

RO-13-08

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND THE CODE OF THE TOWNSHIP OF WASHINGTON WITH REGARD TO ZONING PERMITS, THE ADMINISTRATION AND ENFORCEMENT OF THE ZONING ORDINANCE AND THE DUTIES OF THE ZONING OFFICIAL

BE IT ORDAINED, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 217, Zoning, Article XII, Administration and Enforcement, is hereby amended and supplemented to read as follows:

“ARTICLE XII, Administration and Enforcement

§ 217-123. Zoning Official.

A. The Zoning Official is hereby given the duty, power and authority to enforce the provisions of this chapter. He/she shall be responsible for the examination of all applications for permits and the issuance of zoning permits for the commencement of a use, and the construction, reconstruction, alteration, conversion, installation of or addition to any structure or building, including accessory structures, pillars, gates and signs, which are in accordance with the requirements of this chapter and all nonconforming uses existing at the time of passage of this chapter.

B. The Construction Official shall be responsible for recording and filing all applications for permits with accompanying plans and documents and the Zoning Official and the Construction Official shall make such reports to the Board of Adjustment, the Planning Board, and the governing body as may be required.

§ 217-124. Zoning permits.

A. Purpose. To ensure compliance with the provisions of this chapter, no person shall commence or change a use or construct, reconstruct, alter or convert any structure or building or part thereof, including pillars, gates and signs or alter the use of any land, and the Construction Official shall not issue a construction permit nor issue a certificate of occupancy for any such use, change in use or construction until a proper permit has been issued by the Zoning Official.

B. Application for permits. All such applications shall be made in writing on forms provided by the Township of Washington.

C. Issuance of permits. It shall be the duty of the Zoning Official to issue a zoning permit, provided that he/she is satisfied that the structure, building, sign, pillar, gate, proposed use and other requirements are in compliance with this chapter and that all other reviews and actions, if

any, called for in this chapter have been complied with and all necessary approvals secured therefor.

D. For new uses.

(1) A zoning permit shall be issued upon application by the owner, prospective occupant or purchaser only after the Zoning Official determines that the facts represented on the application are correct and that the building, structure or use is in conformance with all of the provisions of this chapter.

(2) Said permit shall be issued by the Zoning Official to the owner or his agent within 10 days after written application, if all conditions under this section are complied with.

E. For existing uses.

(1) Upon written request from the owner, tenant, occupant or purchaser under contract, the Zoning Official, after inspection, shall issue a zoning permit for a use legally existing at the time this chapter is made effective, certifying the extent and kind of use and whether any such existing use conforms with the provisions of this chapter.

(2) No change or extension of use and no alterations shall be made in a nonconforming use or premises without a zoning permit having first been issued by the Zoning Official stating that such change, extension or alteration is in conformity with the provisions of this chapter or that the same has been permitted by action of the Board of Adjustment.

F. Change of use. No owner, tenant or other person shall use or occupy any building or structure, the use of which shall be changed after the passage of this chapter, without first procuring a zoning permit, provided that a zoning permit, once granted, shall continue in effect so long as there is no change of use or change of occupancy in a nonconforming use.

G. Zoning Permit records. A record of all zoning permits shall be kept on file in the office of the Construction Official and/or the Zoning Official as applicable

H. Denial of permits. When the Zoning Official is not satisfied that the applicant's proposed development will meet the requirements of this chapter, he/she shall refuse to issue a zoning permit and shall so notify the applicant, in writing, giving the reasons for denial.

I. Revocation of permits. If it shall appear at any time to the Zoning Official that the application or accompanying plan is in any respect false or misleading or that work is being done upon the premises differing from that called for in the application filed with him/her under existing laws or ordinances, he/she may forthwith revoke the zoning permit, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to said Zoning Official. After the zoning permit has been revoked, the Zoning Official may, in his/her discretion, before issuing the new zoning permit, require the applicant to file an indemnity bond in favor of the Township of Washington with sufficient surety conditioned for compliance with this chapter and all laws and ordinances then in force and in a sum sufficient to cover the cost of removing the building or structure if it does not comply.

