

Lindsay Cranmer

From: Jenny Gleghorn
Sent: Tuesday, January 17, 2023 9:53 AM
To: Lindsay Cranmer; James McAndrew
Subject: FW: [EXTERNAL]:OPRA request - Violation Notices & Related Court documents against 61 Admiral Dr.

Please process

Jenny Gleghorn, RMC
Borough Administrator/Municipal Clerk
420 East Main Street
Tuckerton, New Jersey 08087
609-296-2701

-----Original Message-----

From: Brents T Whealton [mailto:opra+request-39104-a056cbee@requests.opramachine.com]
Sent: Monday, January 16, 2023 3:23 PM
To: OPRA requests at Tuckerton Borough <TuckertonBoroClerk@comcast.net>
Subject: [EXTERNAL]:OPRA request - Violation Notices & Related Court documents against 61 Admiral Dr.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Tuckerton Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Zoning Violation Notices against 61 Admiral Drive since 1990, and any current. *OFFICE / 2002 STARTED 3yrs*
Zoning Violation court paperwork with any fines or penalties assessed to Gerald Whealton of 61 Admiral Dr. within this timeframe as well. *COURT CLERK*

Please send all paperwork scanned to my email address.

Thank you for your time,

-Brents Whealton

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-39104-a056cbee@requests.opramachine.com

Is TuckertonBoroClerk@comcast.net the wrong address for OPRA requests to Tuckerton Borough? If so, please contact us using this form:

https://opremachine.com/change_request/new?body=tuckerton_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opremachine.com/help/officers>

View this OPRA request & responses online:

https://opremachine.com/request/violation_notices_related_court

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

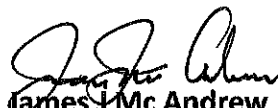
**TUCKERTON CONSTRUCTION OFFICE
420 E MAIN ST
TUCKERTON NJ. 08087
CODE ENFORCEMENT
609-296-3254**

January 9th 2023

I called a Mr. Brent Whealton regarding the condition of a property located at 61 Admiral Dr. in the Borough of Tuckerton NJ. The property is listed in the name of a Mr. Gerald Whealton. Brent Whealton said that he represents his father with the affairs of the property at 61 Admiral Drive Tuckerton NJ 08087.

I explained that the property needs a considerable amount of work to remove the trash and debris that is cluttering the property. I explained that the property has a long history of being in its current condition and that I am going to issue a code violation to Mr. Gerald Whealton and that that will give him 10 days to have the property cleaned up.

After I spoke with Mr. Brent Whealton I went to the property and took pictures of the condition of the yard and surrounding property to verify the conditions at this time and date. Mr. Brent Whealton said that he would try and come down or call his son that is living at the house and see if his son could clean up the property .


**James J. McAndrew
Code Enforcement Officer
Tuckerton N.J. 08087**

Samantha Hollberg

From: Bobbie <proudpiney@gmail.com>
Sent: Monday, January 23, 2023 9:52 AM
To: Samantha Hollberg
Subject: [EXTERNAL]:1/16/23 @ 1:48pm

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Number 6096183166

Email brentswhealton@gmail.com

message Hey James, I received the violation notice through the mail for 61 Admiral Dr.. As stated in the letter I currently have my son, who lives there, cleaning up the yard. Upon investigating my records and photos though, there are some issues with public works not picking up items at the curb though that is trash/debris. I called on July 29th, 2022 @ 1:15PM and spoke with someone in the department to pick up the broken furniture and the trailer that is out front, and it is still there. I understand your concerns about the property, but if we put stuff out to the curb and no one picks it up after we've called Tuckerton Public Works Department that should not be a part of this notice violation. I realize there is a history of violations at this address, however I will be taking over from this point forward to take care of any concerns, violations, or other problems with the property, as I told you last year, when we discussed it in July after my fathers near fatal fall. I would also like to request you contact me by email, I am not always freely available on my cell phone because I own/operate a very busy Brick & Mortar store an hour away. I would like to conclude any discussions about what needs to be done at the property and any documents of violations that occur in the future through email so everything is transparent, electronically documented, and to make sure we are complying with the notice(s) from your office. I will need an explanation for the violation of Exterior Prop Maint. IMPC 302.1. What specifically needs to be done to rectify this violation?? My realtor expressed that you said you were going to red flag the property, what exactly does that mean and the violation does not state any terms relating to a "red flag"? Would like some clarification on that too please. As we are trying to sell the home to move my father out of Tuckerton, and closer to us for elderly care, and our realtor says we'd have to take down selling it if it's red flagged. In the coming days I will also be submitting an OPRA request for all documentation pertaining to all zoning violations and court documents from the past and present against 61 Admiral Dr. since my father has owned the property. I would like these for my records and would like this paperwork sent by email to me. Just letting you know this as a courtesy, because a OPRA request for these documents will sent soon. Thanks for your time, be in touch. -Brents Whealton

Samantha Hollberg

From: Bobbie <proudpiney@gmail.com>
Sent: Monday, January 23, 2023 9:52 AM
To: Samantha Hollberg
Subject: [EXTERNAL]:1/19/23 @ 1:18pm

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

View Entry

Name **Name**

Name GERALD WHEALTON

Number JERRY_WHEALTON@OUTLOOK.COM

Email JERRY_WHEALTON@OUTLOOK.COM

message RECEIVED VIOLATION NOTICE & LETTER FROM YOU ON 1/10/2023. CAN I HAVE PICTURES OF
PROPERTY E_MAILED TO ME? CAN I HAVE A EXTENSION OF VIOLATION NOTICE TIME?

TUCKERTON BOROUGH
CONSTRUCTION OFFICE
CODE ENFORCEMENT
420 E MAIN ST
TUCKERTON N.J. 08087

VIOLATION NOTICE

Please be advised that you are in violation of existing Tuckerton Borough ordinance(s) regarding the following violation (s)

- | | |
|--|---|
| ☐ HIGH WEEDS, GRASSES # 103-1 & IMPC | ☐ Bulkhead Maintenance # 118-9 |
| ☐ TRASH & DEBRIS # 210-3 & IPMC# 308.1 | ☐ VISUAL OBSTRUCTION #255-36 |
| ☒ UNREGISTERED VEHICLE # 210-4 | ☐ NO ZONING PERMIT #255-63.4 |
| ☐ NO POOL PERMIT 255-44 (D) | ☐ NO RENTAL C.I. # 122-1 |
| ☐ DOG RUNNING AT LARGE # 93-1 | ☐ SNOW REMOVAL # 229-28 |
| ☐ NO BUILDING PERMIT # 231-27 | ☐ CONST. EQUIP. ON RES. LOT # 255-48.1 |
| ☒ PROPERTY MAINTENANCE # 210 & IMPC #302 | ☐ SIGNS GENERAL REGULATIONS 255-61 |
| ☐ HOUSE NUMBERS # 110 (1-11) | ☐ FENCE MAINT. 210-14 D-(4) |
| ☐ PROTECTIVE TREATMENT IMPC 304.2 | ☐ BOAT/TRAILER STORAGE 255-48.1(D) |

You are being issued this notice as a courtesy. You have 10 days from the date of this notice to contact this office or comply with this request. Failure to do this will result in a summons being issued to you. If there are any questions please call 609-296-3254.

***IMPC International Property Maintenance Code

Name: Mr. Gerald Whealton

Date 10/2/2020

Address 61 Admiral Dr. Tuckerton NJ 08087

Site: 61 Admiral Dr. Tuckerton NJ 08087 Block: 51 Lot: 19


JAMES J MC ANDREW
CODE ENFORCEMENT OFFICER
TUCKERTON N.J. 08087
609-296-3254

TUCKERTON BOROUGH
CONSTRUCTION OFFICE
CODE ENFORCEMENT
420 E MAIN ST
TUCKERTON N.J. 08087

VIOLATION NOTICE

Please be advised that you are in violation of existing Tuckerton Borough ordinance(s) regarding the following violation (s)

☐ HIGH WEEDS, GRASSES # 103-1 & IMPC

☒ TRASH & DEBRIS # 210-3 & IPMC# 308.1

☐ UNREGISTERED VEHICLE # 210-4

☐ NO POOL PERMIT 255-44 (D)

☐ DOG RUNNING AT LARGE # 93-1

☐ NO BUILDING PERMIT # 231-27

☒ PROPERTY MAINTENANCE # 210 & IMPC #302

☐ HOUSE NUMBERS # 110 (1-11)

☐ PROTECTIVE TREATMENT IMPC 304.2

☐ Bulkhead Maintenance # 118-9

☐ VISUAL OBSTRUCTION #255-36

☐ NO ZONING PERMIT #255-63.4

☐ NO RENTAL C.I. # 122-1

☐ SNOW REMOVAL # 229-28

☐ CONST. EQUIP. ON RES. LOT # 255-48.1

☐ SIGNS GENERAL REGULATIONS 255-61

☐ FENCE MAINT. 210-14 D-(4)

☐ BOAT/TRAILER STORAGE 255-48.1(D)

MR. WHEALTON, THEN TRASH AND DEBRIS UNDER THE HOUSE NEEDS TO BE CLEANED UP.

