

**TOWNSHIP OF BLAIRSTOWN
COUNTY OF WARREN
STATE OF NEW JERSEY
ORDINANCE NO. 2018-22**

**AN ORDINANCE TO AMEND CHAPTER 19 “LAND DEVELOPMENT”, ARTICLE 19-1000
“ADMINISTRATION, ENFORCEMENT, PENALTIES, VARIANCES AND WAIVERS” OF THE
CODE OF THE TOWNSHIP OF BLAIRSTOWN**

WHEREAS, the Township Code contains a chapter addressing the administration and enforcement of the land development Code provisions within the Township; and

WHEREAS, the Township Committee has reviewed the matter and determined that it is necessary to amend the Code to address violations and the powers of Township officials to enforce the provisions of this Chapter; and

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Blairstown, Warren County, New Jersey, that Chapter 19 “Land Development”, Article 19-1000 “Administration, Enforcement, Penalties, Variances and Waivers” of the Code of the Township of Blairstown be and is hereby amended as follows:

SECTION 1. Chapter 19 “Land Development”, Article 19-1000 “Administration, Enforcement, Penalties, Variances and Waivers” shall be amended to read as follows:

§19-1001 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 Township of Blairstown. Any action taken by the Township under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the welfare of the entire municipality.

§19-1002 Enforcement.

- A. The Township Committee has designated the Zoning Official as the authority to enforce this chapter and to possess the authority for the issuance of specified permits, certificates or authorizations as a prerequisite to:
 - (1) The erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure.
 - (2) The use or occupancy of any building, structure or land.
 - (3) The subdivision or resubdivision of any land.
- B. The Township Committee shall authorize in the enforcement of this chapter the Township Construction Official and/or the Township Zoning Officer to issue notices of violations and/or summonses for violations of this chapter.
- C. The rules, regulations and standards contained in this chapter shall be considered the minimum requirements for the protection of the public health,

safety and welfare of the citizens of the Township. Any action taken by the Township under the terms of this chapter shall give primary consideration to the purposes and provisions of this chapter and to the welfare of the entire community. Moreover, if an owner, applicant or his/her agent can clearly demonstrate that, because of the peculiar conditions pertaining to his/her land, the literal enforcement of one or more of these regulations is impractical or will exact undue hardship, the appropriate municipal agency may permit such exceptions or exceptions as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

It shall be the duty of the Township Engineer, the Township Construction Official and the Township Zoning Officer to administer and enforce the provisions of this chapter.

D. Township Engineer.

(1) It shall be the duty of the Township Engineer to monitor all land disturbances and all land improvements undertaken in Blairstown Township pursuant to approval of a subdivision and/or site plan in accordance with the applicable provisions of this chapter.

(2) Prior to the commencement of any land disturbance or any land improvement, the developer shall arrange for and attend a preconstruction meeting with the Township Engineer. At said meeting, the subject subdivision plat and/or site plan shall be identified, marked and dated by the Township Engineer with an acknowledgment as to its conformity to the subdivision and/or site plan approved by the Land Use Board, including any conditions of approval written in the approval resolution. Thereafter, the marked and dated subdivision and/or site plan shall be filed in the office of the Administrative Officer.

(3) Issuance of written communication.

(a) The Township Engineer shall issue a written communication to the developer within 10 days after the preconstruction meeting, either:

- [1] Authorizing the commencement of land disturbance and/or land improvement in accordance with the approved plat or plan, including any conditions of approval written in the approval resolution, and in accordance with any and all limitations and/or conditions as deemed appropriate by the Township Engineer specifically enumerated; or
- [2] Denying the commencement of land disturbance and/or land improvement, with the reasons for such denial specifically enumerated.

(b) A copy of the written communication shall be immediately filed in the office of the Administrative Officer, and additional copies shall be immediately forwarded to the Chairman of the Land Use Board and to the Board's Attorney.

(4) In accordance with § **19-902F** of this chapter, all improvements for both site plans and subdivisions shall be inspected during the time of their installation under the supervision of the Township Engineer.

(a) At the time of inspection, in addition to an evaluation and determination of

the sufficiency of the engineering aspects of the improvements, the Township Engineer shall evaluate and determine the correctness of the improvements relative to all aspects of the approved subdivision and/or site plan.

