

TOWNSHIP OF HOPEWELL
ADOPTING ORDINANCE NO. 514

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE
ORDINANCES OF THE TOWNSHIP OF HOPEWELL IN THE COUNTY OF
MERCER, NEW JERSEY**

Whereas, the Mayor and Township Committee of the Township of Hopewell, in the County of Mercer, New Jersey, has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Township of Hopewell, 1978".

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HOPEWELL IN THE COUNTY OF MERCER, NEW JERSEY, AS FOLLOWS:

Section 1. The ordinances of the Township of Hopewell, in the County of Mercer, New Jersey, of a general permanent nature, as codified, Chapters I to XVI are hereby ordained as "The Revised General Ordinances of the Township of Hopewell, 1978".

Section 2. All of the provisions of the "The Revised General Ordinances of the Township of Hopewell, 1978", shall be in force and effect on and after the effective date of this ordinance.

Section 3. All ordinances of a general and permanent nature adopted by the Mayor and Township Committee (hereafter referred to as the "Committee") and in force on July 5, 1978 and not contained in the "Revised General Ordinances of the Township of Hopewell, 1978", are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

Section 4. The repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance.
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right of franchise conferred by the Township Committee;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Township;

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- e. Any ordinance of the Township providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the Township;
- f. Any ordinance or resolution of the Township promising or guaranteeing the payment of money by or for the Township or authorizing the issuing of bonds or other evidence of the Township's indebtedness, or any contract of or obligation assumed by the Township;
- g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;
- h. The administrative ordinances or resolutions of the Township not in conflict or inconsistent with the provisions of these Revised Ordinances;
- i. Any ordinance or resolution of the Township fixing the compensation or salaries of the Township officials and employees or the pay and compensation of positions and clerical employments which are not provided for in these General Ordinances and which are not in conflict or inconsistent therewith;
- j. Any ordinance or resolution of the Township Committee creating employments, positions or offices and fixing duties therefor which are not provided for in these General Ordinances and which are not in conflict or inconsistent therewith;
- k. Concerning the Traffic chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways until the traffic and parking chapters of this revision are finally approved by the Commissioner of the New Jersey Department of Transportation, and said chapters shall not take effect until finally approved by the Director as aforesaid.
- l. Any ordinance adopted by the Board of Health of the Township that is not included in this codification;
- m. Any ordinance of the Township Committee adopted upon final passage after the fifth day of July, 1978.

Section 5. The effect of proposed changes contained in the revision is listed below:

Chapter I — General. Chapter I contains general definitions and rules of construction that are intended to provide uniform construction and interpretation of general terms used throughout the revision, as well as for all other ordinances of the Township of Hopewell. This chapter also contains a severability clause and the official title of the revision.

Chapter II — Administration. The administrative code of the Township of Hopewell is contained in this chapter. This code has been derived from existing ordinances of the township and the laws of the State of New Jersey.

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The time of the organization meeting is in subsection 2-1.1. Subsection 2-1.6 requires that notice be sent in compliance with the "Open Public Meetings Act".

Subsection 2-2.3 states that a deputy clerk may be appointed for a term expiring December 31.

Subsection 2-3.1 states that the heads of each department shall be under the administration of the Township Administrator.

Subsection 2-5.8c states that all rules and regulations shall be kept on file by the Township Clerk.

Section 2-8, The Board of Health, has been changed to include provisions to concur with the State Statutes. These new regulations state the membership of the board, the term of office, and organization procedures.

Chapter III — Police Regulations. Section 3-1 contains the general penalty clause applicable to the chapter and the entire revision. In subsection 3-1.1 a maximum penalty is raised to five hundred (\$500.00) dollars fine and 90 days imprisonment or both to agree with State Statutes. Subsection 3-1.2 states that each and every day a violation exists is deemed a separate violation. The amount of any particular penalty is at the discretion of the adjudicating authority. Subsection 3-1.3 does not change the law of the township, but simply eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted.

Chapter IV — General Licensing. Township ordinances concerning licenses are included in this chapter.

In section 4-7.4 the minimum amounts of insurance coverage which are required for the operation of taxicabs have been increased.

Chapter V — Dogs. This chapter contains the ordinances regulating the licensing and control of dogs. The penalty for dog violations is included to comply with State Statutes.

Chapter VI — Alcoholic Beverage Control. The existing township ordinances on this subject have been rearranged for purposes of topical sequence. The new sections state the purpose of the chapter (6-1), definitions (6-2) and requires all licenses to be in accord with State and Federal law (6-3.1). New regulations are in 6-4.3 for New Year's Day; and 6-9 provides for suspension or revocation of licenses if this chapter or rules of the A.B.C. are violated.

Chapter VII — Traffic. This chapter contains the traffic ordinances of the township placed in accord with a model of organization that has been recommended by the Division of Motor Vehicles. New and changed traffic regulations are included in accordance with the Department of Transportation traffic survey.

