

ORDINANCE NO. 16-32

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 605, ENTITLED, "POWERS AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION", SECTION 913, ENTITLED, "PENALTY; CERTIFICATE OF APPROPRIATENESS" AND SECTION 1105, ENTITLED, "PENALTIES"

BE IT ORDAINED by the Township Committee of the Township of Neptune in the County of Monmouth in the State of New Jersey that the Land Development Ordinance be and is hereby amended as follows:

SECTION 1

Section 605 be and is hereby amended as follows:

§605 – Powers and Responsibilities of the Historic Preservation Commission.

Subsection J and Subsection O are rescinded.

SECTION 2

Section 913 be and is hereby amended as follows:

§913 – Penalty; Certificate of Appropriateness.

A. Failure to Obtain Approval or Comply with Approval

Any person who shall undertake any activity in violation of any provisions relating to historic zoned districts and designated historic sites without first having obtained a Certificate of Appropriateness or any other required approval, or who fails to comply with the terms, conditions and limitations of an approval granted, shall be deemed in violation of these provisions.

B. Service of Notice of Violation

Upon learning of the violation, the Township Zoning Officer or Zoning Officer's designee shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail. The violator shall be required to file an application for the Certificate of Appropriateness to the Historic Preservation Commission or in case of non-compliance with an existing Certificate of Appropriateness, comply with said approval within 10 days of receipt of the Notice of Violation. If the owner cannot be personally served within the municipality with the notice, a copy of the same shall be posted on the site in question, and a copy shall be sent by Certified Mail/RRR to the owner at his or her last known address as it appears on the Township Tax Rolls.

C. Issuance of Summons and Complaint

In the event that the violator fails to file an application for a Certificate of Appropriateness, or comply with a prior Certificate of Appropriateness granted within the specified 10 day period following service and/or posting on the site in question, whichever is earlier, the Zoning Officer or Zoning Officer's designee shall cause to be issued a Summons and Complaint, returnable in the Municipal Court charging violation of the Land Development Ordinance. Each separate day the violation exists shall be deemed to be a new and separate violation of the Land Development Ordinance.

D. Penalties Designated

All penalties and form of relief available under this Section shall be pursuant to Section 1105 of the Land Development Ordinance.

Subsection E shall be rescinded and superseded by Section 1105.

SECTION 3

Section 1105 be and is hereby amended as follows:

§1105 – Penalties.

A. Fines

- (1) Any person, firm or corporation that shall violate any provisions of this Ordinance shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$2,000.00 as such court in its discretion may impose; or if the parties so convicted be a natural person, such person may be imprisoned for such term not exceeding 90 days as such court in its discretion may impose, or appear at community service not exceeding 90 days or any combination thereof as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.

C. Additional Remedies

- (1) In addition to the remedy or remedies hereinbefore provided, any person, persons, company or corporation violating the Land Development Ordinance or any provision or section thereof, may be proceeded against by the Township of Neptune or by the Zoning Officer of the Township of Neptune or any designee of the Township of Neptune or Zoning Officer or by the owner of any property in the Township of Neptune by appropriate action or by proceeding in equity or otherwise to prevent and enjoin any threatened violation or any existing violation or continuing violation of the Land Development Ordinance or any provision or section thereof.

SECTION 4

All Ordinances or parts of Ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency.

SECTION 5

The amended Ordinance shall become effective immediately upon its passage and the publication as required by law.

APPROVED ON FIRST READING: September 12, 2016

APPROVED, PASSED, AND ADOPTED: September 26, 2016

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor