

WESTFIELD TOWN CODE

CHAPTER 1. GENERAL PROVISIONS.

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Sec. 1-1. How code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated “The Code of the Town Of Westfield, New Jersey,” and may be so cited. Such code may also be cited as the “Westfield Town Code.”

Sec. 1-2. Rules of construction.

In the construction of this Code and of all ordinances of the town, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the town council:

Administrative assistant. The words “administrative assistant” shall be construed to mean the town administrator.

Administrative committee of the council. All references to administrative committees of the council shall be construed to mean the head of the department established by this Code to which such reference is applicable.

And, or. “And” may read “or”, and “or” may read “and” if the sense requires it.

Chief engineer of the fire department. The words “chief engineer of the fire department” shall be construed to mean fire chief.

Committee. Whenever in this Code any committee is mentioned by name or title, such committee shall be understood to be the committee of the town council designated by such name or title unless otherwise indicated.

Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Council or town council. Whenever the words “council” or “town council” are used, they shall be construed to mean the town council of the Town of Westfield, New Jersey.

*Gender.*¹ A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Month. The word “month” shall mean a calendar month.

*Number.*² A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Owner. The word “owner,” applied to a building or land, shall include any part owner, any corporation, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

*Person.*³ The word “person” shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Preceding, following. The words “preceding” and “following” mean next before and next after, respectively.

State. The word “state” shall mean “the State of New Jersey.”

Street. Whenever the word “street” is mentioned in this Code, it shall be construed to include a highway, road, avenue, court, public lane or alley; and it shall also be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the town council.

Time. Words used in the past or present tense include the future as well as the past and present.

Town. The word “town” shall be construed as if the words “of Westfield, New Jersey” followed it.

Town clerk, chief of police or other officers. The words “town clerk”, “chief of police”, or such other named town officer shall be construed to mean the town clerk, chief of police or such other town officer or department respectively of the Town of Westfield, New Jersey.

¹ For similar state law, see R. S.; § 1:1-2

² For similar state law, see R. S., § 1:1-2.

³ For similar state law, see R. S., § 1:1-2.

“*Writing*” or “*in writing*” shall be construed to include any representation of words, letters or figures, whether by printing or otherwise. (G.O. No. 944, § 6.)

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Sec. 1-4. Severability of parts of Codes.

Each section of this Code is hereby declared to be a separate section, and the determination of any section or part thereof to be void shall not affect the validity of any other section or part thereof.

Sec. 1-5. General Penalty.⁴

a. *Maximum penalty.* Whenever in this Code or any other ordinance of the town any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or any other ordinance, rule or regulation promulgated pursuant thereto, the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any other ordinance, rule or regulation promulgated pursuant thereto, shall be punished by one or more of the following: a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding ninety days, or to a period of community service not exceeding ninety days at the discretion of the municipal court judge. Each day any violation of this Code or of any other ordinance shall continue shall constitute a separate offense.

Whenever any such fine is imposed upon any corporation, such fine and costs and charges incident thereto may be collected in an action of debt or in such other manner as may be provided by law.

b. *Minimum penalty.* The town council may prescribe that, for the violation of any particular Code provision or ordinance, at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding one hundred dollars. (N.J.S.A. 40:49-5.)

⁴ For state law authorizing maximum fine and imprisonment, see R. S., § 40:49-5.

As to municipal court, see §§ 2-45 to 2-49 of this Code. As to penalties for violation of bicycle regulations, see § 7-14. As to penalties for violation of regulations pertaining to comic books and obscene publications, see § 10-9. As to penalties for violation of traffic regulations generally, see § 13-8. As to penalty for violation of emergency snow regulations, see § 13-16. As to penalty for violation of parking meter regulations, see § 13-49.

Sec. 1-6. One hundred dollar fee for copy of Code.

A fee of one hundred dollars is hereby fixed and established for each copy of the Code of the Town of Westfield. The town clerk's office shall issue a receipt for each fee received as hereinabove provided. All money received shall be turned over to the town treasurer. (G.O. No. 914, §§ 1, 2; G.O. No. 1447, § I.)

Sec. 1-7. Fee for copy of Land Use Ordinance and yearly page replacements for amendments.

a. A fee of thirty-five dollars is hereby fixed and established for each printed copy of the Land Use Ordinance of the Town of Westfield dated October 1998.

b. A fee of twenty-five dollars is hereby fixed and established for each copy of the Land Use Ordinance of the Town of Westfield dated October 1998 contained on computer disc.

c. A fee of forty dollars is hereby fixed and established for the purchase of both the printed copy and the computer disc copy of the Land Use Ordinance dated October 1998 when purchased together at the same time.

d. A fee of twenty dollars is hereby fixed and established for the purchase of yearly replacement page inserts to update both the printed and disc versions which will include all the amendments adopted the prior year. This fee will be changed each year for these updates.

(G.O. No. 1000, §§ 1, 2; G.O. No. 1293, § 1; G.O. No. 1530, § I; G.O. No. 1714, § I.)

Sec. 1-8. Ten dollar fee for copy of housing element of master plan.

A fee of ten dollars is hereby fixed and established for each copy of the housing element of the master plan of the Town of Westfield.

The town clerk's office shall issue a receipt for each fee received as hereinabove provided. All monies received shall be turned over to the town treasurer. (G.O. No. 1483, § I.)

Sec. 1-9. Twenty-five dollar fee for copy of master plan.

A fee of twenty-five dollars is hereby fixed and established for each copy of the master plan of the Town of Westfield. The town clerk's office shall issue a receipt for each fee received as hereinabove. All monies received shall be turned over to the town treasurer. (G.O. No. 1566, § I.)