon conviction thereof shall each be liable to the fine or imprisonment or both specified above.

**Section 10.**

In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

**Section 11.**

All ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

**Section 12.**

This Ordinance shall take effect immediately upon adoption and publication in the manner required by law.

Approved this 15th day of August 2023:

---

Borough of Point Pleasant Beach  
Paul Kanitra, Mayor

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Point Pleasant Beach, in the County of Ocean, State of New Jersey, on July 18, 2023. It was further considered for final passage after public hearing thereon at a regular meeting of the Governing Body held in the Council Chambers at Borough Hall, 416 New Jersey Avenue, Point Pleasant Beach, NJ, on August 15, 2023, which began at 7:30 PM, at which time and place any person desiring to be heard was given an opportunity to be so heard.

---

EILEEN FARRELL, RMC  
Municipal Clerk