- (b) Should any improvement, whether completed or under construction, be found by the Township Engineer to be contrary to the subdivision and/or site plan as approved by the Land Use Board, including any imposed conditions, such fact shall immediately be orally communicated to the developer or his/her appropriate representative on site and, thereafter, shall be communicated by the Township Engineer in writing to the developer or his/her attorney. **[Amended 4-11-2012 by Ord. No. 2012-02]**
 - (c) A copy of the written communication shall be immediately filed in the office of the Administrative Officer, and additional copies shall be immediately forwarded to the Chairman of the Land Use Board and to the Board's Attorney.
- (5) On the day following the oral communication to the developer or his/her representative, the improvement found by the Township Engineer to be contrary to the subdivision and/or site plan shall be corrected so as to conform to the approved subdivision and/or site plan, or the Township Engineer shall:
- (a) Issue a stop-work order pending the correction of said improvement or the resolution of any dispute; and/or
 - (b) Refer the matter via a written communication to the Land Use Board for its review of the matter and reconsideration of its prior approval(s).
- (6) The developer immediately shall comply with any issued stop-work order and/or any other conditions imposed by the Township Engineer; otherwise the Township Engineer shall communicate in writing within two working days the particulars of the developer's noncompliance to the Township Attorney.

E. Construction Official.

- (1) It shall be the duty of the Construction Official to monitor the construction of any building or structure in Blairstown Township. No new structure and no improvement to the interior of any existing structure shall be undertaken until a construction permit is obtained from the Construction Official in accordance with N.J.A.C. 5:23-2.14 and Subsection **19-1002D** of this section.
- (2) It shall be the duty of the Construction Official, in accordance with N.J.A.C. 5:23-4.5 and based upon a review of the applicable data by the Township Engineer, to keep a record of all applications and all construction permits which are either issued or denied, with notations of any conditions involved, including the actual elevation (NGVD) of the lowest floor area of any structure and/or the elevation to which a structure has been floodproofed in floodplain areas, which data shall form a part of the Township public records. A monthly report of construction permits shall be filed with the Administrative Officer and with the Tax Assessor.
- (3) Should any construction, whether completed or in process, be found by the Construction Official to be contrary to the approved construction plans and/or the

Uniform Construction Code of the State of New Jersey, such fact shall immediately be noticed to the landowner or his/her appropriate representative on site. The Construction Official shall issue in writing to the landowner or his/her attorney a notice of violation and orders to terminate, directing the discontinuance of the illegal action or condition and the correction of the violation pursuant to N.J.A.C. 5:23-2.30.

- (4) The construction improvement found by the Construction Officer to be contrary to the approved construction plans and/or the Uniform Construction Code shall be corrected so as to conform to the applicable construction requirements, or the Construction Official shall, pursuant to N.J.A.C. 5:23-2.31:
 - (a) Issue a stop-construction order pending the correction of said construction or the resolution of any dispute; and/or
 - (b) Assess a monetary penalty.
- (5) The landowner immediately shall comply with any issued stop-construction order and/or any other conditions imposed by the Construction Official; otherwise the Construction Official may communicate in writing the particulars of the landowner's noncompliance to the Township Attorney pursuant to N.J.A.C. 5:23-2.31.

F. Zoning Officer.

- (1) It shall be the duty of the Zoning Officer to inspect the uses, land and structures in Blairstown Township and order the owner in writing to remedy any condition found to exist in violation of any provision of this chapter and/or any approved subdivision and/or site plan by the Land Use Board, including any conditions of approval written in the approval resolution; no structure or land shall be used in violation of this chapter and/or any approved subdivision and/or site plan.
- (2) It shall also be the duty of the Zoning Officer to investigate violations of the chapter coming to his/her attention, to serve notice upon property owners, to abate any condition or unauthorized use found to exist in violation of any provision(s) of this chapter, to sign complaints where justified and to cooperate with other Township officials in the prosecution of violators.
- (3) Should any use, land or structure be found by the Zoning Officer to exist in violation of any provision of this chapter and/or any approved subdivision and/or site plan, such fact shall immediately be orally communicated to the landowner or his/her appropriate representative on site and, thereafter, shall be communicated by the Zoning Officer in writing, by certified or registered mail, to the landowner or his/her attorney. A copy of the written communication shall be immediately filed in the office of the Administrative Officer, and additional copies shall be immediately forwarded to the Township Attorney and to the Chairman of the Land Use Board and to the Board's Attorney.
- (4) On the day following the oral communication to the landowner or his/her representative, the use, land or structure found by the Zoning Officer to exist in violation of any provision of this chapter and/or any approved subdivision and/or site plan, shall be corrected so as to conform to this chapter and any subdivision

and/or site plan approval, or the Construction Official, at the Zoning Officer's request, may revoke the certificate of occupancy and, in any case, shall notify the Township Attorney and the Township Engineer of the violation via a written communication.

- (5) If the Zoning Officer finds any substantial deviation from any approved plans, he/she shall notify the permittee and the Township Clerk, in writing, of the deviation. The Zoning Officer and the Township may take such action as is provided in this chapter, including issuing Notices of Violation and/or summonses.

