

PART 5: ADMINISTRATION

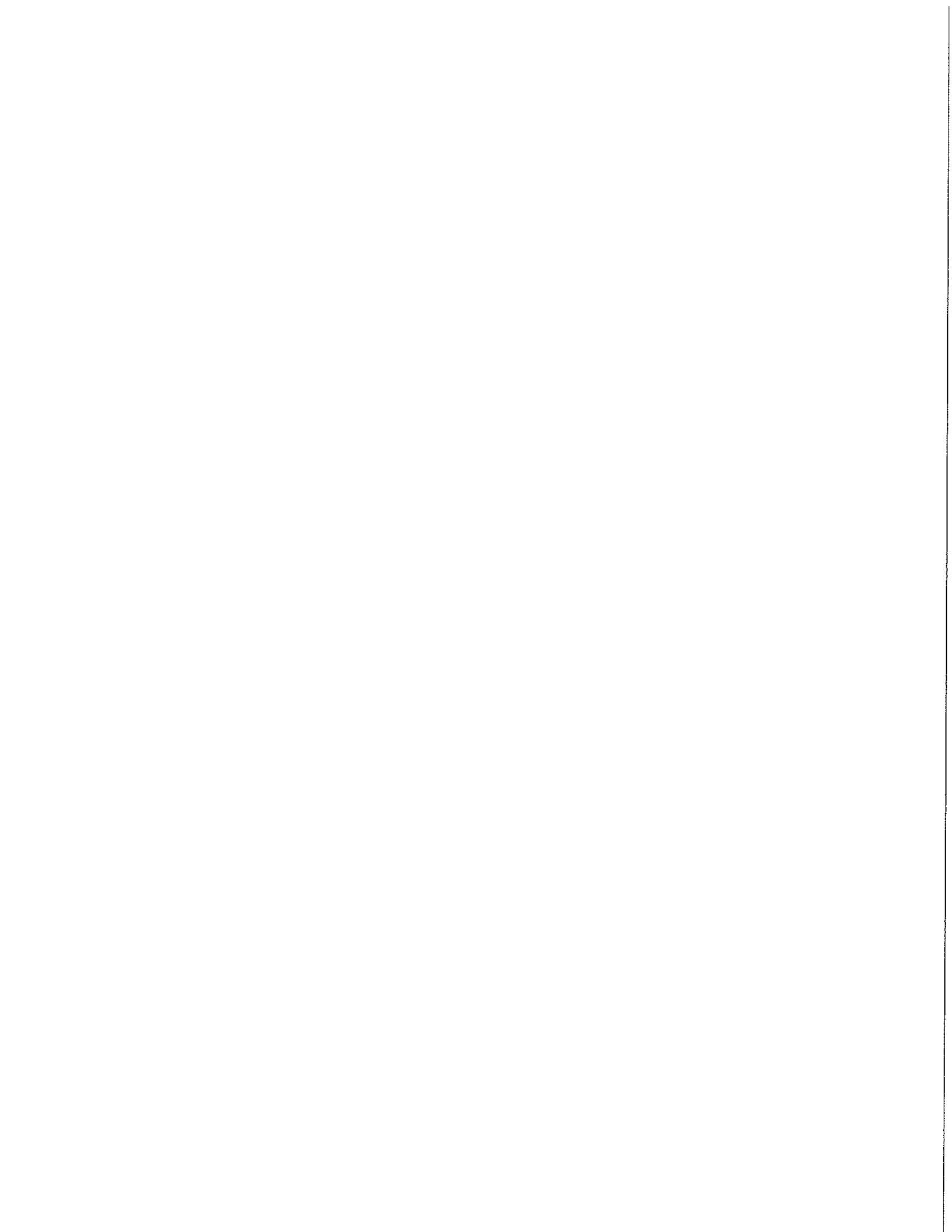
ARTICLE XXI Enforcement

§ 255-98 Enforcement

- A. The Zoning Officer shall administer and enforce the zoning provisions of this chapter and shall be responsible for issuing zoning permits. No zoning permit shall be issued unless the proposal complies with this chapter. A zoning permit shall be issued prior to the issuance of a construction permit by the Construction Official.
- B. No certificate of occupancy for a new use of an existing structure shall be issued unless there is an approved zoning permit. All changes in occupancy of an existing structure which do not involve residential uses shall require a zoning permit which shall certify that the use complies with zoning laws of the township. Prior to the issuance of a zoning permit for a change in occupancy, the Construction Official shall issue a certificate of continued occupancy which certifies that the building structure and premises conform with the Uniform Construction Code of the State of New Jersey.
- C. It shall be the duty of the Zoning Officer, with the advice of the Township Engineer or Planning Board Engineer, and Planning Board Planner to enforce the provisions of subdivision and site plan approvals.
- D. A zoning permit shall be issued or denied within ten (10) days of the date of a complete submission, and the work shall be commenced within one (1) year after the issuance of the permit as provided in this chapter; otherwise, the permit shall be void.

§ 255-99 Enforcement Official.

- A. The duty of administering and enforcing the provisions of this chapter is hereby conferred upon the Zoning Officer who shall have such powers as are conferred on him in accordance with its literal terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to this chapter. The Zoning Officer shall be appointed by the Township Committee.
- B. The duties of the Zoning Officer shall be:
 - 1. To examine all applications for construction, use and sign permits.
 - 2. To issue permits only for construction, uses and signs which are in accordance with the regulations of this chapter and other applicable ordinances as may be subsequently amended.
 - 3. To record and file all applications for zoning permits with the accompanying plans.
 - 4. To issue permits for conditional uses only after such uses and buildings are approved by the Planning Board.



5. To issue all necessary stop orders.
 6. To inspect nonconforming uses, buildings and signs.
 7. Upon the request of the governing body, to present to such body facts, records and any similar information on specific requests to assist such body in reaching its decision.