§ 217-125. Complaints; abatement of violations.

A. Complaints of violations. Any person may file a complaint if there is any reason to believe a violation of this chapter exists. All such complaints must be in writing and shall be filed

with the Zoning Official who shall properly record such complaint and investigate. Any complaint not submitted in writing or submitted anonymously will be investigated in the discretion of the Zoning Official.

B. Procedure for abatement of violations.

(1) In case any building or structure, including pillars, gates signs and accessory structures, is constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used, in violation of this chapter or of any ordinance or regulation made under authority conferred hereby, the governing body or, with its approval, the Zoning Official or other proper official, in addition to other remedies, may institute any appropriate legal action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use about such premises. Nothing herein shall require the Zoning Official to obtain prior consent of the governing body to issue a summons for a violation of the terms of this Chapter.

(2) A violation of any of the terms of this chapter shall be abated within a reasonable time, as may be determined by the Zoning Official, after written notice has been served either by mail or personal service.

§ 217-126. Violations and penalties. Any person, firm or corporation violating any provision of this chapter shall be subject, upon conviction, to the penalties provided in Section 1-3 of this Code. Each day that a violation occurs or is committed shall constitute a separate offense.

§ 217-127. Fees.

Fees are required for each zoning permit application, review, inspection and administration and shall be paid in cash, certified check or money order made payable to the Township of Washington as follows:

A. Zoning Official fees. Zoning Official fees as set forth below shall be paid at the office of the Zoning Official upon filing of an application for a zoning permit in accordance with the provisions of this chapter.

- (1) A fee of \$50.00 for the commencement of a use, new home construction, additions to residential structures, and accessory structures.
- (2) A fee of \$15.00 for driveway entrance pillars and gates.
- (3) A fee of \$15.00 for interior conversions, including but not limited to, basement finishing, in-law suites etc.
- (4) A fee of \$25.00 for a new or a change of an existing sign.
- (5) A fee of \$50.00 for review of a nonresidential construction application or an Affidavit in Support of Request for Waiver of Site Plan pursuant to §159-5.
- (6) A fee of \$25.00 for a home occupation.

Charitable, philanthropic, fraternal and religious nonprofit organizations holding a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.C. §501(c) or (d) are exempt from the payment of any fee under this §127.A.

B. Board of Adjustment application fees. Board of Adjustment application fees shall be paid to the Clerk of the Board of Adjustment in accordance with the fee schedule set forth in §111-30 and/or §217-118.

§ 217-128. Planning Board action.

The Planning Board, when reviewing applications for approval of subdivision plats, site plans or conditional uses, shall have the power to grant, to the same extent and subject to the same restrictions as the Board of Adjustment:

A. Variances, pursuant to § 217-110B(1)(c), from lot area, lot dimensions, setback and yard requirements, provided that relief pursuant to this section from lot area requirements shall not be granted for more than one lot.

B. Direction, pursuant to § 217-111A, for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to § 217-111A.

C. Direction, pursuant to § 217-111B, for issuance of a permit for a building or structure not related to a street. Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be. “

SECTION 2. Chapter 159, Site Plan Review, Article VII, Design Details, §159-42, Signs, Paragraph G, is hereby amended by the addition of item (17) to read as follows:

“(17) A zoning permit must be obtained for all new signs or for any change to an existing sign.”

SECTION 3. Chapter 217, Zoning, Article VI, Supplemental Regulations Governing Certain Uses, § 217-41, Home occupations, is hereby amended and supplemented by the addition of Paragraph D. to read as follows:

“D. A zoning permit must be obtained for all home occupations.”

SECTION 4. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S. 40:55D-16. The Clerk

shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 5. All ordinances of the Township of Washington which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance may be renumbered for codification purposes.

SECTION 8. This Ordinance shall take effect as required by law.

TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Dianne S. Gallets, Clerk

By: _____
Tracy Tobin, Mayor