

ARTICLE XI

ENFORCEMENT, PERMITS, VIOLATIONS & PENALTIES

SECTION 1101. ENFORCEMENT.

- A. Zoning Officer. The provisions of this Ordinance shall be administered and enforced by the Zoning Officer of the Township of Cherry Hill under the supervision of the Director of the Department of Community Development. The Zoning Officer shall be appointed by the Director of the Department of Community Development with the approval of the Mayor and shall receive such compensation as shall be fixed by the general salary ordinance.
- B. Duties & Responsibilities of Zoning Officer. The Zoning Officer shall be responsible for the following:
1. Prepare all forms required for the administration and enforcement of this Article for approval of the Administrative Officer. The Zoning Officer shall keep a record of all applications for permits or certificates submitted to her or him, as well as any subsequent action. He or she shall keep and maintain proper files and other records pertaining to the administration and enforcement of this Article.
 2. Receive, review, process and file all application and plans for Zoning Permits and shall issue permits and certificates only in accordance and conformance with the provisions and regulations of this Article.
 3. Except as otherwise authorized under the terms and conditions of an order or decision of the Planning or Zoning Board, the Zoning Officer shall not permit, nor issue any permit or certificate for any use, change of use, extension of a non-conforming use, installation, construction, alteration, repair, remodeling or conversion of any building or structure, or portion thereof; removal or destruction of any building or structure for location, relocation, placement or erection on any lands in the Township of Cherry Hill, which does not conform to or comply with the terms and provisions of this Article or which would be in violation of any provision thereof.
 4. Conduct and perform inspections, as may be necessary for the administration and enforcement of this Ordinance and for the proper issuance of Zoning Permits. She or he shall have the right to enter any building or premises during the daytime in the course of his or her duties. Such entry shall be kept in a log, kept for such purposes.
 5. Any non-conforming uses, buildings, structures or signs found upon inspection by the Zoning Officer to be in violation of the terms and provisions of this Ordinance shall be logged and reported in writing to the Administrative Officer.
 6. In the event any condition is found to exist in violation of any regulation, term or provision of this Article, the Zoning Officer shall confer with the Administrative Officer and thereafter issue a written order to immediately remedy or correct such violation or to stop work and/or prosecute the violation in the Municipal Court.
 7. In the event the Zoning Officer shall receive a complaint or notice alleging the existence of a violation of the provisions of this Ordinance, she or he shall investigate the alleged violation. If a violation exists, action shall be taken as provided by this Ordinance. The source and identity of the person or persons making such complaint or providing such notice shall be held and maintained in confidence, but shall be subject to the provisions of the *New Jersey Open Public Records Request Act* (OPRA).
 8. Upon request by the Administrative Official, attend hearings before the Township Council, Planning Board, Zoning Board of Adjustment for the purpose of responding to questions, giving

testimony or producing relevant records, if so required.

9. A copy of all Zoning Permits are maintained with the Construction Code Official.

SECTION 1102. PERMITS (GENERAL).

- A. No Temporary Use Permit, Zoning Permit, Certificate of Temporary Occupancy or Certificate of Occupancy shall be issued for any parcel of land or structure that was sold or on which improvements were undertaken in violation of the provisions of this Ordinance or for the use of a lot that was created by subdivision after the effective date of, and not in conformity with the provisions of this Ordinance.
- B. No site improvement such as, but not limited to, excavation or construction of improvements on public or private property shall be commenced except in conformance with this Ordinance in accordance with plan approvals and required permits.
- C. No Certificate of Occupancy shall be issued, except in the case of residential lots within an approved subdivision, without the certification by the Administrative Officer that all requirements of this Ordinance have been met.
- D. The Construction Code Official shall be responsible for the consideration of applications for and issuance of Certificate of Temporary Occupancy or Certificate of Occupancy with all other permits herein under the jurisdiction of the Zoning Officer.

SECTION 1103. ZONING PERMIT.

- A. Permit Required. The issuance of a Zoning Permit shall be required prior to, and as a condition precedent to the commencement of any of the following:
 1. Any use, change of use, change of occupancy, change of owner and/or extension of a non-conforming use of lands and premises within the Township of Cherry Hill.
 2. The installation, construction, alteration, repair, remodeling or conversion of any building, structure, or any portion thereof, on any lands and premises within the Township of Cherry Hill.
 3. The removal, demolition or destruction of any building or structure.
 4. The moving of a building or structure of whatsoever kind or nature, or any portion thereof, into or within the Township for storage, location, relocation, placement or erection on any lands and premises within the Township of Cherry Hill. It shall be unlawful for any person to commence any of the foregoing without first having obtained a Zoning Permit therefore.
 5. Replacement or repair of existing structure (involving no additional square footage added or enclosure of the same).
- B. Prior Approval for Construction Permit. The issuance of a Zoning Permit shall be a required "prior approval" and condition precedent to the issuance, by the Construction Code Official, of a Construction Permit for the installation, construction, alteration, repair, remodeling, removal or destruction of any building, structure or portion thereof.
 1. All Zoning Permit applications shall contain information of all existing and proposed uses of the lot, premises, and such other information as may be requested by the Zoning Officer and reasonably necessary for said official to ascertain whether the proposed use, change of use, erection, construction or alteration complies with the provisions of this Ordinance. Applications shall be fully completed and signed by the applicant or owner. The applicant shall certify as to the truth of the information submitted in the application and accompanying documents so that any willful misstatements shall be considered a violation of this provision and subject the offender to

