

**LEGAL NOTICE
ORDINANCE NO. 1
2021
TOWNSHIP OF WAYNE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 64 (CONSTRUCTION CODES, UNIFORM)
AND REPEAL SECTION 64-2 (CONSTRUCTION BOARD OF APPEALS) OF
THE CODE OF THE TOWNSHIP OF WAYNE**

WHEREAS, N.J.S.A. 52:27D-127 provides that there shall be a construction board of appeals for each county to hear appeals from decisions by the enforcing agency provided that any municipality may establish its own construction board of appeals to hear appeals from decisions by the enforcing agency and that any such municipal board shall hear appeals from the decisions of the municipal enforcing agency instead of the county board; and

WHEREAS, N.J.A.C. 5:23A-1.2(b) further provides that the governing body of any municipality that has its own local enforcing agency may, by ordinance, establish a construction board of appeals; and

WHEREAS, Chapter 64 (Construction Codes, Uniform) at Section 64-2 (Construction Board of Appeals) of the Code of the Township of Wayne ("Code") establishes a Construction Board of Appeals to hear appeals from decisions by the enforcing agency which shall consist of five members; and

WHEREAS, in an effort to promote efficiency in hearing these appeals, the Township wishes to discontinue its municipal Construction Board of Appeals and submit to the jurisdiction of the Passaic County Construction Board of Appeals as provided for at N.J.S.A. 52:27D-127 and N.J.A.C. 5:23A-1.2(a); and

WHEREAS, accordingly, it is necessary to amend Chapter 64 (Construction Codes, Uniform) of the Code to effectuate this change.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Wayne in the County of Passaic, State of New Jersey, as follows:

SECTION 1. Chapter 64 (Construction Codes, Uniform), § 64-2 (Construction Board of Appeals) is hereby repealed in its entirety.

SECTION 2. Chapter 64 (Construction Codes, Uniform), § 64-3 (Fees) is hereby renumbered as **§ 64-2 (Fees)**.

SECTION 3. As required by N.J.A.C. 5:23A-1.2(f), the Township Attorney and/or his designee shall give prompt notice of this action to the Passaic County governing body, the Passaic County Construction Board of Appeals and the Office of Regulatory Affairs of the Division of Codes and Standards.

SECTION 4. All other provisions of Chapter 64 of the Code of the Township of Wayne shall remain unchanged.

SECTION 5: Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