Chapter VIII — Police. Ordinances establishing the police department and requirements thereof are included in this chapter.

Chapter IX is Reserved.

Chapter X — Fees and Permits. Fees charged for licenses and permits are collected in this chapter. In subsection 10-4.3 the license fee for pet shops is established and in 10-4.4 the fee for

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Shelter or Pound is established. In subsection 10-6.10 a fee is established for large assemblies; and subsection 10-9.3 establishes a fee for the purchase of the codified ordinances and also establishes an additional supplement fee.

In subsection 10-11.3 a "Continuation Search Fee" is established and 10-13.1(b) contains the fee for conditional use.

10-14 establishes new fees for playground participation, and fees for swimming and tennis.

Chapter XI — Building and Housing. Ordinances establishing the State Uniform Construction Code, design of structures, demolition of buildings, uncompleted structures and public structures for shelters are included herein.

Chapter XII — Environmental Control. This chapter contains the regulations concerning soil erosion and sediment control and the encroachments upon floodways and flood hazard areas.

Subsection 12-2.4b states that no building may be erected within the area depicted by the Federal Insurance Rate Map unless the required permits are obtained.

Chapter XIII — Utilities. Ordinances concerning City Gas Company of New Jersey; and public water supply and public sewerage system are included in Chapter XIII.

Chapter XIV — Shade Tree Advisory Committee Regulations. The regulations controlling shade trees are complete in this chapter.

Chapter XV — Streets and Sidewalks. Ordinances regulating excavations in streets, driveways and curbs, and water flow in streets are complete herein. In this chapter the superintendent of public works has been made responsible for issuing an excavation permit (15-1.1), accepting the deposit (15-1.3), directing the restoration of street surfaces (15-1.5) and certification that restoration is completed and approved (15-1.11).

Chapter XVI — Health. This chapter includes regulations concerning the "Coin-Operated Dry Cleaning Establishment Code of New Jersey"; the "Individual Sewerage Disposal System Code of New Jersey"; the "Retail Food Establishment Code of New Jersey, 1965"; the "Swimming Pool Code of New Jersey, 1955"; the "Public Health Nuisance Code of New Jersey, 1953"; "Individual and Semi-public Water Supply Code of New Jersey, 1966" and the dumping regulations.

Chapter XVII — Reserved.

Chapter XVIII — Reserved.

Throughout the revision there has been reorganization and editing of the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases provisions of the source ordinances have not been included in the revision either because they have been expressly or impliedly repealed by later ordinances, are obsolete or no longer apply in the Township of Hopewell.

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Section 6. A copy of the "The Revised General Ordinances of the Township of Hopewell, 1978" has been filed in the Township Clerk's office and shall remain there for the use and examination of the public until final action is taken on this ordinance, and if this ordinance shall be adopted such copies shall be certified to by the Township Clerk of the Township of Hopewell by impressing thereupon the seal of the Township as provided by law and such certified copy shall remain on file in the office of the Township Clerk of the Township of Hopewell to be made available to persons desiring to examine same during all times while the revision is in effect.

Section 7. Amendments to Revisions. Any and all additions, amendments or supplements to the Revision when passed and adopted in such form as to indicate the intent of the Township Committee to make them a part thereof shall be deemed to be incorporated into such revisions so that reference to the "The Revised General Ordinances of the Township of Hopewell, 1978" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Revision shall be adopted, they shall thereafter be printed, and as provided hereunder inserted in the book containing the General Ordinances as amended and supplemented thereto.

Section 8. It shall be the duty of the Township Clerk or someone authorized and directed by him to keep up-to-date the certified copy of the book containing "The Revised General Ordinances of the Township of Hopewell, 1978", required to be filed in his office for the use of the public. All changes in the General Ordinances and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the General Ordinances and shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to the General Ordinance book, at which time such supplements shall be inserted therein.

Section 9. The Township Clerk of the Township of Hopewell pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the Township. Sufficient copies of the General Ordinances shall be maintained in the office of the Township Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the General Ordinances for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the General Ordinances for all purposes.

Section 10. Copies of the General Ordinance book containing "The Revised General Ordinances of the Township of Hopewell, 1978" may be purchased from the Township Clerk upon the payment of a fee to be set by resolution of the Township Committee which may also arrange by resolution the procedures for the periodic supplementation thereof.

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Section 11. Each section of "The Revised General Ordinances of the Township of Hopewell, 1978" and every part of each section is an independent section or part of a section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to effect the validity or constitutionality of any other sections or parts thereof.

Section 12. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Introduced:

Adopted: December 18, 1978

Approved: Caroline E. Woodward

Attest: Anna Hillman, Clerk

I HEREBY CERTIFY that the foregoing ordinance is a true copy of an ordinance given its final reading and adopted by the Mayor and Township Committee of the Township of Hopewell in the County of Mercer, New Jersey, at a regular meeting of that body held in the Committee Chamber, Township Hall, on the 18th day of December, 1978 and approved by the Mayor on that date.