

**Chapter 1**

**GENERAL PROVISIONS**

**ARTICLE I  
Construal of Provisions**

**§ 1-1. Definitions.**

**§ 1-2. Word usage.**

**ARTICLE II  
General Penalty**

**§ 1-3. Violations and penalties.**

**ARTICLE III  
Adoption of Code by Mayor and Council**

**§ 1-4. Adoption of Code.**

**§ 1-5. Code supersedes prior ordinances.**

**§ 1-6. When effective.**

**§ 1-7. Copy of Code on file.**

**§ 1-8. Amendments to Code.**

**§ 1-9. Publication; filing.**

**§ 1-10. Code book to be kept up-to-date.**

**§ 1-11. Sale of Code book.**

**§ 1-12. Altering or tampering with Code; penalties for violation.**

**§ 1-13. Severability of Code provisions.**

**§ 1-14. Severability of ordinance provisions.**

**§ 1-15. Repeal of ordinances.**

§ 1-16. Ordinances saved from repeal.

§ 1-17. Changes in previously adopted ordinances.

§ 1-18. Incorporation of provisions into Code.

**[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge as indicated in article histories. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Adoption of Code by Board of Health — See Ch. 250, Art. I.

**ARTICLE I**

**Construal of Provisions**

**[Adopted 12-26-1975 by Ord. No. 700 as Chapter I of the 1975 Revised General Ordinances of the Borough of Wood-Ridge]**

**§ 1-1. Definitions. <sup>1</sup>**

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, the following terms shall have the meanings indicated:

**BOROUGH** — The Borough of Wood-Ridge in the County of Bergen and State of New Jersey.

**BOROUGH COUNCIL** or **COUNCIL** — The Mayor and Councilmen of the Borough.

**CLERK** or **BOROUGH CLERK** — The Municipal Clerk duly appointed pursuant to law.

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**1. Editor's Note: Original Section 1-1, Short Title, which immediately preceded this section, was deleted 10-20-1986 by Ord. No. 86-16.**

**DEPARTMENT** — 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** — Licensed in accordance with the appropriate section or chapter of this Code.

**MONTH** — A calendar month, unless otherwise specifically provided.

**ORDINANCE** — 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** — Any individual, natural persons, 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 for any other person, under either personal appointment or pursuant to law.

**STREET** — A street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, sidewalk and crosswalk and every class of road, square, place or municipal parking area used by the general public.

**YEAR** — A calendar year, unless otherwise specifically provided.

**§ 1-2. Word usage. [Amended 10-20-1986 by Ord. No. 86-16<sup>2</sup>]**

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

- A. The present tense includes the past and future tenses, and the future includes the present.
- B. The masculine gender includes the feminine and neuter.
- C. The singular number includes the plural, and the plural includes the singular.
- D. "Shall" is mandatory, and "may" is permissive.
- E. 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 is a Sunday, a legal holiday or a day on which the offices of the Borough are closed, that day shall be excluded.
- F. "Writing" and "written" shall include printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible hand-writing.
- G. Whenever a specific time is used in this Code, it shall mean the prevailing and established time in effect in the State of New Jersey during any day in any year.

**ARTICLE II**

**General Penalty**

**[Adopted 12-26-1975 by Ord. No. 700 as Section 3-8 of Chapter III of the 1975 Revised General Ordinances of**

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2. Editor's Note: Original Section 1-4, Severability, which immediately followed this section was deleted 10-20-1986 by Ord. No. 86-16.

**the Borough of Wood-Ridge; amended in its entirety  
7-21-2009 by Ord. No. 2009-10<sup>s</sup> ]**

**§ 1-3. Violations and penalties.**

- A. Maximum penalty. For violation of any provisions of this chapter, any other chapter of this Code or any other ordinance of the Borough the maximum penalty, upon conviction, shall be one 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 term not exceeding 90 days; or by a fine not exceeding \$2,000; or by a period of community service not exceeding 90 days. In the event that the Legislature authorizes an increase in penalties in accordance with N.J.S.A. 40:49-5, then and in that event it is the intent of this subsection that any and all such increased penalties shall apply to any violations occurring hereunder.
- B. A minimum penalty not exceeding \$100 shall apply for any and all violations of any section of the Code of the Borough of Wood-Ridge.
- C. The violation of any ordinance or section of the Code pertaining to the unlawful disposal of solid waste shall be subject to a minimum penalty not exceeding \$2,500 or a maximum penalty not exceeding \$10,000.
- D. The court shall have the power to impose any fine, term of imprisonment, or period of community service not less than the minimum and not exceeding the maximum set forth in this section upon any person convicted of violating any section of the within Code or ordinances of the Borough of Wood-Ridge.
- E. Any person convicted of violating an ordinance and/or a section of this Code within one year of the date of a previous violation of the same ordinance and/or section of
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3. **Editor's Note: This ordinance also stated that any and all other penalties appearing throughout the Code which are at variance with this general penalty are repealed.**

this Code and who was fined for the previous violation shall be sentenced by the 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 established in this section but shall be calculated separately from the fine imposed for the violation of the ordinance and/or section of this Code.

- F. The Borough of Wood-Ridge may, by ordinance or resolution, waive the additional fine for a repeated violation of any ordinance and/or section of the Code. Any person convicted of the violation of any ordinance and/or section of the Code may, in the discretion of the court and in default of the payment of any fine imposed therefor, be imprisoned in the county jail or place of detention provided by the municipality, for any term not exceeding 90 days, or be required to perform community service for a period not exceeding 90 days.
- G. In the event the court wishes to impose a fine in an amount greater than \$1,250 upon an owner of real property for violations of housing or zoning codes of the Borough, then and in that event a thirty-day grace period shall be provided to said owner in order to cure or abate the violative condition and said owner shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the said violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, the court determines that the abatement has not been substantially completed.
- H. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this chapter and/or section of the Code or any other ordinance of the Borough exists shall constitute a separate violation.

