

**ORDINANCE NO. 523**

**AN ORDINANCE PROVIDING FOR PENALTIES  
FOR VIOLATION OF ORDINANCES OF  
THE BOROUGH OF MANTOLOKING,  
OCEAN 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 Mantoloking seeks to make such expanded penalties available to its municipal court;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey, as follows:

**SECTION 1:** For violation of any ordinance of the Borough of Mantoloking, with the exception of violations of housing or zoning codes, 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:** For violation of any housing or zoning provisions of any ordinance of the Borough of Mantoloking, the maximum penalty upon conviction of the violation may not exceed \$1,250.00.

**SECTION 3:** 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 4:** 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 5:** 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 6:** This Ordinance shall become effective upon its final passage and publication as required by law.

#### NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Mayor and Council for the Borough of Mantoloking, in the County of Ocean and State of New Jersey, held on April 17, 2006, and said Ordinance will be considered for final passage at the Borough Hall, Downer Avenue, Mantoloking, New Jersey, at 8:00 p.m. on May 15, 2006, or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

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Irene H. Ryan, R. M. C.