 8. To give written notice of violation.
 9. To sign written complaints against violators in Municipal Court.
 10. To cause any building, plans or premises to be inspected or examined and order in writing the remedying of any conditions found to exist in violation of this chapter.
 11. To enter any building or premises during the daytime in the course of his duties, with the permission of the owner.
- C. Enforcement Authority. Pursuant to N.J.S.A. 40:55D-18, the Zoning Officer shall have the authority to institute an appropriate action or proceeding to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use in violation of this Chapter. This authority shall include the ability to restrain, correct or abate such violation; to prevent the occupancy of any building structure or land; and to prevent any illegal act, conduct, business or use.

§ 255-100 Filing of Zoning Complaints.

- A. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written and signed complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Officer. He shall record promptly such complaint, immediately investigate and take action thereon as provided by this chapter.
- B. If the Zoning Officer shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and order the action necessary to correct it.

§ 255-101 Issuance of Permits.

This ordinance shall be enforced by the designated Zoning Officer of the Township. No permit of any kind as provided in this chapter shall be granted by him for any purpose except in compliance with the provisions of this Chapter, a decision of the Planning Board, or a ruling by the courts.

§ 255-102 Violations and Penalties.

- A. Violations. Failure to secure the required zoning permit or building permit previous to the erection, construction, alteration or addition to a building shall be a violation of this chapter. Structures erected without a permit or not in conformity with this chapter shall be removed.

- B. Notice of Violation. When written notice of a violation of any provision of this chapter has been served by the Zoning Officer on the owner, owner's agent, occupant, contractor or builder, such violation shall be discontinued and/or removed immediately.
- C. Fines and Penalties. Any person, firm or corporation violating any provisions of this chapter shall, for each violation upon conviction thereof, be subject to one (1) or more of the following; a fine not exceeding one thousand dollars (\$1,000); a term of imprisonment not exceeding ninety (90) days; or a period community service not exceeding ninety (90) days. Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE XXII
Certificates and Permits

§ 255-103 Building Permits.

