

**BOROUGH OF NEW MILFORD  
BERGEN COUNTY, NEW JERSEY  
ORDINANCE NO. 2019:22**

**AN ORDINANCE TO AMEND CHAPTER XXX OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE  
REGULATIONS", THEREBY AMENDING SUBSECTION 30-3 ENTITLED  
"GENERAL ADMINISTRATIVE PROCEDURES"**

**WHEREAS**, the Mayor and Council of the Borough of New Milford wish to amend Chapter XXX, Section 30-6, entitled "General Administrative Procedures" to address the concerns that affect the needs of residents.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of New Milford, County of Bergen, State of New Jersey, that Chapter XXX, Section 30-6, entitled "General Administrative Procedures," of the Revised General Ordinances of the Borough of New Milford is hereby amended as follows:

**Section 30-3.6 is repealed and replaced in its entirety as follows:**

**30-3.6 Enforcement.**

- a. The governing body shall enforce this chapter. To that end, the governing body, subject to the assignment of responsibilities to other municipal agencies as hereinafter set forth, authorizes the issuance of specified permits, certificates or authorizations as a condition precedent to the erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure, subdivision or re-subdivision of any land.
- b. *Office of Zoning Officer.* The governing body does hereby establish the Position of Zoning Officer for the purpose of issuing such permits, certificates or authorizations as are authorized hereunder, and he shall condition the issuance of such permits, certificates and authorizations upon the submission of such data, materials, plans, plats and information as is authorized hereunder and upon the express approval of the appropriate State, County or municipal agencies.
- c. *Duties of Zoning Officer and Police and Fire Departments.*
  1. The Zoning Officer. shall perform such duties as are authorized hereunder but shall in no case, except under a written order of the Planning Board, Board of Adjustment or the Mayor and Council, issue any permit for the erection, placement or alteration of any building or grant any certificate of occupancy for any building or use where the proposed erection, placement, alteration or use thereof would be in violation of any of the provisions of this chapter coming to his attention by complaint or arising from his own personal knowledge, and if a violation is found to exist, he shall serve notice upon the owner, notifying the Mayor and Council, and prosecute a complaint to terminate the violation before the Municipal Judge.

2. It shall be the further duty of the Zoning Officer to keep a record of all applications for building permits and of all certificates of occupancy thereof issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans and specifications submitted with such applications, and the same shall form a part of the records of his office and shall be available to the Mayor and Council and all other officials of the Borough.
  3. It shall also be the duty of the members of the Fire and Police Departments to report any violations of the provisions of this chapter to the Code Enforcement Official and at the same time send a copy of such report to the Borough Administrator who shall present such report to the Mayor and Council.
- d. *Proceedings to Prevent Unlawful Acts.* In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the Act or of any ordinance or other regulation made under authority conferred thereby, the proper local authorities of the municipality or an interested party, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
  - e. *Zoning Permits Required.* To ensure compliance with the provisions of this chapter, no person shall erect, alter or convert any structure or building or part thereof nor alter or change the use of any land until a zoning permit has been issued by the Zoning Officer.
  - f. *Application for Zoning Permit.* All applications for a zoning permit shall be made, in writing, by the owner or his authorized agent and shall include a statement of the use or intended use of the building and shall be accompanied by a plan, drawn to scale, showing the lot, the size and location of existing buildings, proposed buildings and structures, the intended use of each building and part thereof, the height thereof, the location of off-street parking and other data as may be required by ordinance.
  - g. *Issuance of Zoning Permit.* All permits required under this chapter shall be issued by the Zoning Officer. No permit or certificate issued pursuant to this chapter shall be deemed to be in lieu of or to supersede any permit or certificate required by the Uniform Construction Code or under the applicable provision of any other Borough code or board, body or agency of the federal, state or county government.
    1. No zoning permit shall be issued for the construction of a building or structure; the alteration, addition or change in an existing building; a conditional use; or a use or building for which a variance has been granted unless, when so required, a site plan shall have first been approved by the Planning Board or Board of Adjustment in accordance with the Site Plan Ordinance denial of zoning permit

2. When the Zoning Officer is not satisfied that the applicant's proposed building, structure or use will meet the requirements of this chapter, he shall issue a letter of denial and shall refuse to issue a zoning permit.
  3. The applicant may appeal such decision to the Board of Adjustment under the provisions of N.J.S.A. 40:55D-70, Subdivision a, of the Municipal Land Use Law.
- h. *Expiration of Zoning Permit.* Any zoning permit issued, that is not otherwise under the jurisdiction of the Uniform Construction Code, shall be void and of no force and effect should the party to whom such permit was issued fails or neglects to complete the building or improvement for which the permit was issued within a period of twelve (12) months from the date of issuance. The applicant may request and the Zoning Officer, for good cause as determined by the Zoning Officer, may grant a renewal of an expired zoning permit for a period up to an additional six (6) months,.
  - i. *Revocation of Zoning Permit.* If it shall appear, at any time, to the Zoning Officer that the application or accompanying plan was false or misleading or that work on the premises is being done differing from the application and plan for which a permit was issued, the Zoning Officer may forthwith revoke the zoning permit.

**BE IT FURTHER ORDAINED** that the remainder of this ordinance remains unchanged and that this amendment shall become effective upon passage and publication in accordance with law.