

ORDINANCE 2024-09

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 215-17 OF THE BOROUGH CODE, ENTITLED "CERTIFICATE OF ZONING OCCUPANCY; TRANSFER OF TITLE TO EXISTING STRUCTURES" TO INCLUDE THE TRANSFER OF LEGAL, EQUITABLE OR BENEFICIAL OWNERSHIP OF THE SAME.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

SECTION 1. Section 215-17 of the Borough Code of the Borough of Barnegat Light, entitled "Certificate of zoning occupancy; transfer of title to existing structures," is hereby amended and supplemented to provide as follows:

Chapter 215
ZONING

§ 215-17 Certificate of zoning occupancy; transfer of title or ownership to existing structures.

- A. Certificate of zoning occupancy required. No transfers of title or legal, equitable or beneficial ownership by an owner or by any other manner, or change in use or occupancy of any real property within the Borough of Barnegat Light shall take place unless and until a new certificate of zoning occupancy has been obtained from the office of the Borough's Zoning Officer for any existing structure located thereon and used for commercial or residential purposes. It shall be the obligation of the record owner of said real property to first obtain the new certificate of zoning occupancy prior to the transfer of title. No person, persons, partnership, firm or corporation, agents, servants or representatives of any of the foregoing shall suffer or allow any person, persons, partnerships, firm or corporation to occupy any structure used for commercial or residential purposes within the Borough without first having obtained a new certificate of zoning occupancy.
- B. Zoning inspection. Prior to the transfer of title or legal, equitable or beneficial ownership of any existing commercial or residential structure, application for a new certificate of zoning occupancy shall be made by the record owner, in writing, to the Borough's Zoning Officer, or any other person designated by him. The applicant shall permit the Borough's Zoning Officer, or any other person designated by him, to enter upon and examine the structure or structures subject to the certificate of occupancy application in order that the Borough's Zoning Officer, or any other person designated by him, may determine if the structure conforms to zoning ordinances of the Borough as a permitted use or, if not a permitted use, then determine if said structure exists as a valid nonconforming use. No certificate of occupancy shall be issued until such inspection shall have been made and a certification filed with the Borough's Zoning Officer, or any other person designated by him, that the use of said building or buildings complies with this chapter or is a valid preexisting nonconforming use. The Borough's Zoning Officer, or any other person designated by him, shall also conduct a plumbing count and visual inspection for any life safety issues which may be present. No certificate of zoning occupancy shall be issued where such inspections are denied or restricted by the property owner or occupant. No certificate of zoning occupancy shall be issued where there exists any life safety violation unless and until the same is corrected.
- C. Application. The applicant shall be required to complete an application to be filed with the Borough's Zoning Officer, and to file said application together with the fee

as required by Chapter 21, Land Use Procedures, § 21-46. The application shall also be accompanied by a current plot plan or survey of the property prepared by a licensed surveyor of the State of New Jersey within one year prior to its submission. An elevation certification shall also be required to be submitted with the plot plan or survey. If the plot plan or survey is older than one year, it shall be accompanied by an affidavit, sworn under oath by the applicant, that the plot plan or survey accurately reflects the subject property at the time of the application and that no changes have been made in the property from the condition as shown in the plot plan or survey.

All other sections, paragraphs and provisions of Article I of Chapter 64 of the Borough Code shall remain in full force and effect.

SECTION 2. This zoning regulation amendment has been initiated by and approved by the Barnegat Light Planning Board at its meeting held on February 15, 2023, in accordance with its referral powers provided by N.J.S.A. 40:55D-26 & -64.

SECTION 3. This ordinance shall be filed in the office of the Ocean County Planning Board.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

Passage on First Reading: Date: April 10, 2024

| Larson | Moved | Second | Aye | Nay | Abstain | Absent |
|------------|-------|--------|-----|-----|---------|--------|
| Spark | | | X | | | |
| Wellington | | X | X | | | |
| Gutowski | | | X | | | |
| Reynolds | X | | X | | | |
| Foley | | | X | | | |
| Mikuletzky | | | X | | | |

Attest:

BRENDA L. KUHN, Municipal Clerk

ADOPTION:

Final Passage: Date: May 8, 2024

| Larson | Moved | Second | Aye | Nay | Abstain | Absent |
|------------|-------|--------|-----|-----|---------|--------|
| Spark | | X | X | | | |
| Wellington | | | X | | | |
| Gutowski | | | X | | | |
| Reynolds | | | X | | | |
| Foley | X | | X | | | |
| Mikuletzky | | | X | | | |

APPROVED:

KIRK O. LARSON, Mayor

Attest:

BRENDA L. KUHN, Municipal Clerk