All building permits shall be issued in accordance with the provision of the Building Code of the Township of Riverside. No building permit shall be issued for any new structure or any modification to an existing structure unless a zoning permit has been issued by the Zoning Officer.

§ 255-104 Zoning Permits.

- A. Zoning Permit Requirement. A zoning permit shall be required prior to the erection or structural alteration of any building, structure or portion thereof and prior to the use or change in use of a building or land, and prior to the change or extension of a nonconforming use.
- B. Application for Permit. Application for permits, including temporary permits, shall be made in writing to the Zoning Officer on such forms as may be furnished by the Township. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work meets all the requirements of applicable codes and ordinances.
- C. Plot Plans for Zoning Permit. All applications for zoning permits shall be accompanied by three (3) copies of a true and accurate plot plan drawn to scale, showing the location and size of each building to be erected upon each lot, the actual dimension of each lot to be built upon and such other information as may be necessary to enable the Zoning Officer to determine whether the proposed structure and use of land will conform to the provisions of this chapter. The Zoning Officer shall keep a record of all applications for zoning permits and a record of all permits issued with a notation of all special conditions involved. He shall also file and safely keep copies of all plans submitted and the same shall become a part of the records of his office for the use of the Township Committee and other officials of the township.
- D. Issuance of Zoning Permit. Zoning permits shall be granted or refused within ten (10) days after the written application has been filed with the Zoning Officer. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work has been

inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances.

- E. Expiration of Permits. No permit for the erection, razing, change, alteration or removal of buildings shall be valid or effective after one (1) year from the date of issuance thereof and shall thereafter be void, unless the work authorized by such permit shall have been substantially commenced within one (1) year from the date of issuance and proceeded with due diligence. If, however, the applicant has been delayed in proceeding with the work for which the permit was granted by reason of any reasonable cause not due to his own negligence, the permit may be renewed without additional cost to the applicant.

§ 255-105 Conditional Use Permits.

Application for any conditional use permit as permitted under the provisions of this chapter shall be made to the Planning Board Secretary. The Board Secretary shall forward the plans submitted in connection with the application to the professional staff for its report thereon as to the application effect on the comprehensive planning of the Township. Once the application is deemed complete, the Board Secretary shall schedule a hearing on the matter. The Planning Board may hold public hearings on the application prior to receipt of the report and recommendation referred to above, but may not finally act until the recommendation and report are received. Subject to the above, the Planning Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear such cases and make exceptions to the provisions of Part 2, Zoning. The Planning Board may thereafter direct the Board Secretary to issue such permit if, in its judgment, any one (1) of such cases will not be detrimental to the health, safety and general welfare of the township and is deemed necessary for its convenience. In approving any such application, the Planning Board may impose any conditions that it deems necessary to accord the reasonable application of applicable standards as provided in this Chapter and may deny any such application but only in accordance with said standards.

§ 255-106 Temporary Use Permits.

- A. Temporary Use Permits. It is recognized that it may be necessary in accordance with the purpose of the chapter to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this chapter. If such uses are of such a nature and are so located that at the time of petition they will:
1. In no way exert a detrimental effect upon the uses and land and activities normally permitted in the zone.
 2. Contribute materially to the welfare of the township, particularly in a state of emergency, under conditions peculiar to the time and place involved, then the Planning Board may, subject to all requirements for the issuance of special permits elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six (6) months. Such period may be extended not more than once for an additional period of six (6) months.

§ 255-107 Certificates of Occupancy.

- A. Certificates of occupancy shall be issued in accordance with the procedures set forth by the Township Committee.