G. The enumeration herein of the duties of the Township Engineer, Construction Code Officer and Zoning Officer shall not mean that other officials and employees shall be relieved of their obligation to enforce this chapter. The Construction Code Officer, Zoning Officer, Township Engineer, or other Township employees authorized by the Township shall have the right to inspect any lot or building at reasonable times, subject to the limitations established at law, for the purpose of investigating possible violations of this chapter.

H. Construction permits.

- (1) Plans, blueprints and UCC requirements.

- (a) Every application for a construction permit shall be accompanied by two sets of plans drawn in ink or a blueprint showing:

- [1] The actual shape and dimensions of the lot to be built upon;
- [2] The exact location, size and height of all existing and proposed structures and substructures;
- [3] All existing easements;
- [4] A delineation and description of any proposed extension(s) of public utilities;
- [5] The existing or intended use of each structure;
- [6] The number of dwelling units the structure is designed to accommodate;
- [7] The number and location of off-street parking spaces and off-street loading areas; and
- [8] Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter.

- (b) Additionally, all requirements for construction permits contained in the Uniform Construction Code (N.J.A.C. 5:23-2.15) shall be met. All dimensions on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey of the lot by a licensed surveyor in the State of New Jersey.

- (2) The fee for each construction permit shall be governed by the terms of the Code of the Township of Blairstown establishing a State Uniform Construction Code Enforcing Agency and a fee schedule pursuant to Chapter 217, Laws of New Jersey 1975 and Title 5, Chapter 23 of the New Jersey Administrative Code,

including any amendments or supplements which may from time to time be adopted.

- (3) A construction permit shall be granted or denied in writing within 20 working days of a complete application unless additional time is agreed upon in writing by the applicant. One copy of such plans shall be returned to the owner when such plans have been approved or denied by the Construction Official together with such permit as may be granted.
- (4) The lot and the location of the structure(s) thereon shall be staked out on the grounds before construction is started and a copy of the construction permit shall be posted conspicuously on the premises affected whenever construction work is being performed thereon. Additionally, all other requirements for construction permit procedures set forth in the Uniform Construction Code at N.J.A.C. 5:23-2.16 shall be met.
- (5) No construction permit shall be issued for any structure until prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate federal, state, county, or municipal agency or agencies in accordance with the provisions of this chapter, and until all review and inspection fees and all local taxes and assessments on the property have been paid.
- (6) Additionally, any proposed extension(s) of public utilities shall be reviewed and approved by the Township Engineer prior to the issuance of a construction permit, and a written communication of the results of such review and a statement of approval or denial shall be provided by the Township Engineer to the Construction Official; the application for the construction permit shall be accompanied by an additional fee of \$500 for such a review when applicable.

I. Certificates of occupancy.

- (1) It shall be unlawful to use or permit the use of any structure or part(s) thereof until a certificate of occupancy shall have been issued by the Construction Official pursuant to N.J.A.C. 5:23-2.23. Any change of use from one category of permitted use to another category of permitted use shall require a new certificate of occupancy. Additionally, any use requiring site plan approval shall require a new certificate of occupancy. It shall be the duty of the Construction Official to issue a certificate of occupancy only when:
 - (a) The structure or part(s) thereof and the proposed use conform to this chapter and all other applicable codes and ordinances of the Township;
 - (b) Prior site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this chapter;
 - (c) All local taxes and assessments on the property have been paid;
 - (d) A letter from each utility company has been received by the Township stating that the utility has been installed and has been inspected in accordance with the approved plan and is ready for use; and
 - (e) Certified as-built grading plans have been submitted to and approved by the Township Engineer.