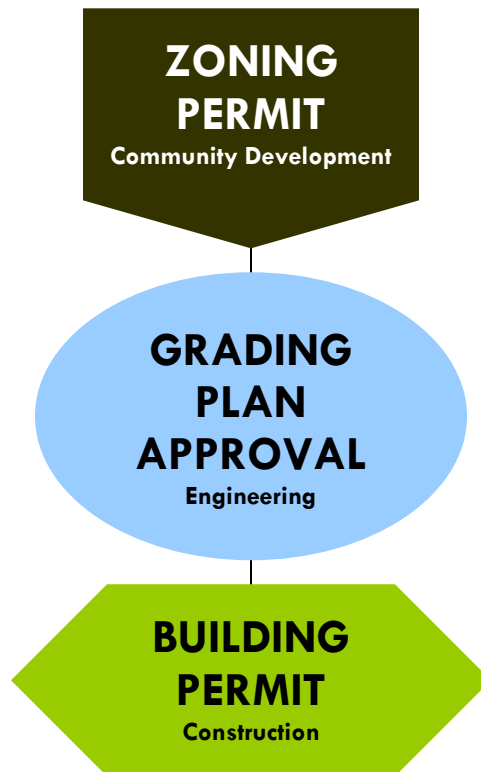
the penalties provided herein.

2. All applications submitted to the Zoning Officer shall be numbered in sequence. Upon receipt, the Zoning Officer shall date each copy, maintain the original in the Township file and issue a copy to the applicant.
- C. Application for Zoning Permit. Applications for Zoning Permits shall be made in writing on forms provided by the Township of Cherry Hill. The application shall be valid for thirty (30) days from submission. The following information is required with a Zoning Permit application:
1. Completed required application forms, identifying the existing or prior use and the specific proposed use on the lands and premises for which application is made.
 2. Signed application by the property owner of which the improvement will be constructed upon, or an original letter from the authorizing applicant to submit a Zoning Permit application for subject property.
 3. Three scaled copies of a survey and/or plot plan showing all existing and proposed buildings, structures, and/or improvements identifying all proposed front, rear and side yard setback distances, dimensions, height, depth, number of trees removed, and any other specific information unique to the property. Any wetlands and/or streams on site should be identified.
 4. Any other information deemed necessary by the Zoning Officer, directly related, or reasonably relevant to the permit.
- D. Issuance of Zoning Permit.
1. An application for a Zoning Permit shall be granted or denied by the Zoning Officer within ten (10) business days of the date of filing a complete application. If any application is granted or approved, a signed permit shall be issued by the Zoning Officer. Said permit shall be numbered in sequence, dated and signed by the issuing officer, and among other information, shall contain:
 - a. a brief description of the use and/or work to be commenced or performed there under,
 - b. the block and lot number and address of the property on which the use or work is to be commenced or performed,
 - c. the names of the applicant and owner to who the permit is to be issued,
 - d. notice of the date of expiration of the permit and notice that the use or work must be commenced, performed and completed in accordance with the application upon which the permit is issued, and
 - e. all applicable approvals, laws, ordinances, rules, and regulations of the federal, state and local governments, boards, agencies or authorities.

If an application for permit is denied or rejected by the Zoning Officer, she or he shall state the reason or reasons for such denial in writing and provide the applicant with a copy of same.
 2. A Zoning Permit shall NOT be issued by the Zoning Officer in the following circumstances:
 - a. for any use, change of use, extension of a non-conforming use, installation, construction, alteration or moving of a building or structure, or any activity that does not comply with or conform to their terms, provisions and regulations of this ordinance, statute or the order of decisions of an Planning, Zoning Board, or court of competent jurisdiction.
 - b. for any use, change of use, extension of non-conforming use, installation, repair, remodeling, conversion, removal, destruction, replacement, relocation, construction, alteration or moving of a building or structure that an approval has been granted by the applicable Board if said

approval has expired, been revoked or determined to be invalid.

