

Township of Lawrence
County of Mercer

Ordinance No. 2143-13

**ORDINANCE AMENDING THE LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE TO REVISE ARTICLE XII,
ADMINISTRATION, ENFORCEMENT, VIOLATIONS AND PENALTIES**

WHEREAS, the Township Council of the Township of Lawrence, a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township pertaining to Article 12; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides for the appropriate use, regulation and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance are consistent with said Master Plan, represent sound land use regulation and therefore favorably recommends to the Township Council that the regulations pertaining to Article 12 be so amended; and

WHEREAS, this Ordinance does not involve a classification and boundary change requiring individual property owner notice pursuant to *N.J.S.A. 40:55D-62.1*.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

§ 1200 Administration.

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the municipality. Any action taken by the municipality under the terms of this Ordinance shall give primary consideration to the abovementioned matters and to the welfare of the entire community.

**ARTICLE XII
ADMINISTRATION, ENFORCEMENT,
VIOLATIONS, AND PENALTIES**

§ 1201 Enforcement.

- A. The Zoning Officer and Construction Official of the municipality, as established by the Administrative Code of the Township of Lawrence, shall administer and enforce the provisions of this Ordinance. The duties of the Zoning Officer shall include the following:
1. The issuance of zoning permits pursuant to §1202;
 2. The issuance of non-conforming use certificates pursuant to the time limitation of *N.J.S.A. 40:55D-68*;
 3. Receipt of an appeal of the decision by the Zoning Officer made in the enforcement of the Ordinance and Zoning Map pursuant to *N.J.S.A. 40:55D-72*;
 4. Investigate allegations of the use of property in contravention of this Ordinance, whether by his or her own cognizance, referral by municipal office or outside agency and/or complaint.
 5. Cause citations to be issued alleging violations of this Ordinance and assist the Municipal Prosecutor in bringing such complaints before Municipal Court.
 6. Other matters of a similar nature as directed by the Township Manager.
- B. When Required. Precedent to the issuance of a permit pursuant to the State Uniform Construction Code (*N.J.S.A. 52:27D-123, et seq.*) for the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure; and the use or occupancy of any building, structure or land, the Zoning Officer shall determine that their respective conditions comport with each of the following, as applicable:
1. The requirements of this Ordinance; or
 2. Through the grant of a duly authorized variance by the Board of Jurisdiction; or
 3. Through the grant of a duly authorized design or performance exception by the Board of Jurisdiction; or
 4. Through the approval or approval with conditions of a zoning permit in accordance with §1202.

- C. It shall be the duty of the Construction Official to keep a record of all applications and all construction permits which are either issued or denied, with notations of any conditions involved, which data shall form a part of the municipality's public records. A monthly report of construction permits issued shall be filed with the municipal tax assessor.

§ 1202 Zoning Permit.

- A. Forms and Application. The Zoning Officer shall cause to be made the form and substance of the zoning permit. Generally, the zoning permit shall require the disclosure of the applicant's name, address, telephone number, email address and the name, address, telephone number and email address of the land owner, if different from the applicant. Additionally, the zoning permit shall contain the street address of the property in question, block and lot number from the Township of Lawrence tax assessment maps, zoning district designation, dimensions of all principal and accessory buildings, structures of note, the activities to be conducted in each of the buildings or upon the property, if such use of the property is being conducted as a non-conforming use, and if the premises have been the subject of any prior application to the Planning Board or Zoning Board of Adjustment. The Zoning Officer may require additional information to be disclosed as required to fulfill his or her duties. Specialized forms of the zoning permit, as described hereunder, may require additional submittal of information.
- B. Requirements Precedent to the Issuance of a Zoning Permit.
 - 1. No zoning permit shall be issued for any use or structure until site plan, subdivision and variance approvals and approvals with conditions, as may be necessary, have been granted by the Board of Jurisdiction in accordance with the provisions of *N.J.S.A. 40:55D-1 et seq.*, and until all due and payable review and inspection fees and all local taxes and assessments on the property have been paid.
 - 2. No zoning permit shall be issued without the approval of any agency of any local, county, state or federal government having jurisdiction over the proposed use or structure, unless such agency approval is a function of the duties and responsibilities of the Lawrence Township Construction Code Official.
 - 3. No application for a zoning permit for any structure or for any addition, alteration, demolition or change to an existing structure which is listed on the State Register of Historic Places, National Register of Historic Places or any such local historic district or historic landmark as designated in the Historic Preservation Element of the Master Plan (or which is the subject of a pending application for such listing), shall be approved unless the plans for the requested alteration are in conformance with the procedures and regulations of Article XI, Historic Preservation, of this Ordinance.
 - 4. Lot grading and elevation plan. As a condition precedent to the issuance of a new building permit, a proposed grading plan for each individual lot shall be submitted to the Municipal Engineer for review and approval. The individual grading plan shall conform

to the requirements for plot plans in Lawrence Township's Engineering Standards, last edition. A lot grading and elevation plan shall also be required pursuant to §541.E.2. A proposed grading plan may be required for any building addition or swimming pool that would change existing grades or drainage patterns, or if reasonably requested by the Municipal Engineer.

