

**TOWNSHIP OF CHESTERFIELD**

**ORDINANCE NO. 2018-2**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED, "CONSTRUCTION ACTIVITIES"**

**WHEREAS**, by Ordinance 2004-8, adopted May 13, 2004, the Township Committee of the Township of Chesterfield established certain regulations governing construction activities within the municipality, and particularly as it related to development of residential, commercial or other developments within the municipality, which Ordinance has since been codified at Chapter 92 of the Code of the Township of Chesterfield entitled, "Construction Activities"; and

**WHEREAS**, said Ordinance was amended by Ordinance 2005-12, adopted November 10, 2005, to add certain holidays to the days upon which construction activities are forbidden, and to add Section 92-6, regarding "Public Road Improvements"; and

**WHEREAS**, the Township Committee wishes to make it clear that Section 92-6 was intended, and is currently intended, to apply to all activities, not simply those related to either residential or commercial development in the Township's "Receiving Area", but instead, applies throughout the entire municipality, and that the provisions of Section 92-4 are equally applicable to the provisions of Sections 92-6; and wishes also to amend the penalty provision of Section 92-11.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey as follows:

**ARTICLE I. AMENDED SECTIONS.**

- A. Section 92-6, "Public Road Improvements" is hereby amended to add the following new subparagraph:

"C. Construction of improvements to public roads within the Township of Chesterfield shall be subject, in addition to the foregoing Paragraphs, to all other provisions and Sections of this Chapter."

- B. Section 92-11, "Penalties" is hereby amended to now read as follows:

Section 92-11 "Penalties".

Any individual, corporation, firm, public utility or other entity violating the provisions of this Chapter shall be subject, upon conviction, to a penalty of not less than \$100.00, nor more than \$2,000.00, for each violation. In addition, the Municipal Court shall have the authority to consider as a penalty, imprisonment in the county jail or any other place provided by the municipality for the detention of prisoners, for a term not to exceed ninety (90) days; or to a period of community service not exceeding ninety (90) days.

- A. Except for Section 92-4, each day of violation shall be considered a separate violation of this Chapter.
- B. For violations of Sections 92-4(A), separate violations shall be deemed to exist for the periods (1) beginning midnight to 7:00 AM, Monday through Friday; (2) from 7:00 PM to midnight, Monday through Friday; (3) from midnight Fridays to 7:00 AM on Saturdays; and (4) 5:00 PM to midnight on Saturdays. If the violation continues beyond two calendar days, then every two hours, or part thereof, shall be considered a separate violation. In addition, every hour of violation which occurs on a Sunday and/or a holiday, shall be considered a separate

violation.

C. In addition, any individual, corporation, firm, public utility, or other entity (“Principal”) which contracts with a party that violates the provisions of this Chapter, may be similarly held liable for the violation, cited as a separate party, whether or not that Principal commits the act of violation, provided that the act is in furtherance of that Principal’s activities and/or development of a site or construction of improvements where the alleged violation occurred. Continuous violation of these regulations imposed herein may also be the basis for revocation of any approvals granted to a developer to build a development within the Township.

**ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

**CHESTERFIELD TOWNSHIP COMMITTEE**

Introduced: January 25, 2018

Adopted:

RECORD OF VOTE

INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
S Davis	X					X	S Davis	X					
A Katz	X				X		A Katz	X				X	
D Koetas-Dale	X						D Koetas-Dale	X					X
J Liedtka				X			J Liedtka	X					
R Romeu	X						R Romeu	X					

X – Indicates Vote    NV – Not Voting    AB – Absent    ORD – Motion    SEC - Seconded