- c. instances wherein subdivision or site plan approval is required, unless and until final subdivision or site plan approval has been secured and compliance with all the terms and conditions of such approval, resolution, terms and provisions of the applicable development regulation, including payment of required fees, escrow deposits and posting of guarantees.
 - d. if taxes or assessments for local improvements are due or delinquent on the property for which a Zoning Permit application is made. Submission of proof that no taxes or assessment for local improvements are due or delinquent shall be required as a condition precedent to the issuance of a Zoning Permit.
3. Appropriate required fees, including as required in §901, shall be submitted upon approval.
 4. Subsequent Building Permits from the Construction Department and additional permits from the Engineering Department, and/or a pre-construction meeting may be required.



- E. Expiration of Permits. A Zoning Permit shall be valid or effective for one (1) year from the date of issuance thereof, and shall thereafter be null and void. If the use, change of use, extension of non-conforming use, erection, construction, repair remodeling, conversion, removal, destruction or moving, alteration, or relocation of a building or structure authorized by such permit shall have been substantially commenced within one (1) year from the date of issuance and proceeded with due diligence the Zoning Officer may extend the Zoning Permit.
- F. Exemptions.
 1. Existing Residential Structures. Notwithstanding any provision in this Ordinance to the contrary and except as provided in §1103.F.3 (below), no Zoning Permit shall be required for the following work on existing residential structures:
 - a. Installation, replacement or repair of siding (involving no additional square footage added to

- structure).
- b. Replacement or repair of existing roof or existing roof shingles (involving no additional square footage added to structure).
 - c. Installation, replacement or repair of windows.
 - d. Replacement or repair of existing steps (involving no increase in size of steps, width or length).
 - e. Replacement or repair of existing sewer or septic lines. If this involves curb, sidewalks, or streets, a permit shall be secured from the Department of Engineering.
 - f. Service upgrades, repair, or replacements of panels, meter sockets, and related internal electrical work, not involving multi-meter devices, or condition or provisions of subsection §1103.F.3.
 - g. Interior renovation provided that such work does not involve a condition or change of use as indicated in subsection §1103.F.3. (below).
2. Handicapped Exemptions. A Zoning Permit fee shall not be required for the construction, reconstruction, alteration, improvement or repair of a structure used for the sole purpose to promote accessibility by the Handicapped; Handicapped being defined under *N.J.S.A. 52:27D-126e*.
 - a. Upon application for and at the discretion of the Zoning Officer, the construction, reconstruction, alteration, improvement and/or installation of ramps, lifts, etc. associated with the accessibility of handicapped persons may be permitted to infringe upon setback requirements of residential property, when it has been established to the Zoning Officer's satisfaction that no other feasible means of accessibility is available.
 - b. Before granting the application that contains an infringement upon a setback requirement, the following conditions must be met:
 - i. Just cause must be shown to the Zoning Officer why accessibility cannot be met under the current Zoning Code;
 - ii. The requested infringement shall not exceed any further than the minimum building requirements of the current *N.J.A.C. 5:23.7 Barrier Free Code*, and subsequent amendments or additions thereto;
 - iii. The applicant, owner, or occupant with owner permission, shall agree in writing to remove said ramp, lift, or other structure from the infringement area upon the death of the handicapped person, the relocation of the handicapped person, sale or rental of the property to a non-handicapped person or in the event that the disability no longer exists.
 3. Exemption Restrictions. There shall be no exception from the requirement of a Zoning Permit for existing residential structures if the work involves any one or more of the following:
 - a. Change in the front, rear or side yard setback;
 - b. An increase in lot coverage;
 - c. A change of use that increases the number of dwelling units;
 - d. A change that results in the need for a variance or exception;
 - e. An expansion of a nonconforming use; and
 - f. Structural changes, addition of square footage to the structure or roof or the enclosure of existing open porch or patio.
 4. Certification Statement. No exception shall be granted unless the applicant fully completes, signs, and files a *Certification Statement of Work* form provided by the Construction Code Official.

- G. Relationship to Construction Permits. Nothing herein shall be construed to obviate the requirement for applying and obtaining required Construction permit, ROW permit, Tree Removal permit, or other applicable required approvals.
- H. Non-Waiver. In no case shall the issuance or non-issuance of a Zoning Permit be construed as a waiver of the provision of this Ordinance or any other Ordinance of the Township of Cherry Hill; nor shall such be construed as a waiver of the terms or provisions of any state statute, rule, regulation, approval or decision of any approving agency.

SECTION 1104. TEMPORARY USE PERMITS.