You are being issued this notice as a courtesy. You have 10 days from the date of this notice to contact this office or comply with this request. Failure to do this will result in a summons being issued to you. If there are any questions please call 609-296-3254.

***IMPC International Property Maintenance Code

Name: Mr. Gerald Whealton

Date: 1/6/2021

Address: 61 Admiral Dr. Tuckerton NJ 08087

Site: 61 Admiral Dr. Tuckerton NJ 08087 Block: 51 Lot: 19


JAMES J MC ANDREW

CODE ENFORCEMENT OFFICER

TUCKERTON N.J. 08087

609-296-3254

TUCKERTON CONSTRUCTION OFFICE
420 E Main St.
Tuckerton NJ 08087
CODE ENFORCEMENT MEMO

Mr. Gerald Whealton
61 Admiral Drive
Tuckerton NJ 08087

January 27, 2021

Mr. Whealton:

I have on several occasions tried to call you regarding your request for an extension of time to clean up you property at 61 Admiral Dr. in the Borough. I cannot leave a message on the number that you called from, 609-290-3848. The date of your violation notice was 1/6/2021 you request for an extension is **until Feb. 15th 2021**. Hope you are well.



James Mc Andrew
609-296-3254
Code Enforcement Officer

TUCKERTON BOROUGH
CONSTRUCTION OFFICE
CODE ENFORCEMENT
420 E MAIN ST
TUCKERTON N.J. 08087

VIOLATION NOTICE

Please be advised that you are in violation of existing Tuckerton Borough ordinance(s) regarding the following violation (s)

☐ HIGH GRASS, WEEDS OR BRUSH # 103-1

☒ TRASH & DEBRIS # 210-3 & IPMC# 308.1

☐ UNREGISTERED VEHICLE # 210-4

☒ Exterior Prop. Maint. IMPC 302.1

☐ Vacant Structure & Land Maint. IPMC 301.3

☐ NO BUILDING PERMIT # 231-27

☐ PROPERTY MAINTENANCE # 210

☐ HOUSE NUMBERS # 110 (1-11)

☐ IPMC PROTECTIVE TREATMENT 304.2

☐ ACCESSORY STRUCTURES IPMC 302.7

☐ Maintenance # 118-9 Bulkhead

☐ VISUAL OBSTRUCTION #255-36

☐ NO ZONING PERMIT #255

☐ NO RENTAL C.I. # 122-1

☐ R.V. LOTS 255-48.2

☐ STORAGE ON RES. LOT#255-48.1

☐ SIGNS GENERAL REG. 255-60

☐ FENCE MAINT. 210-14 D-(4)

☐ M.V./BOAT STORAGE IPMC 302.8

MR. WHEALTON, PLEASE CONTACT THIS OFFICE UPON RECEIPT OF THIS VIOLATION NOTICE.

You are being issued this notice as a courtesy. You have 10 days from the date of this notice to contact this office or comply with this request. Failure to do this will result in a court summons being issued. If there are any questions please call 609-296-3254.

Name: Mr. Gerald F. Whealton

Date 1/10/2023

Address: 61 Admiral Drive Tuckerton NJ 08087

Site: 61 Admiral Drive Tuckerton NJ 08087

Block: 51

Lot: 19


JAMES J MC ANDREW
CODE ENFORCEMENT OFFICER
TUCKERTON N.J. 08087
609-296-3254

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. GERALD WHEALTON
61 ADMIRAL DR
TUCKERTON N.J 08087



9590 9402 6451 0346 1861 61

7014 1820 0001 7073 8180

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Address

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

(over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

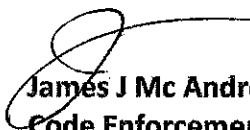
**TUCKERTON CONSTRUCTION OFFICE
420 E MAIN ST
TUCKERTON NJ. 08087
CODE ENFORCEMENT
609-296-3254**

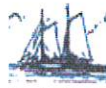
January 9th 2023

I called a Mr. Brent Whealton regarding the condition of a property located at 61 Admiral Dr. in the Borough of Tuckerton NJ. The property is listed in the name of a Mr. Gerald Whealton. Brent Whealton said that he represents his father with the affairs of the property at 61 Admiral Drive Tuckerton NJ 08087.

I explained that the property needs a considerable amount of work to remove the trash and debris that is cluttering the property. I explained that the property has a long history of being in its current condition and that I am going to issue a code violation to Mr. Gerald Whealton and that that will give him 10 days to have the property cleaned up.

After I spoke with Mr. Brent Whealton I went to the property and took pictures of the condition of the yard and surrounding property to verify the conditions at this time and date. Mr. Brent Whealton said that he would try and come down or call his son that is living at the house and see if his son could clean up the property .


**James J Mc Andrew
Code Enforcement Officer
Tuckerton N.J. 08087**



Borough of Tuckerton

Residential
Resources

Block/Lot/Qual:	51. 19.	Tax Account Id:	901
Property Location:	61 ADMIRAL DRIVE	Property Class:	2 - Residential
Owner Name/Address:	WHEALTON GERALD F	Land Value:	86,600
	61 ADMIRAL DR	Improvement Value:	177,300
	TUCKERTON N J 08087	Exempt Value:	0
		Total Assessed Value:	263,900
		Additional Lots:	19.01
Special Taxing Districts:		Deductions:	SEN: 250.00
			VET: 250.00

Balance Includes any Adjustments to Your Account

Taxes Utilities

Make a Payment View Tax Rates View Current Bill Project Interest								
Year	Due Date	Type	Orig Billed	Adj Billed	Balance	Interest	Total Due	Status
2023	02/01/2023	Tax	1,618.06	0.00	1,614.88	0.00	1,614.88	OPEN
2023	05/01/2023	Tax	1,618.06	0.00	1,618.06	0.00	1,618.06	OPEN
Total 2023			3,236.12	0.00	3,232.94	0.00	3,232.94	
2022	02/01/2022	Tax	1,587.06	0.00	0.00	0.00	0.00	PAID
2022	05/01/2022	Tax	1,587.05	-581.49	0.00	0.00	0.00	PAID
2022	08/01/2022	Tax	1,649.07	0.00	0.00	0.00	0.00	PAID
2022	11/01/2022	Tax	1,649.06	0.00	0.00	0.00	0.00	PAID
Total 2022			6,472.24	-581.49	0.00	0.00	0.00	
2021	02/01/2021	Tax	1,603.55	0.00	0.00	0.00	0.00	PAID
2021	05/01/2021	Tax	1,603.54	-363.96	0.00	0.00	0.00	PAID
2021	08/01/2021	Tax	1,570.56	-500.00	0.00	0.00	0.00	PAID
2021	11/01/2021	Tax	1,570.56	0.00	0.00	0.00	0.00	PAID
Total 2021			6,348.21	-863.96	0.00	0.00	0.00	
Last Payment: 01/09/23								

[Return to Home](#)

James McAndrew <jmcandrew@tuckertonborough.com>

1/9/2023 10:15 AM

61 Admiral Dr Tuckerton

To cap118@comcast.net <cap118@comcast.net>

Front Entrance stairs



Sent from my iPhone

- IMG_1863.jpg (215 KB)

James McAndrew <jmcandrew@tuckertonborough.com>

1/9/2023 10:04 AM

61 Admiral Dr Tuckerton NJ

To cap118@comcast.net <cap118@comcast.net>

Taken 1/9/2023



Sent from my iPhone

- IMG_1856.jpg (224 KB)

James McAndrew <jmcandrew@tuckertonborough.com>

1/9/2023 10:13 AM

61 Admiral Dr Tuckerton NJ

To cap118@comcast.net <cap118@comcast.net>

Taken 1/9/2024



Sent from my iPhone

- IMG_1855.jpg (227 KB)

James McAndrew <jmcandrew@tuckertonborough.com>

1/9/2023 10:10 AM

61 Admiral Drive

To cap118@comcast.net <cap118@comcast.net>

Taken 1/09/2024



Sent from my iPhone

- IMG_1862.jpg (228 KB)

James McAndrew <jmcandrew@tuckertonborough.com>

1/9/2023 10:02 AM

61 Admiral Drive Tuckerton NJ

To cap118@comcast.net <cap118@comcast.net>

1/9/2023



Sent from my iPhone

- IMG_1860.jpg (227 KB)

James McAndrew <jmcandrew@tuckertonborough.com>

1/9/2023 10:11 AM

61 Admiral Dr Tuckerton NJ

To cap118@comcast.net <cap118@comcast.net>

Picture taken 1/9/2024



Sent from my iPhone

- IMG_1859.jpg (228 KB)

James McAndrew <jmcandrew@tuckertonborough.com>

1/9/2023 10:01 AM

61 Admiral Dr. Tuckerton NJ 08087

To cap118@comcast.net <cap118@comcast.net>

Picture taken 1/9/2024



Sent from my iPhone

- IMG_1861.jpg (244 KB)

James McAndrew <jmcandrew@tuckertonborough.com>

1/9/2023 10:28 AM

61 Admiral Dr Tuckerton

To cap118@comcast.net <cap118@comcast.net>

Front of house with tarp???



