

**Chapter 1**

**GENERAL PROVISIONS**

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HISTORY: Adopted by the Mayor and Borough Council of the Borough of Seaside Park 12-10-1970 as Ordinance No. 674. Amended 12-20-2001 by Ord. No. 1291.

*Be it ordained by the Mayor and Borough Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:*

**ARTICLE I  
Adoption of Code**

*Adopted 12-10-1970 as Ord. No. 674*

**§1-1. Adoption of Code.**

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Seaside Park, of a general and permanent nature, adopted by the Mayor and Council of the Borough of Seaside Park, and adopted and accepted by the Board of Health of the Borough of Seaside Park, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 81, together with an Appendix and Index, are hereby approved, adopted,

ordained and enacted as the "Code of the Borough of Seaside Park, County of Ocean, State of New Jersey."

**§1-2. Code supersedes prior ordinances.**

This ordinance shall supersede all other general and permanent ordinances passed by the Mayor and Council of the Borough of Seaside Park, prior to the enactment of this Code, except such ordinances as are expressly saved from repeal or continued in force and effect as shall hereafter be set forth by reference.

**§1-3. When effective.**

All provisions of the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, shall be in full force and effect on and after the effective date of this ordinance.

**§1-4. Repeal of ordinances not contained in Code.**

All ordinances of a general and permanent nature, adopted by the Mayor and Council of the Borough of Seaside Park and in force on the date of the adoption of this ordinance, and not contained in the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, are hereby repealed as of the effective date of this adopting ordinance, except as hereinafter provided.

**§1-5. Ordinances saved from repeal; matters not affected by repeal.**

The adoption of this Code and the repeal of ordinances provided for in §1-4 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Borough of Seaside Park, prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough of Seaside Park or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the Borough of Seaside Park.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Mayor and Council.
- E. Any ordinance of the Borough of Seaside Park providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Borough of Seaside Park, or any portion thereof.
- F. Any ordinance or resolution of the Borough of Seaside Park appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough of Seaside Park or other instruments or evidence of the borough's indebtedness.
- G. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- H. The levy or imposition of taxes, assessments or charges.
- I. The dedication of property or approval of preliminary or final subdivision plots.

J. Ordinances adopted by the Board of Health.

K. Any ordinance of the Borough of Seaside Park adopted subsequent to June 1, 1970.

**§1-6. Changes in previously adopted ordinances.**

In compiling and preparing the ordinances of the Borough of Seaside Park for adoption and revision as part of the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Mayor and Council of the Borough of Seaside Park that all such changes be adopted as part of the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, as if the ordinances so changed had been previously formally amended to read as such.

**§1-7. Copy of Code on file.**

A copy of the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, in loose-leaf form has been filed in the office of the Borough Clerk of the Borough of Seaside Park and shall remain there for the use and examination of 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 Seaside Park by impressing thereon the seal of the Borough of Seaside Park, as provided by law, and such certified copy shall remain on file in the office of the Borough Clerk of the Borough of Seaside Park to be made available to persons desiring to examine the same during all times while the said Code is in effect.

**§1-8. Amendments to Code.**

Any and all additions, amendments or supplements to the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, when passed and adopted in such form as to indicate the intention of the Mayor and Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to "The Code of the Borough of Seaside Park, County of Ocean, State of New Jersey," shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing the said Code, as amendments and supplements thereto.

**§1-9. Code book to be kept up-to-date.**

It shall be the duty of the Borough Clerk or someone authorized and directed by the Borough Clerk to keep up-to-date the certified copy of the book containing the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, required to be filed in the office of

the Borough Clerk for the use of the public. All changes in said Code and all ordinances adopted by the Mayor and Council subsequent to the effective date of this codification which the Mayor and Council shall adopt 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.

**§1-10. Sale of Code book; supplements provided.**

Copies of the Code book containing the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, may be purchased from the Clerk of the Borough of Seaside Park upon the payment of a fee to be set by resolution of the Mayor and Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

**§1-11. Publication; filing.**

The Clerk of the Borough of Seaside Park, 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 of Seaside Park. Sufficient copies of the Code of the Borough of Seaside Park, County of Ocean, State of New Jersey, shall be maintained in the office of the Borough Clerk for inspection by the public at all times during regular office hours. The enactment and application 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.

**§1-12. 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 section or parts thereof.

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

Each section of this ordinance 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.

**§1-14. Altering or tampering with Code; penalties for violation.**

*Amended 12-20-2001 by Ord. No. 1291*

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion thereof, or to alter or tamper with such Code in any manner whatsoever, which will cause the law of the

Borough of Seaside Park to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than one thousand dollars (\$1,000.) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Judge imposing the same.

**§1-15. Effective date of this ordinance.**

This ordinance shall take effect immediately after final approval and publication, according to law.