

## **ORDINANCE NO. 2020-08**

### **AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 120 LAND USE PART 3 "ZONING", ARTICLE 20 "GENERAL PROVISIONS", WITHIN THE BOROUGH OF KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY**

**Purpose:** The purpose of this Ordinance is to amend Chapter 120 LAND USE ORDINANCE whereby the Borough Council seeks to Add Provisions for Administration and Enforcement by the Zoning Officer within the Borough.

**BE IT HEREBY ORDAINED** by the Council of the Borough of Kenilworth, County of Union, State of New Jersey as follows:

**NOW THEREFORE**, Chapter 120 "Land Use Part 3 "Zoning", Article 20 "General Provisions" be amended to include Article 20.7 "Violations and Penalties":

#### ARTICLE 20.7 VIOLATIONS AND PENALTIES

##### § 120-20.7.1 Enforcement.

The provisions of this chapter shall be administered and enforced by the Zoning Officer of the Borough and such other officers as may from time to time be designated by the Mayor and Council. The police officers of the Borough shall bring to the attention of the Zoning Officer any violations. In no case shall a permit be granted for the construction, alteration, repair, remodeling, conversion, removal or destruction of any building which would be in violation of any provision in this chapter. It shall be the duty of the Zoning Officer or their duly authorized assistants to cause any building, plans or permits to be inspected and examined and to order in writing the remedying of any conditions found to exist in violation of any provisions of this chapter, and they shall have the right to enter any building or premises during the daytime in the course of their duties.

##### § 120-20.7.2 Records.

- A. It shall be the duty of the Zoning Officer to keep a record of all applications for building permits, a record of all permits issued, and a record of all certificates of occupancy, together with a notation of all special conditions involved. They shall file and safely keep copies of all plans submitted and the same shall form a part of the records of their office and shall be available for the use of the Borough Council or of other officials of the Borough of Kenilworth.
- B. The Zoning Officer shall prepare a monthly report for the governing body summarizing for the period since his last previous report all building permits and certificates issued by him and all complaints of violations and the action taken by him consequent thereto. A copy of each such report shall be filed with the Borough Clerk at the time it is filed with the Borough Council.

##### § 120-20.7.3 Certificates and permits.

- A. Temporary use permits. It is recognized that it may be in accordance with this 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 so located that at the time of petition they will in no way exert a detrimental effect upon the uses of the land and activities normally permitted in the zone or they contribute

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materially to the welfare of the Borough, particularly in a state of emergency under conditions peculiar to the time and place involved, the Planning Board may, subject to all regulations for the issuance of building permits elsewhere specified, direct the Zoning Officer to issue a permit for a period not to exceed six months. Such period may be extended not more than once for an additional period of six months.

#### 120-20.7.4 Violations and penalties.

- A. If, before a final approval of a subdivision has been obtained, any person who transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which by this chapter the approving authority is required to act, such person shall be subject to a fine not to exceed \$1,000, and each parcel, plat or lot so disposed of shall be deemed a separate violation.
- (1) Any owner or agent, any person or corporation who shall violate any other provision of this chapter or fail to comply therewith or with any of the requirements thereof, and who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use in violation of any detailed statement or plan submitted and approved hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be subject to the following: a fine not exceeding \$2,000; imprisonment for a period of not to exceed 90 days; a period of community service of not to exceed 90 days. Each and every day such violation continues shall be deemed a separate and distinct violation.
  - (2) The owner of any building or structure, lot or land, or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall each be guilty of a separate offense, and upon conviction therefor shall be liable to the penalties specified in Subsection A(1) above.
  - (3) In addition to the foregoing, such other remedies set forth in N.J.S.A. 40:55D-55 shall be available to the municipality.
- B. Any individual, corporation, company, association, society, firm, partnership or other entity who shall violate any term, condition or restriction contained in any easement, or any legal restriction upon real property which shall have been created in accordance with or pursuant to any provision of this chapter shall, upon conviction, be liable for the penalties provided above in Section 1, or required to implement a restoration plan prepared by the Planning Board, or collectively to the fine, restoration and imprisonment.
- (1) The owner of any building or structure, lot or land, or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall each be guilty of a separate offense, and upon conviction therefor shall be liable to a fine or imprisonment or both hereinbefore specified.

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- (2) In addition to the foregoing, such other remedies set forth in N.J.S.A. 40:55D-55 shall be available to the Borough.

**Severability**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**Effective Date**

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

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Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				<b>KAY CECERI</b>						
X		X				<b>LAWRENCE CLEMENTI</b>						
	X	X				<b>MARK DAVID</b>						
		X				<b>LOUIS DEMONDO</b>						
		X				<b>GERRY LAUDATI</b>						
		X				<b>DANIEL LOPEZ</b>						
Introduced: August 26, 2020						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: September 23, 2020												
						_____ Laura Reinertsen, Borough Clerk						