

Title 1 GENERAL PROVISIONS

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1.01.010 Adoption.

There is hereby adopted the "Borough of Freehold Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington.

(Ord. 2003/2 § 1)

1.01.020 Title—Citation—Reference.

This code shall be known as the "Borough of Freehold Municipal Code," and it shall be sufficient to refer to said code as the "Borough of Freehold Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal or the Borough of Freehold Municipal Code, and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.

(Ord. 2003/2 § 2)

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1.01.030 References applies to all amendments.

Whenever a reference is made to this code as the Borough of Freehold Municipal Code or to any portion thereof, or to any ordinance of the borough of Freehold, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 2003/2 § 3)

1.01.040 Title, chapter and section headings.

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ord. 2003/2 § 4)

1.01.050 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 2003/2 § 5)

1.01.060 Ordinances passed prior to adoption of the code.

The last ordinance included in this code was Ordinance 2001/29, passed December 27, 2001. The following ordinances, passed subsequent to Ordinance 2001/29, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances Nos. 2002/1, 2002/7, 2002/8, 2002/9, 2002/11, 2002/12, 2002/15, 2002/16, 2002/17, 2002/18, 2002/20, 2002/23, and 2002/24.

(Ord. 2003/2 § 6)

1.01.070 Effect of code on past actions and obligations.

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

(Ord. 2003/2 § 7)

1.01.080 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Ord. 2003/2 § 8)

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1.01.090 References to prior code.

References in county forms, documents, and regulations to the chapters and sections of the former county code shall be construed to apply to the corresponding provisions contained within this code.

(Ord. 2003/2 § 9)

Chapter 1.04 GENERAL PROVISIONS

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1.04.010 Definitions.

For the purpose of this code, and in the interpretation and application of all other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

"Borough" means the borough of Freehold in the county of Monmouth and state of New Jersey.

"Borough council" or "council" means the mayor and councilmembers of the borough.

"Clerk" or "borough clerk" means the municipal clerk duly appointed pursuant to law.

"Department" means an organizational unit of the borough government established or designated by ordinance or this code as a department, together with any agency or instrumentality of the borough government assigned to such organizational unit by the borough council.

"Licensed" means licensed in accordance with the appropriate section or chapter of this code.

"Month" means a calendar month unless otherwise specifically provided.

"Ordinance" means any act of local legislation heretofore or hereafter adopted, and including this code, so long as it shall have been adopted by the procedure required for the adoption of an ordinance and so long as it shall remain in force and effect pursuant to law.

"Person" means any individual, natural person, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, corporations or unincorporated groups; or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof in any capacity, acting either for himself or herself or for any other person, under either personal appointment or pursuant to law.

"Street" includes a street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, sidewalk and crosswalk, and every class of road, square, place or municipal parking field used by the general public.

"Year" means a calendar year unless otherwise specifically provided.

(Prior code § 1-2)

1.04.020 Construction.

For the purpose of this code and any other ordinances heretofore or hereafter adopted, except as the context may otherwise require:

The present tense includes the past and future tenses and the future, the present.

The masculine gender includes the feminine and neuter.

The singular number includes the plural and the plural, the singular.

"Shall" is mandatory and "may" is permissive.

The time within which an act is to be done shall be computed by excluding the first and including the last day and if the last day be a Sunday, a legal holiday, or a day on which the offices of the borough are closed, that day shall be excluded.

"Writing" and "written" includes printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting. Whenever a specific time is used in this revision, it means the prevailing and established time in effect in the state of New Jersey during any day in any year.

(Editorially amended during 2002 codification; prior code § 1-3)

1.04.030 Severability.

If any chapter, section, subsection or paragraph of this code shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining chapters, sections, subsections or paragraphs of this code.

(Prior code § 1-4)

Chapter 1.08 GENERAL PENALTY

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1.08.010 Maximum penalty.

- A. For violation of any provisions of any chapter of this code, or of any other ordinance of the borough, other than housing or zoning violations, where no specific penalty is provided regarding the section or sections violated, the maximum penalty shall, upon conviction of a violation, be subject to one or more of the following: a fine not exceeding two thousand dollars (\$2,000.00); imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for a term not exceeding

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ninety (90) days; or by a period of community service not exceeding ninety (90) days, at the discretion of the municipal court judge.

- B. Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.
- C. Any person convicted of the violation of any ordinance may, in the discretion of the court by which he or she was convicted, and in default of the payment of any fine imposed therefore, be imprisoned in the county jail or place of detention provided by the municipality, for any term not exceeding ninety (90) days, or be required to perform community service for a period not exceeding ninety (90) days. (2007/5 § 1 (part): prior code § 5-16.1)

1.08.020 Separate violations.

Except as otherwise provided, each and every day in which a violation of any provisions of this chapter or any other ordinance of the borough exists shall constitute a separate violation.

(Prior code § 5-16.2)

1.08.030 Application.

The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or violation.

(Prior code § 5-16.3)

1.08.040 Voluntary public service work in lieu of fine or imprisonment for municipal ordinance violations.

The municipal court judge shall have the sole discretion to suspend fines or sentences of imprisonment where application is made to the court by any individual or individuals who are convicted of violating any provision of this chapter or any other ordinance of the borough, for a written agreement to perform voluntary public service work. "Public service work" means that activity that benefits the general welfare of the people of the borough. Should the individual or individuals fail to perform their agreement, such act shall constitute a breach of the agreement and in the sole discretion of the municipal court judge result in the reimposition of all or any part of the suspended fine or imprisonment on notice and hearing.

(Prior code § 5-16.4)

1.08.050 Minimum penalty.

The minimum penalty which shall be imposed for the violation of any particular code provision or ordinance shall consist of a fine of not less than one hundred dollars (\$100.00).

(2007/5 § 1 (part): prior code § 5-16.5)