ARTICLE III  
**Adoption of Code by Mayor and Council**  
[Adopted 10-20-1986 by Ord. No. 86-16]

**§ 1-4. Adoption of Code.**

Pursuant to N.J.S.A. 40:49-4, the various chapters and articles of the 1975 Revised General Ordinances of the Borough of Wood-Ridge, and the other ordinances of the Borough of Wood-Ridge of a general and permanent nature adopted by the Mayor and Council of the Borough of Wood-Ridge, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 248, are hereby approved, adopted, ordained and enacted as the "Code of the Borough of Wood-Ridge," hereinafter known and referred to as the "Code."

**§ 1-5. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede the 1975 Revised General Ordinances of the Borough of Wood-Ridge, and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 1-6. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

**§ 1-7. Copy of Code on file.**

A copy of the Code in loose-leaf form has been filed in the office of the Borough Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Borough of Wood-Ridge by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of

the Clerk of the Borough, to be made available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-8. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Borough of Wood-Ridge" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

**§ 1-9. Publication; filing.**

The Clerk of the Borough of Wood-Ridge, 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 Borough. Sufficient copies of the Code shall be maintained in the office of the 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 Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-10. Code book to be kept up-to-date.**

It shall be the duty of the Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in his office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the

Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**§ 1-11. Sale of Code book.**

Copies of the Code book containing the Code may be purchased from the Clerk upon the payment of a fee to be set by resolution of the Mayor and Council, which may also arrange, by resolution, for procedures for the periodic supplementation thereof.

**§ 1-12. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Borough of Wood-Ridge to be misrepresented thereby. Anyone violating this section or part of this article shall be subject, upon conviction, to a fine of not more than \$1,000 or to imprisonment for not more than 90 days, or both, in the discretion of the Judge imposing the same.

**§ 1-13. Severability of Code provisions.**

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-14. Severability of ordinance provisions.**

Each section of this article is an independent section, and the holding of any section or part thereof to be unconstitutional,

void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-15. Repeal of ordinances.**

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this article and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter saved from repeal.

**§ 1-16. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-15 of this article shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to November 11, 1985.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this article, or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this article in violation of any legislative provision, or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suitor other proceeding pending, or any judgment rendered, prior to the effective date of this article, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

**§ 1-17. Changes in previously adopted ordinances.**

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. All references to "Magistrate" previously in the text are hereby amended to read "Judge."
- C. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this article. (Chapter and section number

references are to the ordinances as they have been renumbered and appear in the Code.)<sup>4</sup>

#### § 1-18. Incorporation of provisions into Code.

Upon adoption, these provisions will be included in the Code as Chapter 1, General Provisions, Article III, Adoption of Code by Mayor and Council, §§ 1-4 through 1-18.

4. Editor's Note: Pursuant to § 1-17C, the following sections were added or amended: §§ 1-2, 1-3A, 7-2D, 15-1A and D, 17-1, 17-2A, 17-3, 17-4, 17-5A, 17-6, 17-7C, 21-1, 33-9.1, 45-12A, 45-13C, 45-14, 45-16C and E, 45-17B, 45-22, 45-34D(3) and (4), 45-40, 45-47B, 45-51C, 45-55, 60-7A, 64-3, 90-4A, 90-8C, 90-10, 92-12, 92-17, 94-4, 94-10, 94-13, Ch. 100, §§ 106.3, 106.4, 110-6A, 110-7A, 110-8, 114-4, 114-5, 118-2, 118-7, 118-9, 126-2, 126-3A(1)(a), (b) and (c), 126-13, (6), (9), (10) and (11), 126-4, 134-3A, 134-4, 134-5, 134-8, 134-13, 134-15B, 134-21, 134-23, 144-4, 150-17, 150-18, 154-2, 154-8, 160-6, 166-4, 168-8B, 168-9B, 168-15, 170-19A, B and D, 170-20A, 170-21, 176-2A(7), 176-4, 180-5, 180-11, 186-5, 190-4, 190-5, 190-8, 190-13, 190-16, 198-30, 198-31, 204-2, 204-5A, 204-9, 208-7, 208-13, 208-22, 214-10, 218-17, 220-3, 220-11C, 220-33A(1), 220-47, 220-105, 220-108, 226-5, 226-9, 226-18, 236-9, 244-14, 248-4, 248-14, 248-23, 248-24, 248-31A, 248-32, 248-33C, 248-37C and D, 248-39, 248-42, 248-43B, 248-58, 248-59B, Art. IX of Ch. 248, §§ 248-75L and M and 248-79A and C. A complete description of each change is included in Ord. No. 86-16, which is on file in the office of the Borough Clerk.
- The following original sections were repealed: in Ch. 1, original Section 1-1 of the 1975 Revised General Ordinances; in Ch. 92, original Section 5-3.5 of the 1975 Revised General Ordinances; in Ch. 106, original Section 4-5.4 of the 1975 Revised General Ordinances; in Ch. 118, original Section 4-8.3 of the 1975 Revised General Ordinances; in Ch. 146, original Sections 11-1.11a), 11.1.1(b), 11-1.2, 11-1.3, 11-1.4, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10 and 11-11 of the 1975 Revised General Ordinances; and in Ch. 190, original Sections 4-2.7 and 4-2.8 of the 1975 Revised General Ordinances.