

ORDINANCE NO. 2015-8

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 25
ENTITLED "LAND DEVELOPMENT REGULATION" OF THE CODE OF
THE BOROUGH OF ELMER**

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Chapter 25 entitled "Land Development Regulation" are necessary; and

WHEREAS, in all other respects Chapter 25 entitled "Land Development Regulation" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 25-21 entitled "Administration and Enforcement", subsection 25-21.1 entitled "Enforcement; Permits; Fees." shall be amended to read as follows:

25-21.1 Enforcement; Permits; Fees.

a. *Appointment of Zoning Officer.* The Governing Body shall appoint a Zoning Officer to administer and enforce the provisions of this chapter except as otherwise provided by law or by this chapter. The Zoning Officer shall be appointed for the term of one (1) year, beginning the first day of January and shall receive such compensation for his services as shall be fixed by ordinance of the Governing Body. ~~The Zoning Officer may, in addition to his appointment under this chapter, act as the Borough Construction Official.~~

d. ~~*Certificates of Occupancy.*~~ *Zoning Permit.* It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises or both, or part thereof, hereinafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, or to continue the use of a building, structure or premises as a legal nonconforming use, until a ~~certificate of occupancy~~ *Zoning Permit* shall have been issued therefor by the Zoning Officer, stating that the proposed use of the building or land conforms to the requirements of this and other Borough ordinances.

1. Procedures.

(a) ~~Following the completion of~~ *Prior to* construction, reconstruction or alteration of any building or structure or prior to any change in the use of any building, structure, or land the applicant shall transmit, by registered mail, to the Zoning officer a letter stating ~~that such construction has been completed or~~ that a new or changed use is being proposed. All applications for ~~certificates of occupancy~~ a *Zoning Permit* shall be accompanied by the required fee.

(b) Within seven (7) days of the receipt of this letter, the Zoning Officer shall make all necessary inspections of the ~~completed~~ structure and/or proposed use to determine the conformance with the terms of this chapter and issue either a ~~certificate of occupancy~~ *Zoning Permit* or a letter of denial, stating the reasons therefor.

(c) The Zoning Official shall, upon proper application accompanied by necessary proof or documentation, issue ~~certificates of occupancy~~ a *Zoning Permit* for uses existing at the effective date of this chapter in order to officially validate:

(1) Legal conforming uses.

- (2) Legal nonconforming uses.
- (3) Legal status of uses previously approved by Board action.

2. A ~~certificate of occupancy~~ Zoning Permit shall be issued only if the Zoning Officer finds the requirements of this chapter or applicable supplementary actions ~~or requirements of the Land use Board or Governing Body~~ have been complied with. Any ~~certificate of occupancy~~ Zoning Permit shall be continued in force only so long as the use or building for which it was issued continues to conform to the requirements of this chapter. A record of all ~~certificates~~ permits shall be kept on file in the office of the Zoning Officer and copies of all ~~certificates~~ permits issued shall be forwarded to the Borough Tax Assessor.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF ELMER

BY: _____
Joseph Stemberger, Mayor

ATTEST:

Beverly S. Richards
Borough Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on February 11, 2015.

It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on March 11, 2015 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Beverly S. Richards

NOTICE OF ADOPTION

OF

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The foregoing named Ordinance was duly adopted at a regular meeting of the Mayor and Borough Council of the Borough of Elmer on March 11, 2015.

Beverly S. Richards, Clerk
Borough of Elmer
Borough Clerk