- B. New uses. No building shall be occupied or used until such time as a certificate of occupancy is issued by the Zoning Officer, after determination that the building, structure or use is in conformance with the provisions of this chapter.
- C. Existing uses. Upon written request from the owner, tenant, occupant or purchaser under contract, the Zoning Officer, after inspection, shall issue an occupancy permit for a use legally existing at the time this chapter is made effective, certifying the extent and kind of use and any other such existing use which conforms to the provisions of this chapter.
- D. Change of use. No owner, tenant or other person shall use or occupy any building or structure after the use of such building or structure is changed after the passage of this chapter without first procuring an occupancy permit, provided that an occupancy permit, once granted, shall continue in effect so long as there is no change in use, regardless of change in tenancy or occupancy.

§ 255-108 Certificates Showing Approval.

- A. The prospective purchaser, prospective mortgagee or any other person interested in any land which forms part of a subdivision may apply in writing to the Township Clerk for the issuance of a certificate certifying whether or not such subdivision has been approved by the Planning Board. Such application shall contain a diagram showing the location and dimensions of the land to be covered by the certificate and the name of the owner thereof.
- B. The Township Clerk shall make and issue such certificate within fifteen (15) days after the receipt of such written application and the fee therefore. Said Officer shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his or her office.
- C. Each such certificate shall be designated a "certificate as to approval of subdivision of land" and shall certify:
 - 1. That there exists in the township a duly established Planning Board and that there is an ordinance controlling subdivision of land adopted under the authority of the Municipal Lane Use Law of 1975, Chapter 291.
 - 2. Whether the subdivision, as it relates to the land shown in said application, has been approved by the Planning Board and, if so, the date of such approval and any extensions and terms thereof, showing that subdivision of which the lands are a part is a validly existing subdivision.
 - 3. Whether such subdivision, if the same has not been approved, is statutorily exempt from the requirement of approval as provided within the Municipal Lane Use Law.
- D. The fee for such certificate is indicated on the Township Fee Schedule (Table 9).

§ 255-109 Period of Approval.

In the event that, during the period of approval heretofore or hereafter granted to an application for development, the developer is barred or prevented, directly or indirectly, from proceeding with the

development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare, and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this chapter or under any ordinance repealed by this chapter, as the case may be, shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

§ 255-110 Conditional Approval.

- A. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any state agency, political subdivision or any other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Planning Board shall process such application for development in accordance with this chapter, and if such application for development complies with the requirements of this chapter, the Planning Board shall approve such application, conditioned on removal of such legal barrier to development.
- B. In the event that development proposed by an application for development requires an approval by a governmental agency other than the Planning Board, the Planning Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency, provided that the municipal agency shall make a decision on any application for development within the time period provided in this chapter or within an extension of such period as has been agreed to by the applicant, unless the municipal agency is prevented or relieved from so acting by the operation of law.

§ 255-111 Inspections.

No zoning permit required by this chapter shall be issued by the Zoning Officer until he shall have made such examination of the application and plot plan and such inspection of the property as are necessary to enable him to determine whether the proposed structure or use of land will conform to the provisions of this chapter. No certificate of occupancy required by this Article shall be issued until the Construction Official and Zoning Officer have made such inspection as is necessary to determine whether the erection or alteration of the building or structure has been completed in conformity with the provisions of this chapter, or that the proposed use of occupancy of land will conform to the provisions of this chapter. It shall be the duty of the Construction Official and Zoning Officer, upon request of the owner, to make an inspection at any stage of the erection or alteration of a building or structure for the purpose of determining whether such erection or alteration is being made in conformity with the Uniform Construction Code and the provisions of this chapter, but the failure of the Construction Official or the Zoning Officer to make any such inspection shall not in any manner entitle such owner to a certificate of occupancy if such erection or alteration when completed does not conform to the Uniform Construction Code or the provisions of this chapter.

ARTICLE XXIII
Fees

§ 255-112 Fee Schedule.