- (2) The fee for a certificate of occupancy shall be governed by the terms of the Code of the Township of Blairstown establishing a State Uniform Construction Code Enforcing Agency and a fee schedule pursuant to Chapter 217, Laws of New Jersey 1975 and Title 5, Chapter **23** of the New Jersey Administrative Code, including any amendments or supplements which may from time to time be adopted.
- (3) Unless additional time is agreed upon by the applicant in writing, a certificate of occupancy shall be granted or denied in writing within 10 working days from the date that a written notification and a certified location or field survey, signed and sealed by a New Jersey state licensed surveyor, is filed with the Construction Official stipulating that the erection of the structure and all required site improvements are completed pursuant to N.J.A.C. 5:23-2.23 and 5:23-2.24.
- (4) With respect to any finally approved subdivision and/or site plan or subsection thereof, a certificate of occupancy shall be issued only upon the written confirmation by the Township Engineer to the Construction Official of the completion of the following improvements as such improvements may be required as part of subdivision and/or site plan approval:
 - (a) Curbs;
 - (b) All utilities;
 - (c) Water supply and sewerage treatment facilities, which shall be functioning and servicing the property in question;
 - (d) Storm drainage facilities;
 - (e) Final grading of the property;
 - (f) Base course (in the case of subdivisions) or final course (in the case of site plans) of the street or streets serving the property;
 - (g) Base course (in the case of subdivisions) or final course (in the case of site plans) of driveways and parking areas;
 - (h) Landscaping; and
 - (i) Any other improvements required as part of subdivision and/or site plan approval.
- (5) With respect to any individual residential lot within a subdivision or any building containing townhouses or apartments, a certificate of occupancy shall be issued only upon the written confirmation by the Township Engineer to the Construction Official of the completion of the following improvements, in addition to those listed in Subsection **19-1002 E(4)** hereinabove, to the extent the same are required as part of a subdivision and/or site plan approval. Regarding driveways, the Township Engineer shall rely upon a written report from the Township Driveway Official pursuant to Chapter **92** of the Code of the Township of Blairstown.
 - (a) Sidewalks;
 - (b) Driveways and/or driveway aprons; and
 - (c) Street names and regulatory signs.
- (6) A copy of any issued certificate of occupancy shall be kept on file at the premises affected and shall be shown to the Construction Official upon request. Additionally, a copy of an issued certificate of occupancy shall be provided by the

Construction Official to the Administrative Officer for placement in the applicable site plan or subdivision application file.

- (7) Should the Construction Official decline to issue a certificate of occupancy, his reason for doing so shall be stated on two copies of the application and one copy shall be returned to the applicant.
- (8) Temporary certificate of occupancy.
 - (a) A temporary certificate of occupancy may be issued for any new structure or use for which site plan and/or subdivision approval has been granted although not all conditions of said approval have been complied with.
 - (b) Such temporary certificate of occupancy shall be issued only in extenuating circumstances and only with the concurrent written approval of the Township Engineer, Construction Official and Zoning Officer who, together, shall establish specific terms and conditions, including, but not limited to, a timetable not exceeding 90 days for the installation of the uncompleted site improvements, and the receipt of a performance guarantee assuring the installation of the improvements as indicated on the approved plat or plan, whether or not said improvements were included with a performance bond in accordance with § 19-902 of this chapter. Any temporary certificate of occupancy beyond a ninety-day time period may only be granted by the Land Use Board.
 - (c) A temporary certificate of occupancy may be issued by the Construction Official for any building or structure not part of a site plan or subdivision application pursuant to N.J.A.C. 5:23-2.23(e).
- (9) A monthly report of the certificates of occupancy issued shall be filed with the Tax Assessor. A record of all certificates of occupancy pursuant to N.J.A.C. 5:23-4.5 shall be kept in the office of the Construction Official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the structure or land affected. The charge for each copy shall be established by resolution of the Township except that there shall be no charge to a municipal agency.
- (10) The following shall be prohibited until a certificate of occupancy is issued by the Construction Official:
 - (a) Occupancy and use of a structure erected, constructed, restored, altered or moved, when such erection, construction, restoration, alteration or movement required a construction permit;
 - (b) Occupancy, use or change in use of vacant land, other than for agricultural purposes;
 - (c) Occupancy and use of any enlargement to an existing structure;
 - (d) Any change of use from one category of permitted use to another category of permitted use, in accordance with the applicable listings of permitted uses in this chapter; and
 - (e) Any change in the use of a nonconforming use or nonconforming structure.

§19-1004 Violations and penalties.

A. Fines.

(1) Any violation of any provision of this chapter shall be punishable by a fine not to exceed \$1,000 for each offense and/or imprisonment for a term not exceeding 90 days. The following individuals shall be subject to potential punishment:

(a) The owner, general agent, contractor or occupant of a building, premises or part thereof where such a violation has been committed or does exist; and

(b) Any agent, contractor, architect, engineer, builder, corporation or other person who commits, takes part or assists in the violation.

(2) Each day that a violation continues shall constitute a separate offense.

(3) The imposition of penalties herein shall not preclude the Township or any other person from instituting an action to prevent an unlawful construction, reconstruction, alteration, repair, conversion, or use or to restrain, correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises.

B. Injunctive relief. In addition to the foregoing, the Township may institute and maintain a civil action for injunctive relief.

All other portions of this Chapter remain unchanged.

SECTION 2. All ordinances or parts of ordinances of the Township of Blirstown inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING Ordinance was introduced at a meeting of the Township Committee of the Township of Blirstown, in the County of Warren and State of New Jersey, held on October 10, 2018 and will be further considered for final passage after public hearing thereon at a regular meeting of said Township Committee to be held at the Municipal Building, 106 Route 94 in the Township of Blirstown, New Jersey on November 7, 2018 at 7:30PM

Linda Leidner, Clerk