

ORDINANCE #2010-1100

AN ORDINANCE TO AMEND ORDINANCE NO. 2009-1077, KNOWN AS “AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, NEW JERSEY FOR THE PROHIBITION OF GRAFFITI, REQUIRING PROPERTY OWNERS TO REMOVE GRAFFITI, AND PROVIDING A REWARD FOR INFORMATION OR ASSISTANCE LEADING TO THE APPREHENSION AND CONVICTION OF ANY PERSON COMMITTING AN ACT OF GRAFFITI

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

SECTION 1. AMENDMENT OF SECTION VII. Failure to Comply with Order to Remove Graffiti.

Section VII. Failure to Comply with Order to Remove Graffiti, of Ordinance #2009-1077 is hereby amended to add subsection C to read as follows:

“C. Notwithstanding any provision of this section of the Ordinance or any other section of Ordinance #2009-1077, a property owner is exempt from any order to remove graffiti that is not visible from a public thoroughfare, public lands or buildings or navigable waterways.”

SECTION 2. CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

SECTION 3. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 4. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 5. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

STATEMENT OF PURPOSE

The purpose of this ordinance is to amend Ordinance #1009-1077 to exempt property owners from the requirement to remove graffiti where the graffiti is not visible from a public thoroughfare, public lands or buildings or navigable waterways.

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FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER				√
		FISCHER	√			
	√	KOMOROSKI	√			
√		LYNN	√			
		ONDERKO				√
		SZABO	√			
		MAYOR ZUZA				

PASSED this 22nd day of November, 2010

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
		FISCHER	√			
		KOMOROSKI	√			
√		LYNN	√			
		ONDERKO	√			
	√	SZABO	√			
		MAYOR ZUZA				

PASSED this 13th day of December, 2010.

Attest:

Philip E. Petrone, Clerk