5. Location plans/property surveys. Prior to issuance of a construction permit for a building addition, deck, shed and/or swimming pool, a location plan showing property line offsets shall be submitted to the Zoning Officer for review. The Zoning Officer and the Municipal Engineer shall determine if a grading plan is required. If required, this grading plan shall include the proposed improvement footprint, proposed ground elevations and contours, sufficient to indicate no adverse impact to adjoining neighboring properties.

C. Specialized Zoning Permits.

1. Business occupancy permit. Prior to the issuance of a Certificate of Occupancy or Continuing Certificate of Occupancy within an existing building, each business establishment shall apply for and receive an approval from the Zoning Officer for the change of use, change in business entity if the same use, or expansion within the same building. This requirement shall apply only to such business establishments that are physically occupying space they had not previously occupied. The Zoning Officer shall cause to be made the form and substance of the business occupancy permit setting forth the type of information to be submitted.
2. Sign permit. An application for a sign regulated by this Ordinance shall be as set forth in §535.C.

D. Issuance of Permit. A zoning permit granting the application, granting with conditions, or denying the application shall be issued within ten (10) business days of receipt of the request. Business days shall mean Monday through Friday, excluding legal holidays and furlough days. Any zoning permit may be denied by the Zoning Officer, or any permit issued may be suspended or revoked by the Zoning Officer for any of the following causes:

1. The lack of the submission of complete information as required herein or on any duly adopted form.
2. The applicant has filed an application containing materially false information.
3. The applicant has failed to comply with the regulations within this Ordinance.
4. The applicant has been convicted by a court of competent jurisdiction of violating the regulations within this Ordinance.

§ 1203 Certificate of Occupancy Precedents.

- A. Requirements Precedent to the Issuance of a Certificate of Occupancy. Prior to the issuance of a Temporary Certificate of Occupancy and Certificate of Occupancy, or a change of use, Certificate of Continued Occupancy, pursuant to *N.J.A.C. 5:23-2.6* and *-2.23*, the following site work components and as-built drawings, as applicable, shall be completed and submitted as required by the Zoning Officer if needed:
1. Soil certification:
 - a. A soil certification must be obtained from the Municipal Engineer prior to the issuance of a certificate of occupancy. An as-built plan of site improvements shall be submitted for review when the soil certification is requested. The as-built grading plan shall be prepared by a land surveyor licensed in the State of New Jersey in accordance with the Engineering Department's Standards.
 - b. If site conditions do not warrant issuance of a permanent soil certification, a temporary soil certification may be issued at the discretion of the Municipal Engineer. If a temporary soil certification is issued, a bond for permanent stabilization shall be submitted in accordance with the fee schedule established by the Municipal Engineer.
 - c. If stabilization of the soil is not completed in accordance with a schedule as approved by the Municipal Engineer, the performance guarantee held to ensure such stabilization shall be forfeited upon 30 days written notice from the Municipal Engineer and the funds used to complete the required work.
 2. As-built plan requirements. As required by §910 of this Ordinance.
 3. Lot grading and elevation plan. Following the completion of all work, the Municipal Engineer shall conduct a final inspection and notify the Construction Code Official, in writing, whether the completed construction is in compliance with the approved grading plan and that a temporary certificate of occupancy or a certificate of occupancy may be issued. The Construction Code Official shall issue the temporary certificate of occupancy or certificate of occupancy only if all conditions for the approved lot grading plan and elevation plan have been satisfied.
 4. It shall be unlawful to use or permit the use of any structure or part(s) thereof, either occupied by a new use or occupant or hereafter erected, altered, converted or enlarged wholly or in part, until a Certificate of Occupancy shall have been issued by the Construction Official, as noted in §1203A.

§ 1204 Violations.

In case any building or structure is erected, constructed, reconstructed, altered, moved or converted; or any building, structure or land is used in violation of, or contrary to, the provisions of this Ordinance, the municipality may institute an action to enjoin or take any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. However, nothing in this Ordinance shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

§ 1205 Penalties.

A. Fines.

1. Any person, firm or corporation that shall violate any provisions of this Ordinance shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$500.00, as such court in its discretion may impose; or, if the party so convicted be a natural person, such person may be imprisoned for such term not exceeding 90 days, as such court in its discretion may impose; or be fined a sum not exceeding \$500.00, as such court in its discretion may impose; or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate and equal offense.
2. The owner of any building or structure, lot or land, or part thereof, and/or the tenant or occupant of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist or be suffered, allowed or permitted to exist; and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation, shall each be guilty of a separate violation, and upon conviction thereof shall each be liable to the fine or imprisonment, or both, specified above.

B. Selling Land Before Final Subdivision Approval.

1. If, before final subdivision approval has been granted, any person as owner or agent, transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provisions of this Ordinance, except pursuant to an agreement expressly conditioned on final subdivision approval, such person shall be subject to a penalty not to exceed \$1,000.00, and each lot disposition so made may be deemed a separate violation.
2. In addition to the foregoing, the municipality may institute and maintain a civil action:
 - a. For injunctive relief; and

- b. To set aside and invalidate any conveyance made pursuant to such a contract or sale if a certificate of compliance has not been issued in accordance with *N.J.S.A. 40:55D-56*.
3. In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land from which the subdivision was made that remains in the possession of the subdivider or his or her assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale conveyance of said land, or within six years if unrecorded.

Adopted: January 8, 2013

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Ms. Lewis	X					X	
Dr. Maffei	X						X
Mr. Powers	X						
Mayor Kownacki	X						