Sent from my iPhone

- IMG_1857.jpg (165 KB)

James McAndrew

From: Brian K. Wilkie, Esq. <wilkieesq@gmail.com>
Sent: Monday, June 17, 2019 11:01 AM
To: James McAndrew
Subject: RE: James McAndrew Tuckerton Whealton/Request

That's ridiculous. At this juncture, let's make him come into Court and we'll hand it to him there, on the record, so that he can't claim it was never received.

Regards,
s/ Brian K. Wilkie, Esq.
Associate Attorney
Citta, Holzapfel & Zabarsky
732.349.1600 – Office
609.290.6125 – Cell

From: [James McAndrew](#)
Sent: Monday, June 17, 2019 10:33 AM
To: wilkieesq@gmail.com
Subject: RE: James McAndrew Tuckerton Whealton/Request

Good Morning Sir,

Thank you for your answer to this problem. I have not provided Mr. Whealton any information for this current request. I have in the past provided him with information that he requested. He has lost the information and made a second request and I sent him this information. I send all request to him via registered mail and regular mail. He constantly tries to delay his court date.

On your advise do I send him the information requested for this summon (I have it ready just the basic info) or wait and work it out in court? Please advise.

Thank you Sir

James J Mc Andrew
Code Enforcement Officer
Tuckerton NJ 08087

From: Kim Kadlubowski
Sent: Monday, June 17, 2019 9:50 AM
To: James McAndrew <JMcAndrew@TuckertonBorough.com>
Subject: FW: James McAndrew Tuckerton Whealton/Request

From: Brian K. Wilkie, Esq. [<mailto:wilkieesq@gmail.com>]
Sent: Monday, June 17, 2019 9:42 AM
To: Kim Kadlubowski
Subject: RE: James McAndrew Tuckerton Whealton/Request

Received; this guy is speaking gibberish. He has a right to any of the documents Mr. McAndrew relied on or created in the course of issuing this ticket (such as pictures, videos, written reports, etc.), but that's it. If he wants extraneous documents, he can submit them to the Clerk's office via OPRA. Normally, the request should go to Records, then to Mr.

James McAndrew

From: Kim Kadlubowski
Sent: Monday, June 17, 2019 9:50 AM
To: James McAndrew
Subject: FW: James McAndrew Tuckerton Whealton/Request

From: Brian K. Wilkie, Esq. [mailto:wilkieesq@gmail.com]
Sent: Monday, June 17, 2019 9:42 AM
To: Kim Kadlubowski
Subject: RE: James McAndrew Tuckerton Whealton/Request

Received; this guy is speaking gibberish. He has a right to any of the documents Mr. McAndrew relied on or created in the course of issuing this ticket (such as pictures, videos, written reports, etc.), but that's it. If he wants extraneous documents, he can submit them to the Clerk's office via OPRA. Normally, the request should go to Records, then to Mr. McAndrew, who should provide the discovery back to Records. They would then submit that to the Defendant. If that's what happened here, then he is entitled to whatever discovery we have.

For something like a DUI, the discovery is quite extensive. For something like code, usually there's minimal. We may only have summonses if Mr. McAndrew just went out and inspected whatever the issue was.

Regarding the interrogatories, I would normally object to them as they are atypical in criminal/ quasi-criminal. But seeing as Mr. McAndrew already submitted answers and they're very broad, foundational questions, I figure there's no sense trying to put the toothpaste back in.

In any event, the Defendant should be due for an appearance sooner or later, and we can duke these out in front of the Judge.

Regards,
s/ Brian K. Wilkie, Esq.
Associate Attorney
Citta, Holzapfel & Zabarsky
732.349.1600 – Office
609.290.6125 – Cell

From: [Kim Kadlubowski](#)
Sent: Monday, June 17, 2019 8:45 AM
To: [Brian K. Wilkie Esq.](#)
Subject: RE: James McAndrew Tuckerton Whealton/Request

Brian,

Here is another copy of the paperwork. Sorry about that...

Thank you,

Kimberley Kadlubowski

Kimberley Kadlubowski
Technical Assistant to
The Construction Official
Tuckerton Borough, NJ
609 296 4916

From: Brian K. Wilkie Esq. [mailto:wilkieesq@gmail.com]
Sent: Saturday, June 15, 2019 2:56 PM
To: Kim Kadlubowski
Subject: RE: James McAndrew Tuckerton Whealton/Request

Hi,

There doesn't appear to be anything attached to the prior email.

--BKW

Sent from [Mail](#) for Windows 10

From: [Kim Kadlubowski](#)
Sent: Friday, June 14, 2019 1:22 PM
To: wilkieesq@gmail.com
Subject: James McAndrew Tuckerton Whealton/Request

Brian,

Here is the paperwork you requested from James McAndrew.

Kimberley Kadlubowski

Kimberley Kadlubowski
Technical Assistant to
The Construction Official
Tuckerton Borough, NJ
609 296 4916

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Gerald Wheatton
61 Admiral Dr.
Tuckerton, N.J.
08087

2. Article Number

(Transfer from service label)

7014 1820 0001 7073 6735

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail® ☐ Priority Mail Express™

☐ Registered ☒ Return Receipt for Merchandise

☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

10/13/2020

Sent To

Street & Apt. No.,
or PO Box No.

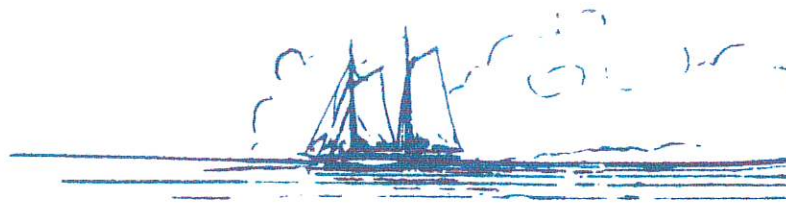
City, State, ZIP+4

PS Form 3800, July 2014

See Reverse for Instructions

7014 1820 0001 7073 6735

Founded 1698



BOROUGH OF TUCKERTON

COUNTY OF OCEAN

420 E. MAIN STREET
TUCKERTON, NEW JERSEY 08087
tuckertonborough.com

SUSAN R. MARSHALL
MAYOR

JENNY GLEGHORN, RMC
ADMINISTRATOR/CLERK

...

609-296-2701
FAX 609-296-9247

October 13, 2020

Mr. Gerald Whealton
61 Admiral Drive
Tuckerton NJ 08087

Mr. Whealton,

By way of this letter, I am sending the information, explanations and copies of the Ordinances and regulations that you requested. They are self-explanatory.

Your request for a 10 day extension to clear up the violation is granted the completion date is now is October 23 2020.

The answer to your statement that I did not tell you what to do about the violations has a simple solution clean and clear them up.

I would appreciate your help in resolving this continuing problem.

Thank You

James J Mc Andrew
Code Enforcement Officer
Tuckerton NJ 08087
609-296-3254

TUCKERTON BOROUGH
CONSTRUCTION OFFICE
CODE ENFORCEMENT
420 E MAIN ST
TUCKERTON N.J. 08087

VIOLATION NOTICE

Please be advised that you are in violation of existing Tuckerton Borough ordinance(s) regarding the following violation (s)

- | | |
|--|---|
| ☐ HIGH WEEDS, GRASSES # 103-1 & IMPC | ☐ Bulkhead Maintenance # 118-9 |
| ☐ TRASH & DEBRIS # 210-3 & IPMC# 308.1 | ☐ VISUAL OBSTRUCTION #255-36 |
| ☒ UNREGISTERED VEHICLE # 210-4 | ☐ NO ZONING PERMIT #255-63.4 |
| ☐ NO POOL PERMIT 255-44 (D) | ☐ NO RENTAL C.I. # 122-1 |
| ☐ DOG RUNNING AT LARGE # 93-1 | ☐ SNOW REMOVAL # 229-28 |
| ☐ NO BUILDING PERMIT # 231-27 | ☐ CONST. EQUIP. ON RES. LOT # 255-48.1 |
| ☒ PROPERTY MAINTENANCE # 210 & IMPC #302 | ☐ SIGNS GENERAL REGULATIONS 255-61 |
| ☐ HOUSE NUMBERS # 110 (1-11) | ☐ FENCE MAINT. 210-14 D-(4) |
| ☐ PROTECTIVE TREATMENT IMPC 304.2 | ☐ BOAT/TRAILER STORAGE 255-48.1(D) |

You are being issued this notice as a courtesy. You have 10 days from the date of this notice to contact this office or comply with this request. Failure to do this will result in a summons being issued to you. If there are any questions please call 609-296-3254.

***IMPC International Property Maintenance Code

Name: Mr. Gerald Whealton

Date 10/2/2020

Address 61 Admiral Dr. Tuckerton NJ 08087

Site: 61 Admiral Dr. Tuckerton NJ 08087 Block: 51 Lot: 19


JAMES J MC ANDREW
CODE ENFORCEMENT OFFICER
TUCKERTON N.J. 08087
609-296-3254

§ 210-3 Storage and collection of certain articles prohibited.

