

ORDINANCE NUMBER 2025-17 (1281)

AN ORDINANCE ESTABLISHING FEES FOR APPLICATIONS FOR CERTIFICATES OF NON-CONFORMITY IN THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY

WHEREAS, whenever a municipality adopts or amends a zoning ordinance, uses or structures that were previously conforming may become non-conforming; and

WHEREAS, the New Jersey Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-68, provides protection for lawful pre-existing non-conforming uses and structures; and

WHEREAS, N.J.S.A. 40:55D-68 allows an affected property owner to apply to the administrative officer for a certificate of non-conformity at any time to establish the lawful non-conforming status of a use or structure; and

WHEREAS, a certificate of non-conformity shall be issued if the applicant demonstrates that the use or structure lawfully existed prior to the effective date of the zoning ordinance or amendment that rendered it non-conforming and has not been discontinued or abandoned; and

WHEREAS, the Borough of Lavallette incurs costs in the review of applications for certificates of non-conformity, including administrative costs and professional review costs; and

WHEREAS, the Mayor and Council of the Borough of Lavallette have determined that applicants for certificates of non-conformity should bear the reasonable costs associated with the review of their application.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Lavallette, County of Ocean, State of New Jersey, as follows:

SECTION 1. There is hereby established an application fee for a certificate of non-conformity in the amount of One Hundred Dollars (\$100.00), which fee shall be paid at the time of filing the application.

SECTION 2. There is hereby established an initial professional review escrow deposit in the amount of Five Hundred Dollars (\$500.00), which deposit shall be paid at the time of filing the application for a certificate of non-conformity.

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SECTION 3. The professional review escrow deposit shall be used to pay for the costs of professional services, including but not limited to review by the Borough and/or Board Engineer, Borough Planner, Borough and/or Board Attorney, or other professionals as may be necessary to review the application.

SECTION 4. If the professional review escrow deposit is depleted during the review process, the applicant shall, upon notice from the Administrative Officer, replenish the escrow account within ten (10) days of such notice. Failure to replenish the escrow account may result in the application being deemed incomplete and the review process being suspended until such time as the escrow account is replenished.

SECTION 5. Upon completion of the review process, any unused portion of the professional review escrow deposit shall be refunded to the applicant within thirty (30) days.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Lavallette that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Lavallette Borough Code and Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Lavallette that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Lavallette that this Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

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Take Notice the ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Lavallette, in the County of Ocean, State of New Jersey on October 6, 2025. It will be further considered for final passage after public hearing thereon, at a meeting of said governing body to be held in the Lavallette Municipal Building, Council Chambers, 1306 Grand Central Avenue, Lavallette, New Jersey, on November 18, 2025 at 7:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein shall be given the opportunity to be heard concerning said Ordinance.

A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall of the Borough during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Municipal Clerk in said Borough of Lavallette, in the County of Ocean, New Jersey.

Donnelly Amico
Municipal Clerk