- A. Establishment. Application may be made to the Township Council for a permit for a temporary use, as defined in §202, inconsistent with the provisions of this Article for special events lasting for a period of thirty (30) days or less.
- B. Request. Applications for Temporary Use Permits require the following information:
1. Completed application form as provided by the Municipal Clerk, identifying the location by block and lot numbers, street address, proposed date and time of the use, estimated maximum attendance, and the specific proposed use on the lands and premises for which application is made.
 2. Signed application by the property owner of which the use or event will take place upon, or an original letter from the authorizing applicant to submit a Temporary Use Permit application for subject property.
 3. Payment of the required fee of \$50.00 per day of the subject temporary use or event. The fee shall be waived for those tax-exempt organizations presenting proof of their tax-exempt number.
 4. Any other information deemed necessary, directly related, or reasonably relevant to the permit.
- C. Review. A complete Temporary Use Permit application shall be distributed to applicable Township departments for review, recommendation, and any conditions before presented to Township Council:
1. Tax Collector: to ensure all taxes and liens of subject property are current, as non-payment of taxes may be reason to rescind the application.
 2. Police Chief: to ensure adequate traffic control, public safety, and noise is provided.
 3. Construction Official: to ensure all construction code requirements are met.
 4. Zoning Officer: to ensure compliance with zoning and property maintenance ordinances, all sign permits are current, sufficient parking and access, proper location and performance standards met.
- D. Standards. After review by all Departments listed under §1104.C., the Municipal Clerk shall forward the application to Township Council for review and approval. In the granting or denial of such temporary use permit the Township Council may consider the following:
1. The adequacy of provisions for public safety, including, but not limited to, fire prevention, crowd control, and emergency medical services.
 2. The adequacy of provisions for vehicular and pedestrian traffic control, including ingress and egress, parking, attendants and temporary traffic signage.
 3. The adequacy of provisions for food handling, solid waste, and sanitary sewerage.
 4. The sufficiency of insurance for the event.
 5. Any other measures necessary to protect the public health, safety, and welfare.

The Township Council may impose reasonable conditions on the issuance of any Temporary Use Permit including, but not limited to, the posting of adequate surety and the reimbursement of expenses

incurred by the Township.

- E. Issuance. An approved Temporary Use Permit shall be dated, signed, and issued by the Municipal Clerk after action was taken by Township Council, provided any conditions imposed by Township Council have been met. If an application for a permit is denied or rejected, the Municipal Clerk shall state the reason(s) for such denial in writing. All sites shall be completely cleaned of debris and temporary structures including, but not limited to: trash receptacles, signs, stands, poles, electrical wiring or any other fixtures and appurtenances or equipment connected therewith within twenty-four (24) hours after the event or temporary use.
- F. Extensions. The Temporary Use Permit may be extended for an additional consecutive thirty (30) days, following the above, which is the same as specified in this section for the approval of the original Temporary Use Permit.

SECTION 1105. SELLING BEFORE APPROVAL; VIOLATIONS.

- A. Selling Before Approval. If, before favorable referral and final approval have been obtained, any person transfers or sells, as owner or agent, any land that forms a part of a subdivision on which by ordinance the Planning or Zoning Board is required to act, such person shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment for not more than thirty (30) days. Each parcel, plot or lot so disposed of shall be deemed a single and separate violation. In addition to the foregoing, if the streets in the subdivision are not such that a structure on said land in the subdivision will meet requirements for a building permit under Section 3 of the *Official Map & Building Permit Act (1953)*, the Township may institute and maintain a civil action:
1. For injunctive relief.
 2. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with Section 24 of Chapter 433 of the *Laws of 1953*, but only if the Township has a Planning Board or a committee thereof with power to act and which:
 - a. Meets regularly on a monthly or more frequent basis; and
 - b. Whose governing body has adopted standards and procedures in accordance with Section 20 of Chapter 433 of the *Laws of 1953*.
 - c. Any action by the Township to set aside or invalidate such conveyance, the property owner shall be liable to the Township for all reasonable and expenses incurred by the Township including professional, legal and expert witness fees.
- B. Liens. In any such action, the transfer, purchaser or grantee shall be entitled to a lien upon the remaining portion of the land from which the subdivision was made that remains in the possession of the subdivider or assigns or successors, to secure the return of any deposit made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land, or within six (6) years that notice is provided if unrecorded.

SECTION 1106. FINES & PENALTIES.

Any person, firm, partnership, association or corporation who or which shall violate the provisions any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before the Cherry Hill Township Municipal Court, be subject to a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment not to exceed ninety (90) days or both such fine and imprisonment. All fines collected for the violation of this Ordinance shall be paid over to the Township Court Clerk. Whenever such person has been officially notified by the Zoning Officer or by the service of a summons in a prosecution, or in

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any other official manner that he or she is committing a violation, then each day after that violation is continued said violation shall constitute a separate offense and shall be punishable by a like fine and penalty.