It shall be unlawful for any person or persons, firm or corporation to allow to gather, store, maintain or collect on any private or public lands and premises within the Borough any debris, junk, trash, rubbish, waste material or any other articles deemed to be unsightly, objectionable or which tend to detract from the aesthetic appearance of the surrounding area.

§ 210-4 Storage of motor vehicles.

- A. Storage prohibited. No person shall store or permit to be stored upon any lands within the Borough any motor vehicle which does not have attached thereto registration plates authorizing the operation of the vehicle upon the public streets and highways, unless the motor vehicle is garaged. For the purpose of this section, "store" and "stored" shall mean keeping a motor vehicle upon any lands for a period of more than 60 days.
- B. Service stations. A service station operating within the Borough may store motor vehicles for a period not to exceed one year after the expiration of the motor vehicle registration of the vehicles, provided that vehicles so stored are registered with the Police Department.

§ 210-5 Administration and enforcement.

The provisions of this article shall be administered and enforced by the Code Enforcement Officer of the Borough of Tuckerton. It shall be the duty of the Code Enforcement Officer to receive and investigate any and all complaints which are reported, in writing, either by the Mayor and Borough Council or by the general public. The Code Enforcement Officer shall, in writing, order the abating or remedying of any condition found to exist in violation of any provisions or requirements of this article.

§ 210-6 Right of entry.

The Code Enforcement Officer shall have the right to enter on or upon any lands and premises during the daytime in the course of his duties.

§ 210-7 Notice of violation.

When written notice of a violation has been served by the Code Enforcement Officer upon the person or persons, firm or corporation in possession of said lands and premises, such violation shall be discontinued immediately.

§ 210-8 Extension of time for remedying violation.

If the person or persons, firm or corporation violating the provisions of this article genuinely intends to abate or remedy the prohibited condition existing on the lands and premises, the Code Enforcement Officer, in his discretion, may grant an extension of 10 days in which the prohibited condition may be abated or remedied. The extension of time shall be given to the person or persons, firm or corporation in writing, setting forth the date upon which the prohibited condition must be abated or remedied.

§ 210-9 Violations and penalties.

Any person or persons, firm or corporation who or which shall violate this article or any of its provisions shall, upon conviction, be punished either by imprisonment in the county jail for a term not exceeding 90 days or by a fine not exceeding \$1,000, or both, in the discretion of the court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this article.

James McAndrew <jmcandrew@tuckertonborough.com>

10/9/2020 7:50 AM

Fwd: VIOLATION NOTICE--10/02/2020

To cap118@comcast.net <cap118@comcast.net>

Sent from my iPhone

Begin forwarded message:

From: GERALD WHEALTON <JERRY_WHEALTON@outlook.com>
Date: October 8, 2020 at 4:31:05 PM EDT
To: " [Jmcandrew@tuckertonborough.com](mailto:jmcandrew@tuckertonborough.com) " <[Jmcandrew@tuckertonborough.com](mailto:jmcandrew@tuckertonborough.com)>
Subject: VIOLATION NOTICE--10/02/2020

I HAVE QUESTIONS ABOUT VIOLATION NOTICE FORM I RECEIVED BY MAIL CONCERNING ORDANCE #210..

I RECEIVED A VIOLATION NOTICE FORM WITH

A ☒ IN UNREGISTERED VEHICLES ORD# 210-4 &

A ☒ PROPERTY MAINTENANCE ORD# 210 & IMPC #302

THIS VIOLATIONS FORM DOES NOT REFLECT WHAT IS WRONG & WHAT ACTIONS I NEED TO TAKE, ORD# 210-5 NEEDS TO BE ADDRESSED...

ORDANCE # 210-4 STATES:

A. Storage prohibited. No person shall store or permit to be stored upon any lands within the Borough any motor vehicle which does not have attached thereto registration plates authorizing the operation of the vehicle upon the public streets and highways, unless the motor vehicle is garaged. For the purpose of this section, "store" and "stored" shall mean keeping a motor vehicle upon any lands for a period of more than 60 days.

B. Service stations. A service station operating within the Borough may store motor vehicles for a period not to exceed one year after the expiration of the motor vehicle registration of the vehicles, provided that vehicles so stored are registered with the Police Department.

??? ALL MY VEHICLES HAVE NJ REGISTERED PLATE ATTACHED, WHAT IS THE VIOLATION NOTICE (210-4) abating or remedying of any condition found to exist in violation of any provisions or requirements of this article (210-4). I AM IN THE PROCESS OF SELLING SOME OF MY VEHICLES, AT LEAST 4..... ???

ORDANCE 210 PROPERTY MAINTENANCE:

??? WILL YOU MAIL/E-MAIL ME WITH ANY AND ALL COMPLAINTS REPORTED IN WRITING & AS DESCRIBED IN ORD #210-5 ???

??? WILL YOU MAIL/E-MAIL ME WITH ANY AND ALL PHOTO'S THAT SUPPORT THE COMPLAINT ???

YOUR PROMPT RESPONSE TO MY QUESTIONS BY MAIL / E-MAIL, CONCERNING ORD #210-5 ARE APPRECIATED & A EXTENSION WOULD BE APPRECIATED UNTILL THE E-MAILS ARE COMPLETED,

DATE 10/08/2020
MATTER GERALD WHEALTON

THANKS IN THIS

JERRY_WHEALTON@OUTLOOK.COM

ORDANCE # 210-5 Administration and enforcement.

The provisions of this article shall be administered and enforced by the Code Enforcement Officer of the Borough of Tuckerton. It shall be the duty of the Code Enforcement Officer to receive and investigate any and all complaints which are reported, in writing, either by the Mayor and Borough Council or by the general public. The Code Enforcement Officer shall, in writing, order the abating or remedying of any condition found to exist in violation of any provisions or requirements of this article.

Sent from [Mail](#) for Windows 10

3. Health and safety problems created by exhausts that contain hazardous or potentially hazardous discharge.

To reduce these problems, exhaust vents are prohibited from discharging directly on abutting or adjacent public and private property.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

*Accessory structures must be maintained in accordance with the criteria established by this section. Property owners often give detached garages, sheds, fences, retaining walls and similar structures a lower maintenance priority than the primary structure; thus, these structures are frequently in disrepair. A thorough inspection of all property areas and accessory buildings is necessary to identify violations of the code and to improve a neighborhood's appearance.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle, boat or trailer shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

*Improper storage of inoperable vehicles can be a serious problem for a community. The vehicles are unsightly, clutter the neighborhood, provide a harborage for rodents and are an attractive nuisance for children. This section establishes criteria for acceptable vehicle storage. No inoperable or unlicensed vehicles are permitted on a property unless approved in other regulations adopted by the community. This regulation addresses two problems associated with vehicle storage and repair:

- The blighting influence that improperly stored inoperable vehicles have on a neighborhood; and
- The neighborhood mechanic who attempts to operate a vehicle repair business from home.

Major vehicle repairs are permitted, but only if the work is performed in a structure designed and approved for such use. Of course, this regulation does not affect the storage of vehicles on property that complies with applicable zoning or license requirements, such as repair garages, salvage yards and similar establishments.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

*Graffiti, carving and damage is a problem that plagues exterior surfaces of walls, fencing and sidewalks in cities and towns of all sizes. This problem begins as an eyesore and can result in serious consequences, including declining property values and degradation of the structures' ability to repel rain and snow. It must be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

*Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare not specifically covered by this code shall be determined by the code official. Evolving technology in our society will inevitably result in a situation or circumstance in which the code is comparatively silent on an identified hazard. The reasonable application of the code to any hazardous, unforeseen condition is provided for in this section. Clearly such a section is needed as well as the code official's judicious and reasonable application. The purpose of the section, however, is not to impose requirements that may be preferred over explicit code requirements. Additionally, the section can be utilized to implement the general performance-oriented language of the code to specific enforcement situations.

102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

*In a situation where the code may make reference to a chapter or section number or to another code provision without specifically identifying its location in the code, assume that the referenced section, chapter or provision is in the code and not in a referenced code or standard.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

*In some cases, other laws enacted by the jurisdiction or the state or federal government may be applicable to a condition that is also governed by a requirement in the code. In such circumstances, the requirements of the code are in addition to the other law that is still in effect, although the code official may not be responsible for its enforcement.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 104

DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

*The duty of the code official is to enforce the code. Because the code official must respond to those who question the requirements of the code related to this responsibility, except as specifically exempted by statutory requirements or elsewhere in the code, he or she is the "authority having jurisdiction" for all matters relating to the code and its enforcement. It is the duty of the code official both to interpret and to determine compliance with the code. Code compliance will not always be easy to determine and will require the judgment and expertise of the code official. In exercising this authority, however, the code official cannot set aside or ignore any provision of the code.

*Borough of Tuckerton, NJ
Friday, October 9, 2020*

Chapter 60. Officers and Employees

Article V. Other Officers and Employees

§ 60-25. Code Enforcement Officer.

