

VILLAGE OF LOCH ARBOUR
ORDINANCE NO. 343

AN ORDINANCE ESTABLISHING PROCEDURES
AND PENALTIES TO ENFORCE CONDITIONS
CONTAINED IN ANY RESOLUTION OR COURT
ORDER APPROVING AN APPLICATION FOR
DEVELOPMENT IN AND BY THE VILLAGE OF
LOCH ARBOUR, MONMOUTH COUNTY, NEW
JERSEY

BE IT ORDAINED, by the Village Trustees of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Definition. For the purposes of this ordinance, "Application for Development" shall have the same meaning as that set forth in N.J.S.A. 40:55D-3.

Section 2. Enforcement of Conditions. In the event that the Construction Official or Zoning Officer of the Village shall determine that any condition contained in any resolution or court order approving an application for development is being violated, he shall notify the owner in writing of his findings and order that any such violation be corrected within thirty (30) days of the notice. Any condition contained in a resolution approving an application for development shall be deemed to be a continuing condition, and the owner or subsequent transferees of the premises in question shall be responsible for the maintenance, replacement and repair of any improvements required by such condition, including but not limited to, the replacement of any required plantings which fail to survive.

Section 3. Appeal. The owner shall have the right to appeal the determination of the Construction Official or Zoning Office to the Village Trustees by requesting such appeal in writing to the Village Clerk no later than the expiration of the thirty (30) day period provided in the notice. Upon receipt of such request for appeal, the Village Trustees shall establish a date for the hearing of the appeal. The thirty (30) day period provided in the notice shall be tolled from the date of receipt of the notice of appeal by the Village Clerk until the date of determination of the appeal by the Village

Trustees. The Village Trustees may, as part of its determination of the appeal, allow a greater number of days for correction of the violation from the date of its determination than the number of days remaining unexpired in the original period of the notice.

Section 4. Failure to Comply. If the owner fails to correct the violations noted within the time provided in the notice, or within such further time as may be allowed by the Village Trustees in the event of an appeal, the Village Trustees may order that the violation be corrected at the owner's expense and may revoke any certificate of occupancy previously granted and require that the property be vacated. The cost of correcting the violation shall be assessed against the property and collected in the same manner as real estate taxes.

Section 5. Violations. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and as same may be amended from time to time. Each and every day a violation of this ordinance shall exist shall constitute a separate violation.

Section 6. Severability. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR
do hereby certify the above to be a true copy of the Ordinance
adopted by the Trustees of the Village of Loch Arbour
after a public hearing thereon held the 5th day of March, 2008.

Lorraine Carafa, R.M.C.
Village Clerk