

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2019-08

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 95, "DEVELOPMENT REGULATIONS", OF THE CODE OF THE TOWNSHIP OF MANALAPAN, SECTION 95-3.4, "CERTIFICATES AND PERMITS," PERTAINING TO CERTIFICATES OF CONTINUED OCCUPANCY

BE IT ORDAINED by the Township Committee of the Township of Manalapan, in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Section 95-3.4, "Certificates and permits," subsection 95-3.4 D, "Certificate of Occupancy," paragraph D.5, "Scope of certificate of continued occupancy," be and the same is hereby amended and supplemented to read, as follows:

(Additions are underlined, changes are **bolded**, deletions are ~~strikethroughs~~)

"D(5). Scope of certificate of continued occupancy. The certificate of continued occupancy shall contain sufficient information as to the extent and kind of use or uses, such that any future investigation of the premises would disclose the extent to which a use was altered. It shall also indicate whether such use is a permitted or nonconforming use and the extent to which the use does not conform to the provisions of this chapter.

(a) In the event that a ~~nonconforming~~ **non-compliant** feature exists and the owner wishes to sell the property, if the owner can demonstrate that said ~~nonconformance~~ **non-compliance** has existed for at least

ten years and the purchaser offers a written statement acknowledging the ~~nonconformance~~ **non-compliance** and certifies that it will not be expanded, a certificate of continued occupancy may be issued by the Construction and Zoning Offices. In the event that the noncompliant feature is modified, it shall be brought into compliance with the applicable provisions of this chapter.

(b) A certificate of continued occupancy does not constitute a certification of a pre-existing non-conforming use which can only be obtained in accordance with the provisions of N.J.S.A. 40:55D-68."

SECTION TWO. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon its passage and publication according to law and upon filing with the Monmouth County Planning Board.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on March 27, 2019. This Ordinance will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on April 24, 2019 at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org under Agenda posted for the Township Committee meeting of April 24, 2019.

REGINA PRETEROTI, RMC
Municipal Clerk