[Added 7-7-1993 by Ord.No. 11-1993; amended 11-6-2000 by Ord. No. 20-2000]

- A. Position created. There is hereby created the position of Code Enforcement Officer of the Borough of Tuckerton.
- B. Appointment. The Code Enforcement Officer shall be appointed by the Mayor, with the advice and consent of the Borough Council.
- C. Duties. The duties of the Code Enforcement Officer shall be as follows:
 - (1) To conduct field inspections and special investigations to ensure compliance with zoning and various municipal ordinances; enforce rules and regulations in relation to enforcement of ordinances; prepare needed reports; assist in the establishment and maintenance of the records and files; and assist in the promulgation of municipal ordinances.
 - (2) To assist the Zoning Officer in the enforcement of the zoning ordinances of the Borough of Tuckerton.^[1]
[1] Editor's Note: See Ch. 255, Zoning.
 - (3) To perform such duties as are required by the Mayor or Borough Council.
- D. Qualifications. To be appointed to the position of Code Enforcement Officer, an individual must meet the following requirements. The individual must:
 - (1) Have at least one year experience in conducting inspections to detect violations of an ensure compliance with laws, rules and regulations.
 - (2) Possess a driver's license valid in New Jersey.
 - (3) Have the ability to make necessary inspections and investigations without giving unnecessary offense.
 - (4) Have the ability to take and maintain a firm and correct stand when controversial matters are considered.
 - (5) Have the ability to prepare clear, sound, accurate and informative reports containing findings, conclusions and recommendations.
 - (6) Have the ability to establish and maintain needed records and files.
 - (7) Have the ability to make evaluative judgments based on the application of statutory or regulatory provisions.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature ☐ Agent ☐ Addressee X <i>[Signature]</i>
1. Article Addressed to: Mr Gerald Whealton 601 Admiral Dr Tuckerton NJ 08087	B. Received by (Printed Name) C. Date of Delivery D. Is delivery address different from Item 1? ☐ Yes ☐ No If YES, enter delivery address below:
2. Article (Title)	3. Service Type ☐ Certified Mail ☐ Priority Mail Express™ ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ Collect on Delivery 4. Restricted Delivery? (Extra Fee) ☐ Yes
PS Form 3811, July 2013 Domestic Return Receipt	

U.S. Postal Service

CERTIFIED MAIL

Domestic Mail Only

RECEIPT

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To *Gerald Whealton*

Street & Apt. No.,
or PO Box No. *601 Admiral*

City, State, ZIP+4 *Tuckerton, NJ 08087*

Postmark Here

3/5/19

PS Form 3800, July 2014

See Reverse for Instructions

TUCKERTON BOROUGH
CONSTRUCTION OFFICE
CODE ENFORCEMENT
420 E MAIN ST
TUCKERTON N.J. 08087

VIOLATION NOTICE

Please be advised that you are in violation of existing Tuckerton Borough ordinance(s) regarding the following violation (s)

☐ HIGH GRASS, WEEDS OR BRUSH # 103-1

☒ TRASH & DEBRIS # 210-3 & IPMC# 308.1

☐ UNREGISTERED VEHICLE # 210-4

☐ EXTERIOR PROPERTY MAINT. IPMC#304

☐ Vacant Structure & Land Maint. IPMC 301.3

☐ NO BUILDING PERMIT # 231-27

☒ PROPERTY MAINTENANCE # 210

☐ HOUSE NUMBERS # 110 (1-11)

☐ IPMC PROTECTIVE TREATMENT 304.2

☐ Bulkhead Maintenance # 118-9

☐ VISUAL OBSTRUCTION #255-36

☐ NO ZONING PERMIT #255

☐ NO RENTAL C.I. # 122-1

☐ SNOW REMOVAL # 229-28

☐ STORAGE ON RES. LOT # 255-48.1**

☐ SIGNS GENERAL REGS. 255-60

☐ FENCE MAINT. 210-14 D-(4)

☐ BOAT/TRAILER STORAGE 255-45

** THIS VIOLATION NEEDS YOUR IMMEDIATE ATTENTION.

You are being issued this notice as a **courtesy**. You have 10 days from the date of this notice to **contact** this office or comply with this request. Failure to do this may result in a court summons being issued. If there are any questions please call 609-296-3254.

Name: Mr. Gerald Whealton

Date 01/08/2019

Address: 61 Admiral Dr. Tuckerton NJ 08087

Site: 61 Admiral Dr. Tuckerton NJ 08087 Block: 51 Lot: 19

JAMES J MC ANDREW
CODE ENFORCEMENT OFFICER
TUCKERTON N.J. 08087
609-296-3254

PLEASE READ CAREFULLY

1. PLEA OF NOT GUILTY

If you intend to plead not guilty to the offense in this Complaint - Summons and have a trial in court, you must notify the Municipal Court Administrator, whose address and telephone number are shown below, of your intention at least 7 days prior to the court date shown on the reverse side. If you fail to notify the Court Administrator of your intention, it may be necessary for you to make 2 court appearances.

TUCKERTON MUNICIPAL COURT
420 E. Main Street • Tuckerton, NJ 08087

2. COURT APPEARANCE REQUIRED

If "Court Appearance Required" is checked on the bottom of the reverse side, you must appear in court at the time and place indicated, even if you wish to plead guilty. If "Court Appearance Required" is not checked, you must still appear in court if: a. you wish to have a trial; or b. the charge is not listed on the State or Local (Supplemental) Violations Bureau Schedule.

3. PLEA OF GUILTY: PAYMENT THROUGH VIOLATIONS BUREAU

If you wish to plead guilty and give up your rights to have a lawyer and a trial, you may do so provided "Court Appearance Required" has not been checked on the reverse side and provided the charge is listed on the State or Local Violations Bureau Schedule. The more frequently charged offenses and prescribed penalties are listed below. If your offense is not listed, you may telephone the Violations Clerk to determine whether it is listed on either Schedule and the amount of the penalty. If it is permissible for you to plead guilty without a court appearance, you may do so by paying the indicated amount and by completing in full the APPEARANCE, GUILTY PLEA AND WAIVER section (below) and by bringing or mailing this Complaint - Summons, together with payment in the amount of the prescribed penalty, to the Violations Bureau at the address indicated below prior to the court date listed on the reverse side.

SEND ALL PAYMENTS TO:

TUCKERTON MUNICIPAL COURT
420 E. Main Street • Tuckerton, NJ 08087
Telephone: (609) 296-2036

Hours of Operation:

9:00 AM to 4:00 PM
Monday thru Friday

For on-line information and payment options log on to:

www.njmcdirect.com

If payment is made by mail, do not send cash, but send check or money order payable to this Municipal Court. Please write the Complaint - Summons number on the face of the check or money order. If payment is received by the Violations Bureau after your court date, you may be assessed additional penalties. A receipt will be sent to you only if your payment is accompanied by a self-addressed, stamped envelope.

VIOLATIONS BUREAU SCHEDULE(S)

Statute/Ord. No.	Offense	Payable Amount	Statute/Ord. No.	Offense	Payable Amount
85-4	Allowing False Alarms	\$150.00	201-3	Disorderly Conduct (all sect)	\$250.00
93-1	Dogs Running at Large	\$ 75.00	201-7	Loitering	\$150.00
93-7	Failure to License Dog	\$ 75.00	204-2	Peddling w/o Permit	\$150.00
107-3	Failure to Get Permits	\$150.00	210	Property Mainten. (all sect)	\$200.00
107-14	Failure to Get C.O.	\$200.00	223-3	Scavenging	\$150.00
118-2	Fail to Get Blkhead Permit	\$150.00	229-34	Obstruction of Street	\$200.00
118-9	Bulkhead Maintenance	\$150.00	244-4A	Removal of Trees w/o Permit	\$150.00
122-4	Failure to Get Rental C.O.	\$200.00	244-10A	Destroying more trees allowed	\$200.00
135-1A	Fail to Get Contractor's Lic	\$150.00	255-44C	Non-Conforming Shed	\$150.00
183-1	Operation of a Junkyard	\$200.00	255-48	Trailer Storage Violations	\$200.00
193-3	Littering	\$200.00	255-69	Failure to Get Zoning Permits	\$150.00
201-1	Urinating in Public	\$250.00	255-70	Zoning Violation	\$150.00

APPEARANCE, GUILTY PLEA AND WAIVER

By signing and dating this document, I enter my appearance before the Court to answer the charge contained in this Complaint - Summons. I give up my rights to have a lawyer and a trial. I admit that I committed the offense charged, plead guilty and make payment of the prescribed penalty. I understand that, if the offense charged is a traffic matter, a record of this conviction will be sent to the Division of Motor Vehicles that issued my license.

(Defendant's Signature)

NOTICE

(Date)

IF YOU FAIL TO APPEAR IN RESPONSE TO THIS SUMMONS OR TO PAY THE PRESCRIBED PENALTY, ADDITIONAL PENALTIES MAY RESULT. A WARRANT MAY BE ISSUED FOR YOUR ARREST AND YOUR DRIVING PRIVILEGES IN NEW JERSEY MAY BE REVOKED.