- A. Fee for Copies of Certificates of Occupancy. No fee shall be charged for an original certificate of occupancy as required herein; but for each copy of an original certificate, there shall be a charge of one dollar (\$1), which shall be remitted to the Township Treasurer by the issuing officer in accordance with the manner of reporting and payment as is generally provided.
- B. Filing Fees and Escrow Funds. At the time of submitting an application for site plan approval, subdivision approval, bulk variance, use variance or conditional use permit, the applicant shall comply with the following provisions.
1. The applicant shall execute a form of agreement with the Township of Riverside agreeing to pay all application fees, professional charges and any other cost of fee related to the processing and review of his or her application, including, but not limited to, the cost of site inspections and appeals by the applicant, if necessary.
 2. Payment of fees and escrow.
 - a. The applicant shall pay application fees and the applicant shall deposit in cash a certain sum with the Planning Board Secretary to be placed in escrow by the township to cover the cost of professionals employed by the Planning Board to make reviews and inspections of the applications and plans submitted as well as site inspection, if necessary, in accordance with the Township Fee Schedule (Table 9).
 - b. Applicants for site plan and major subdivision plan approval must receive both preliminary and final approval.
 - c. In the event that an application is denied, certified incomplete or withdrawn by the applicant and the application is subsequently resubmitted or a second application is submitted by the same applicant for the same use and on the same site as the original application within sixty (60) days of the denial, incomplete certification or withdrawal, then a new escrow amount must be submitted with such application in accordance with the Fee Schedule. If an application is refiled after the application has been denied without prejudice, no new application fee need be submitted. Upon receipt of a formal, written request, the Planning Board reviewing the application may recommend to the governing body that the unencumbered balance of the original escrow be refunded to the applicant or credited toward the escrow amount required for any subsequent application or resubmitted application.
 - d. Sums not utilized in the review and inspection process or other costs of administration shall be returned to the applicant. If additional sums should be deemed necessary, the applicant shall be notified of the

required additional amount and shall add such sum to the escrow within fourteen (14) days of the date of said notice.

- e. Within thirty (30) days of the Planning Board's adoption of a resolution memorializing its approval or denial of an application for development or the conclusion of an appeal, the township professionals shall submit final vouchers for services performed in connection with the application or appeal to the Chief Financial Officer of the township.
3. Dispute of Escrow Charges. In the event that an applicant wishes to dispute the charges made by a professional for services rendered to the municipality for the review of a development application, the applicant shall notify the Township Administrator in writing with copies to the chief financial officer, the Planning Board and the professional. The Township governing body or its designee, shall attempt to remediate the disputed charges within a reasonable time period. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal the matter to the county construction board of appeals any charge to an escrow account or deposit made by any municipal professional or consultant pursuant to NJSA 40:55D-53.2a. Any such appeal shall be filed within 45 days of the receipt of the informational copy of the professionals voucher or, if the informational copy is not received, within 60 days of the receipt of the municipal statement of activity against the deposit or escrow account. An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months. The county construction board of appeals shall hear the appeal and render a decision thereon, within 10 business days of the submission of the appeal unless such time is extended by the applicant.
4. Within forty-five (45) days of the Township's Engineer's completion of inspection of improvements installed at the behest of the applicant, the Board Engineer shall submit a voucher for services which shall be processed in accordance with the preceding subsection.
5. Fees of professionals employed by the Planning Board shall be those determined annually by the Board. The fee schedules of the professionals should indicate whether clerical and related support services are included in the professional rate structure or charged separately.

ARTICLE XXIV **Repealer, Severability and Effective Date**

§ 255-113 Repealer.

All ordinances inconsistent with or in conflict therewith are hereby repealed.

§ 255-114 Severability.

If any section, subsection or paragraph of this chapter shall be declared to be unconstitutional, invalid, or inoperative in whole or in part by a court of competent jurisdiction, such section, subsection or paragraph shall to the extent that is not unconstitutional, invalid or inoperative remain in full force and effect, and no such determination shall be deemed to invalidate the remaining sections, subsections or

paragraphs of this chapter. To this end, the provisions of each section, subsection, paragraph of this chapter are hereby declared to be severable.

§ 255-115 Effective Date.

This ordinance shall take effect twenty (20) days subsequent to passage and publication according to law.