

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2019-20

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,” SECTION 95-3.4, “CERTIFICATES AND PERMITS,”

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

SECTION I. Section 95-3.4, “Certificates and Permits,” of the Code of the Township of Manalapan, subsection 95-3.4E, “Certificate of Continued Occupancy,” be and the same is hereby amended and supplemented to read, in full, as follows:

“E. Certificate of continued occupancy.

(1) Change of nonresidential occupancy. Whenever there occurs a change in the occupancy or use of a nonresidential building, structure or land, a new certificate of continued occupancy shall be applied for, to ensure compliance with all applicable codes and ordinances. The Construction Official may issue such a certificate if the Administrative Officer determines such change in occupancy is not a “change in use,” as defined in subsection **95-2.4** of this chapter, and that the applicant has met the requirements of the applicable regulations.

(a) 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.

(2) Change of residential occupancy. An application for a certificate of continued occupancy for a residential structure shall be accompanied by a survey, which includes all easements of record, certified to the property owner and dated within six (6) months of the date of application. The property owner shall also provide a certification that no changes have been made to the property since the date of the survey or detailing any changes to the property since the date of the survey.

(a) The zoning certificate of continued occupancy shall contain sufficient information as to the extent and kind of use or uses, **including all accessory uses and structures**, such that any future investigation of the premises would disclose the extent to which a use or structure was altered. It shall also indicate whether such use is a permitted or nonconforming use and the extent **to which the property does** not conform to the provisions of this chapter.

(b) In the event that a noncompliant feature exists, and the owner wishes to sell the property, if the owner can demonstrate that said noncompliance has existed for least ten (10) years and the purchaser **submits** a written statement acknowledging the noncompliance and certifies that it will not be expanded, a certificate of continued occupancy may be issued by the Zoning Officer. In the event that the noncompliant feature is **later** modified, it shall be brought into compliance with the applicable provisions of this Chapter.

(c) A certificate of continued occupancy does not constitute a certification of

a pre-existing nonconforming use which can only be obtained in accordance with the provisions of N.J.S.A. 40:55D-68.

F. Improvements required. No permanent certificate of occupancy for new construction shall be issued until all required improvements have been installed in accordance with the provisions of this chapter as reported to the Construction Official or the Zoning Officer by the Township Engineer. A temporary certificate of occupancy may be issued to permit occupancy for a period not to exceed one year. If at the end of that period the requirement improvements have not been completed, the **temporary** occupancy permit becomes null and void and the owner may be subject to the penalties defined by this chapter.

G. Soil erosion and sediment control plan certification. Where required, a soil erosion and sediment control plan certification shall be obtained from the Freehold Area Soil Conservation District prior to subdivision or the erection of any structure or the alteration of the existing grade on any lot. No such certification shall be valid until a development permit shall have first been issued for the subdivision, building, structure or use. See Chapter 192, Soil Erosion and Sediment control, for details of the certification process.”

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

SECTION III. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION IV. This Ordinance shall take effect on February 1, 2020 and upon the filing of a copy hereof 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 December 4, 2019 and 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 Wednesday, December 18, 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 by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of December 18, 2019.

REGINA PRETEROTI, RMC
Municipal Clerk