IF YOU HAVE BEEN CHARGED WITH A PARKING OFFENSE, YOUR FAILURE TO APPEAR OR PAY THE PRESCRIBED PENALTY SHALL BE CONSIDERED AN ADMISSION OF LIABILITY AND A DEFAULT JUDGMENT MAY BE ENTERED AGAINST THE OWNER OF THE VEHICLE.



PLEASE NOTIFY COURT OF DISABILITY ACCOMMODATION NEEDS.

Defendant's Copy



COURT I.D. PREFIX COMPLAINT NUMBER

1532

TL

002851

TUCKERTON MUNICIPAL COURT
420 E. Main Street
Tuckerton, NJ 08087

Complaint

The State of New Jersey

(Please Print) VS.

Defendant's Name: First Initial Last
GERALD WHEALTON

Address City
61 ADMIRAL DR TUCKERTON

State Zip Code Telephone:
NJ 08087

Birth Date: Mo. Day Yr. Sex Eyes Height Restrictions

DL #

State Exp. Date

STATE OF NEW JERSEY
COUNTY OF

OCEAN

SS:

Complaining Witness: **JAMES J Mc ANDREW**
(Name)
of **Code ENFORCEMENT OFFICER #92**
(Identity Dept./Agency Represented) (Badge No.)

Residing at **420 E MAIN ST TUCKERTON N.J**
by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the

MARCH 5th 2019
Month Day Year Time
in **TUCKERTON 1532** County of **OCEAN** NJ

did commit the following offense:

PROPERTY MAINT.

in violation of (one charge only)

#210-3
(Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE **61** Describe Location
ADMIRAL DR TUCKERTON

OATH: Subscribed and sworn to before

me this ___ day of ___, yr. ___

(Signature of Complaining Witness)

OR

(Signature of Person Administering Oath)

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

3/5/2019
(Date)
James J McAndrew #92
(Signature of Complaining Witness)

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY

Probable cause is found for the issuance Of this Complaint-Summons

Yes

No

(Signature of Judicial Officer)

Yes

No

(Signature of Judge)

LAW / CODE ENFORCEMENT USE ONLY

☒ The complaining witness is a law enforcement officer or a code enforcement officer with territorial and subject matter jurisdiction and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

YOU ARE HEREBY SUMMONED TO APPEAR

BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

☐ COURT APPEARANCE REQUIRED

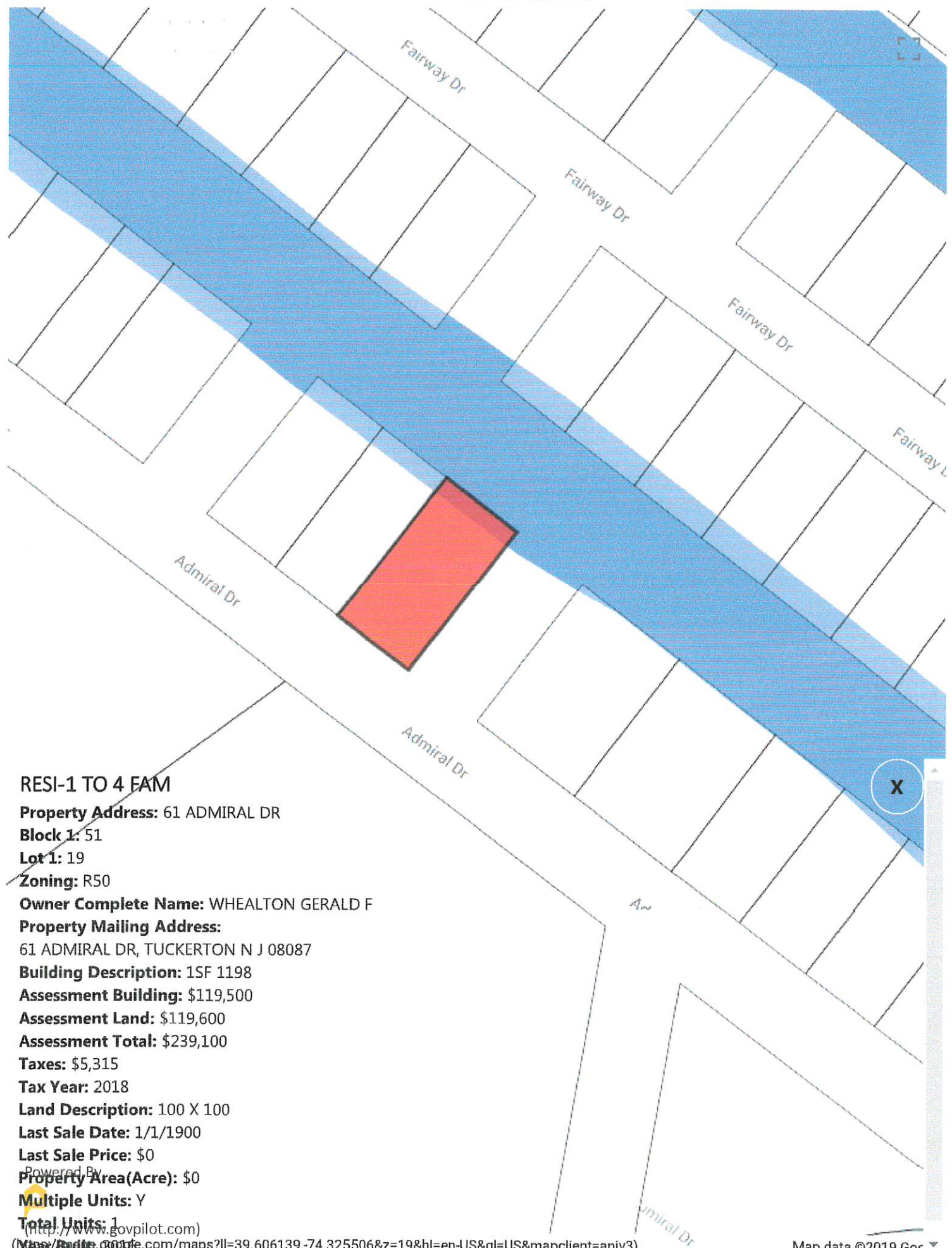
COURT DATE Month Day Year Time AM PM
3-5-2019 4 2 19 11 AM

3-5-2019
(Date Summons Issued)

Complaint-Summons

James J McAndrew
(Signature of Person Issuing Summons)

SF (9/09)

**RESI-1 TO 4 FAM****Property Address:** 61 ADMIRAL DR**Block 1:** 51**Lot 1:** 19**Zoning:** R50**Owner Complete Name:** WHEALTON GERALD F**Property Mailing Address:**

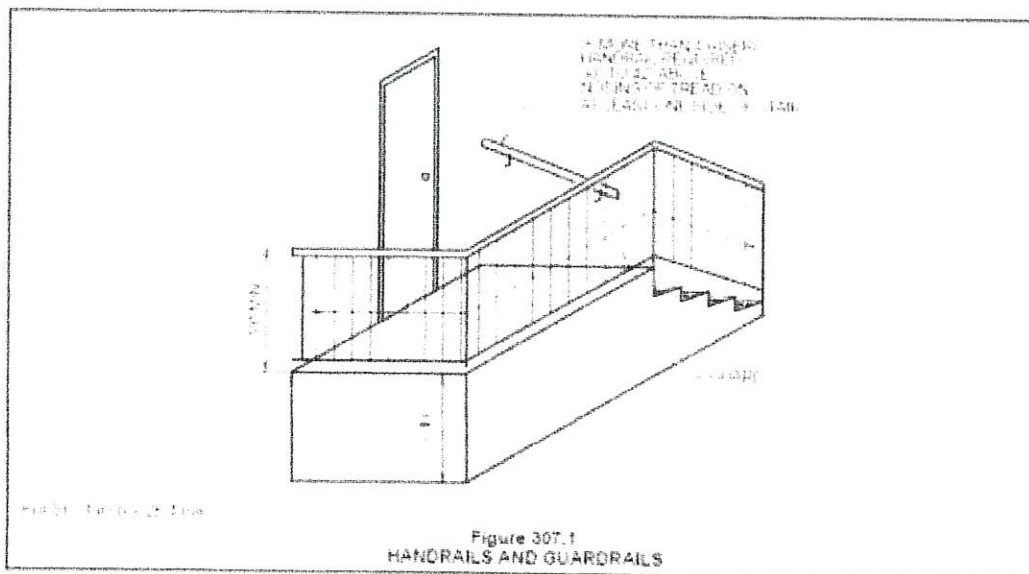
61 ADMIRAL DR, TUCKERTON N J 08087

Building Description: 1SF 1198**Assessment Building:** \$119,500**Assessment Land:** \$119,600**Assessment Total:** \$239,100**Taxes:** \$5,315**Tax Year:** 2018**Land Description:** 100 X 100**Last Sale Date:** 1/1/1900**Last Sale Price:** \$0**Property Area(Acre):** \$0**Multiple Units:** Y**Total Units:** 1

(http://www.govpilot.com)

(http://www.govpilot.com/maps?ll=39.606139,-74.325506&z=19&hl=en-US&gl=US&mapclient=apiv3)

Year Built: 2018<https://main.govpilot.com/web/?id=81>



SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

*Unsanitary houses are found in almost every community. The code official may frequently find conditions where occupants fail to properly store and remove their garbage and refuse. Occasionally, the conditions may be so bad that he or she must condemn the structure as unfit for human occupancy in accordance with Section 108.1.3. Emotional, physical and mental problems may be contributing factors. The code official may have to work with health officials, social workers, child protection workers and a host of other social service agencies to obtain a solution to the problem. Improperly stored garbage and rubbish in public halls and stairways may result in insect and rodent infestations, trip hazards and accidental fires. More importantly, improper storage creates a hazard when the exit must be used in an emergency, such as a fire.

308.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

*Rubbish includes all waste materials except garbage. Occupants are responsible for disposing of their own rubbish in proper containers. Three frequent causes for improper rubbish disposal are:

1. The occupants are careless—rubbish is stacked and stored in a haphazard fashion;
2. Insufficient containers are provided to handle rubbish; and
3. The rubbish is not being picked up frequently enough to eliminate the volume being created.

The code official should work with occupants and owners to determine the cause of the problem and then order the owners or occupants to take the appropriate action to resolve it.

TUCKERTON BOROUGH
CONSTRUCTION OFFICE
CODE ENFORCEMENT
420 E MAIN ST
TUCKERTON N.J. 08087

VIOLATION NOTICE

Please be advised that you are in violation of existing Tuckerton Borough ordinance(s) regarding the following violation (s)

☐ HIGH GRASS, WEEDS OR BRUSH # 103-1

☒ TRASH & DEBRIS # 210-3 & IPMC# 308.1

☐ UNREGISTERED VEHICLE # 210-4

☒ Exterior Prop. Maint. IMPC 302.1

☐ Vacant Structure & Land Maint. IPMC 301.3

☐ NO BUILDING PERMIT # 231-27

☐ PROPERTY MAINTENANCE # 210

☐ HOUSE NUMBERS # 110 (1-11)

☐ IPMC PROTECTIVE TREATMENT 304.2

☐ ACCESSORY STRUCTURES IPMC 302.7

☐ Maintenance # 118-9 Bulkhead

☐ VISUAL OBSTRUCTION #255-36

☐ NO ZONING PERMIT #255

☐ NO RENTAL C.I. # 122-1

☐ R.V. LOTS 255-48.2

☐ STORAGE ON RES. LOT#255-48.1

☐ SIGNS GENERAL REG. 255-60

☐ FENCE MAINT. 210-14 D-(4)

☐ M.V./BOAT STORAGE IPMC 302.8

. WHEALTON, PLEASE CONTACT THIS OFFICE UPON RECEIPT OF THIS VIOLATION NOTICE. MR

You are being issued this notice as a courtesy. **You have 10 days** from the date of this notice to contact this office or comply with this request. Failure to do this **will** result in a court summons being issued. If there are any questions please call 609-296-3254.

Name: Mr. Gerald F. Whealton

Date 1/10/2023

Address: 61 Admiral Drive Tuckerton NJ 08087

Site: 61 Admiral Drive Tuckerton NJ 08087

Block: 51

Lot: 19



JAMES J MC ANDREW
CODE ENFORCEMENT OFFICER
TUCKERTON N.J. 08087
609-296-3254

Founded 1698



SUSAN R. MARSHALL
MAYOR

JENNY GLEGHORN, RMC
ADMINISTRATOR/CLERK

BOROUGH OF TUCKERTON

COUNTY OF OCEAN

420 E. MAIN STREET
TUCKERTON, NEW JERSEY 08087
tuckertonborough.com

...

609-296-2701
FAX 609-296-9247

October 13, 2020

Mr. Gerald Whealton
61 Admiral Drive
Tuckerton NJ 08087

Mr. Whealton,

By way of this letter, I am sending the information, explanations and copies of the Ordinances and regulations that you requested. They are self-explanatory.

Your request for a 10 day extension to clear up the violation is granted the completion date is now is October 23 2020.

The answer to your statement that I did not tell you what to do about the violations has a simple solution clean and clear them up.

I would appreciate your help in resolving this continuing problem.

Thank You

James J. McAndrew
Code Enforcement Officer
Tuckerton NJ 08087
609-296-3254

Founded 1698



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...

609-296-2701
FAX 609-296-9247

June 13, 2019

Mr. John La Raia
Ocean County Prosecutors Office
Toms River N.J.

Good Morning Sir,

Enjoyed talking with you this morning. I am sending you pictures of the property prior to the old house being torn down and the new house being built. Also a copy of the summons # 002851 dated 03/05/2019. Mr. Whealton had been noticed by the summons # 002851.

Mr. Whealton received a violation notice dated 7/18/2017 and a summons # 002794 dated 9/3/2017. That summons was dismissed because of the time delay responding to Mr. Whealton's request for discovery that had to be processed twice as he claimed that he lost the discovery and requested a second copy.

The violation of Ordinance # 210 still exist, so I issued a second summons on 3/5/2019 # 002851. This is the summons he has requested discovery for.

I will provide Mr. Whealton with the discovery if necessary. I am going to contact Cittalaw for advise on this matter.

Thank You,

James J. McAndrew
Code Enforcement Officer
Tuckerton NJ 08087
609-296-3254

Founded 1698



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420 E. MAIN STREET
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ADMINISTRATOR/CLERK

...

609-296-2701
FAX 609-296-9247

Patricia Mathis
Court Administrator
Tuckerton NJ 08087

June 6, 2018

Dear Ms. Mathis.

I would ask that the following summon # 1532- TL- 002794 issued to Gerald Whealton of 71 Admiral Dr. Tuckerton NJ 08087 be dismissed. I feel that the amount of time to clear this summons has been excessive and in the delay, the original violation has been cleared up. Please note all discovery that was requested by Mr. Whealton was provided by this office on two occasions.

The summon listed by Number,

1532-TL 002794

Thank You

James J. McAndrew
Code Enforcement Officer #92
Tuckerton NJ 08087

Founded 1698



BOROUGH OF TUCKERTON

COUNTY OF OCEAN

420 E. MAIN STREET
TUCKERTON, NEW JERSEY 08087
tuckertonborough.com

SUSAN R. MARSHALL
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I will provide Mr. Whealton with the discovery if necessary. I am going to contact Cittalaw for advise on this matter.

Thank You,

James J Mc Andrew
Code Enforcement Officer
Tuckerton NJ 08087
609-296-3254

**TUCKERTON BOROUGH
CONSTRUCTION OFFICE
CODE ENFORCEMENT
420 E MAIN ST
TUCKERTON N.J. 08087**

VIOLATION NOTICE

Please be advised that you are in violation of existing Tuckerton Borough ordinance(s) regarding the following violation (s)

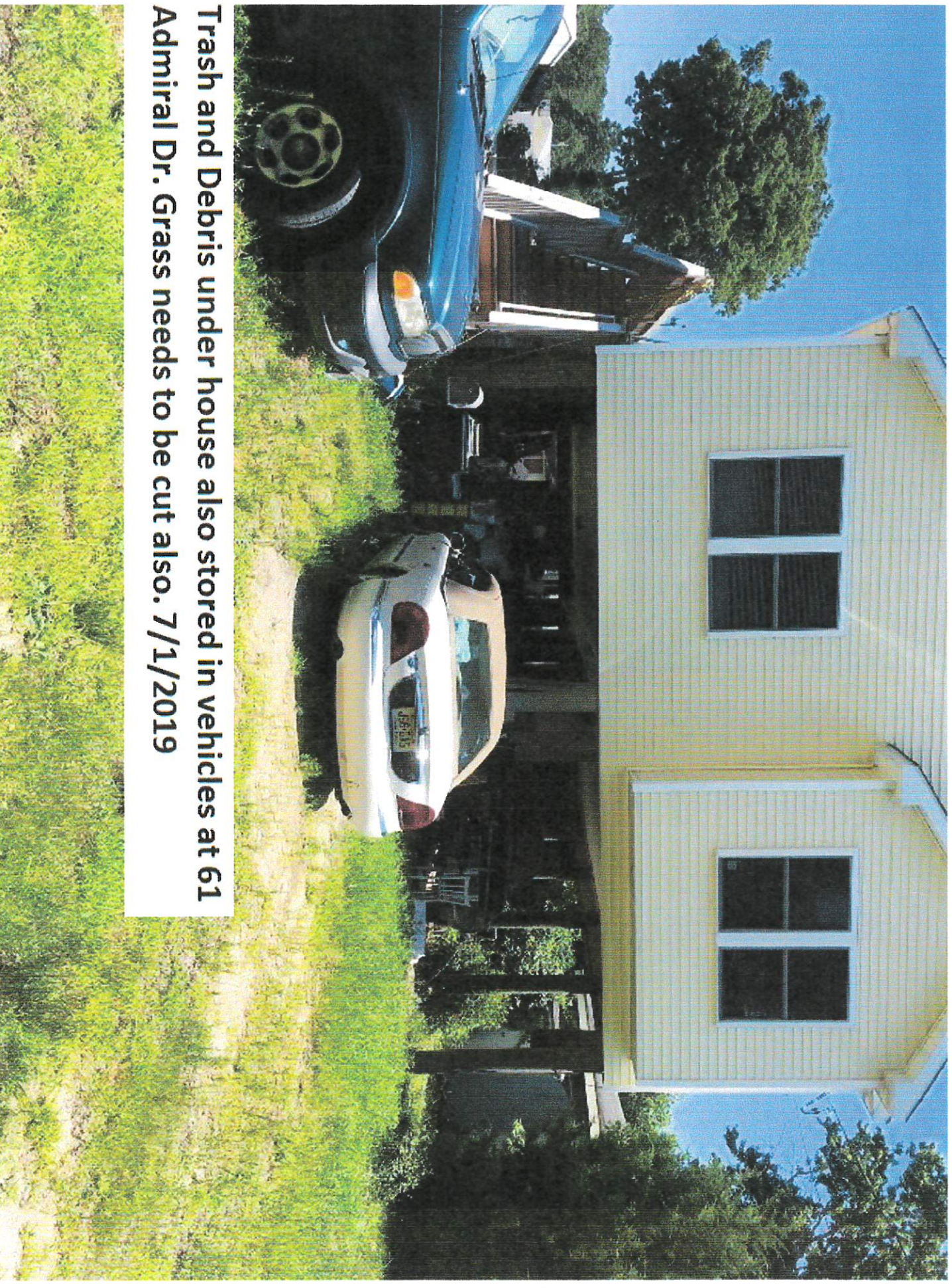
- | | |
|--|---|
| ☒ HIGH WEEDS, GRASSES AND BRUSH # 103-1 | ☐ Bulkhead Maintenance # 118-9 |
| ☐ TRASH & DEBRIS # 210-3 & IPMC# 308.1 | ☐ VISUAL OBSTRUCTION #255-36 |
| ☐ UNREGISTERED VEHICLE # 210-4 | ☐ NO ZONING PERMIT #255-63.4 TRAILERS!! |
| ☐ NO DOG LICENSE # 93-7 | ☐ NO RENTAL C.I. # 122-1 |
| ☐ DOG RUNNING AT LARGE # 93-1 | ☐ SNOW REMOVAL # 229-28 |
| ☐ NO BUILDING PERMIT # 231-27 | ☐ CONST. EQUIP. ON RES. LOT # 255-48.1116 |
| ☒ PROPERTY MAINTENANCE # 210 ** | ☐ SIGNS GENERAL REGULATIONS 255-60(D) |
| ☐ HOUSE NUMBERS # 110 (1-11) | ☐ FENCE MAINT. 210-14 D-(4) |
| ☐ IPMC PROTECTIVE TREATMENT 304.2 | ☐ BOAT/TRAILER STORAGE 255-4 |

**** THIS VIOLATION NEEDS YOUR IMMEDIATE ATTENTION.**

You are being issued this warning as a courtesy. You have 10 days from the date of this notice to contact this office or comply with this request. Failure to do this may result in a summons being issued to you. If there are any questions please call 609-296-3254.

Name: Mr. Gerald F. Whealton Date Issued: 7/18/2017
Address: 61 Admiral Dr. Tuckerton NJ 08087
Site: 61 Admiral Dr. Tuckerton N.J. 08087 Block: 51 Lot: 19


JAMES J MC ANDREW
CODE ENFORCEMENT OFFICER
TUCKERTON N.J. 08087
609-296-3254



Trash and Debris under house also stored in vehicles at 61 Admiral Dr. Grass needs to be cut also. 7/1/2019





Whealton property 61 Admiral Dr. Front yard 2/21/2019



Front view 61 Admiral Dr. Trash and Debris. 1/25/2018



Junk and Debris at 61 Admiral Dr. 1/25/2018

1/21/18



Phil Reed

From: WEB
Sent: Tuesday, June 18, 2019 6:02 PM
To: Phil Reed
Subject: New Message from Construction & Code Enforcement Official contact form

New Message for Zoning Official, Construction Official, Building Sub-Code, Fire Protection Sub-Code Official, Building Inspector, and Fire Protection Inspector,

You have received a new message request on the Tuckerton Borough website, you can see the details of this request below.

- **Full Name:** GERALD WHEALTON
- **Number:**
- **Email:** jerry_whealton@hotmail.com
- **message:** To: E-code Supervisor, can you provide the following information on complaint summons TL-2851? 1/ E-code 210-5 states that the e-code officer will investigate writings provided by the Council, Mayor & general public. Can you send me a copy of this writing, for TL-2851 complaint ?? It also states that the e-code officer will in writings order the abating or remedying of any condition found to exist in violation of any provisions or requirements of this article. Can you send me a copy of this writing, for TL-2851 complaint ?? 2/ E-code 210-7 states that written notice of violation will be served. Can you send me a copy of this writing, for TL-2851 complaint ?? 3/ E-code 210 defines a Garage as: A building, structure or space within a dwelling house which provides for the storage of motor vehicles and in which no occupation, business or service for profit is carried on. Under my home I store my motor vehicles, lawn equipment and other things that are normally stored in a garage. Do you agree with the definition of the e-code?? I consider the area under my home my garage. 4/ Is the e-code officer considered a police officer?? THANK YOU, please e-mail response to: E-mail to: jerry_whealton@hotmail.com Date: 06/18/2019

James McAndrew

From: Phil Reed
Sent: Friday, June 21, 2019 8:51 AM
To: James McAndrew
Subject: FW: Information Request.

FYI

From: Phil Reed
Sent: Friday, June 21, 2019 8:48 AM
To: jerry_whealton@hotmail.com
Subject: Information Request.

Jerry;

I have reread the section 210-5 and it is my interpretation that the burden of the "in writing" referred to in this section is on the code enforcement officer (CEO)not the complainant. I think you are interpreting this as a written complaint must be received by the CEO, That is not a requirement that would hinder the CEO from an enforcement action. It is the duty of the CEO to address code violations with or without a complainant. I spoke with the CEO and he state you have received the written notices and summons he generated in response to your property maintenance violations. If you would like additional copies of these notices, reports and summons you may contact Jenny Gleghorn the Borough Clerk to file an OPRA request for these documents, this is the office that handles all document requests for the Borough, her number is 609 296 2701, and her email is jgleghorn@tuckertonborough.com.

I reread the section you refer to as the definition of a garage, the keyword in that definition is "within" that would require that the area of the garage would be "enclosed" so items stored would be "within". So to answer your question do I agree with the e-code definition of a garage I answer Yes, I follow that with the caveat that I do not agree with your interpretation of the definition of a garage.

To answer your question " is the e-code officer considered a police officer?" the Code Enforcement Officer (CEO) is not a police officer. James McAndrew the CEO in question, is an appointed officer of the court his badge number is #92 he has taken an oath to protect the Constitution of the United States, and to enforce the Borough Codes.

PHIL REED
Construction Official

Borough of Tuckerton, NJ
Wednesday, November 15, 2017

Chapter 60. Officers and Employees

Article V. Other Officers and Employees

§ 60-25. Code Enforcement Officer.

[Added 7-7-1993 by Ord.No. 11-1993; amended 11-6-2000 by Ord. No. 20-2000]

- A. **Position created.** There is hereby created the position of Code Enforcement Officer of the Borough of Tuckerton.
- B. **Appointment.** The Code Enforcement Officer shall be appointed by the Mayor, with the advice and consent of the Borough Council.
- C. **Duties.** The duties of the Code Enforcement Officer shall be as follows:
 - (1) **To conduct field inspections and special investigations to ensure compliance with zoning and various municipal ordinances; enforce rules and regulations in relation to enforcement of ordinances;** prepare needed reports; assist in the establishment and maintenance of the records and files; and assist in the promulgation of municipal ordinances.
 - (2) To assist the Zoning Officer in the enforcement of the zoning ordinances of the Borough of Tuckerton.^[1]
[1] Editor's Note: See Ch. 255, Zoning.
 - (3) To perform such duties as are required by the Mayor or Borough Council.
- D. **Qualifications.** To be appointed to the position of Code Enforcement Officer, an individual must meet the following requirements. The individual must:
 - (1) Have at least one year experience in conducting inspections to detect violations of an ensure compliance with laws, rules and regulations.
 - (2) Possess a driver's license valid in New Jersey.
 - (3) Have the ability to make necessary inspections and investigations without giving unnecessary offense.
 - (4)

Have the ability to take and maintain a firm and correct stand when controversial matters are considered.

- (5) Have the ability to prepare clear, sound, accurate and informative reports containing findings, conclusions and recommendations.
- (6) Have the ability to establish and maintain needed records and files.
- (7) Have the ability to make evaluative judgments based on the application of statutory or regulatory provisions.