

ORDINANCE NO. 8 - 2017

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING CHAPTERS 170,
217 AND 227 ADDING THE LANGUAGE "OR HIS DESIGNEE"**

BE IT ORDAINED by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey as follows:

Bold and italicized language is added

SECTION 1. Chapter 170, Article XXV, Riparian Zones, is amended as follows:

170-192 Administrative Authority

The Planning Board or Zoning Board of Adjustment or Zoning Officer or Township Engineer ***or the designee of such officer or engineer*** with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

Chapter 170, Article XVI, Enforcement; Violations and Penalties of the Code of the Township of Livingston is amended as follows:

§ 170-137

C. It shall be the duty of the Zoning Officer (***or his designee***) to enforce Articles XI and XII of this chapter and, pursuant to that duty, to investigate any violation or alleged violation of these articles coming to his attention, whether by complaint of third persons or from his own personal knowledge or observation. When any building or structure is erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of any provision of Articles XI and XII, it shall be the duty of the Zoning Officer (***or his designee***) to proceed with the enforcement of these articles and the penalties provided for hereunder. He may also pursue such other statutory method or methods, heretofore or hereafter provided, as may be open to him.

D. In the enforcement of Articles XI and XII, the Zoning Officer (***or his designee***) apply to the Municipal Court Judge of the Township for a warrant to search and inspect the properties and premises upon which he has reason to believe any violation of these articles has taken or is taking place, and upon probable cause shown, the Municipal Court Judge may issue such a warrant, and the information obtained pursuant thereto shall be admissible as evidence in any court of competent jurisdiction for the purpose of proving any case brought for violation of this chapter.

SECTION 2. Chapter 217, Article IV, Charitable Clothing Bins of the Code of the Township of Livingston is amended as follows:

§ 217-38- Complaints and investigation.

A. The Zoning Officer, (*or his designee*) upon receipt of any complaint concerning the donation clothing bin, shall perform an investigation within 14 days of receipt of the complaint.

B. Any person who places a clothing bin in violation of this article or N.J.S.A. 40:48-2.61 shall be given a warning stating that if the violation is not rectified or a hearing with the Zoning Official is not requested within 45 days, then the bin will be seized and removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin shall be sold at public auction. This notice shall be placed on the donation clothing bin and forwarded to the last known address of the person who placed the bin at the location according to the Township's records.

C. If the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, then the Township shall remove the bin or have it removed at the expense of the person who placed the bin and sell at public auction or otherwise dispose of the clothing or donations. All proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Officer of the Township.

SECTION 3. Chapter 227, Property Maintenance of the Code of the Township of Livingston is amended as follows:


§ 227-20- Enforcement procedure.

Whenever an enforcement officer (*or his designee*) determines that there is or has been a violation of any provision of this chapter or a petition has been filed by a public authority, he shall give notice of such violation to the person, persons or entities responsible therefor under this chapter. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by registered or certified mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax lists of the Township, or if a copy thereof is handed to such person or persons or a copy thereof left at the usual place of abode or office of such persons or entities. Notice shall be given as aforesaid within or without the Township. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted from within 10 days of the date of service of such notice except 10 days for overgrown grass (exclusive of the date of service), in the case of nonresidential premises, or 30 days of the date of service of such notice (exclusive of the date of service), in the case of residential premises, a summons shall issue for such violation. The enforcement officer may, at the time he issues the notice, extend the period for compliance with the requirements stated in

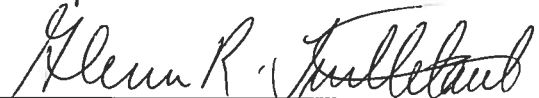
the notice for a period in excess of the aforesaid 10 days or 30 days, as the case may be, if, in his judgment, compliance cannot reasonably be effected within the applicable period; and in such cases the enforcement officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 10 days or 30 days as the case may be. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the applicable period or within such extended period as set forth in the notice pursuant to the foregoing, a summons and complaint shall then be issued against the person, persons, entity or entities so notified.

SECTION 4. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect twenty days from final passage and publication in accordance with the law.

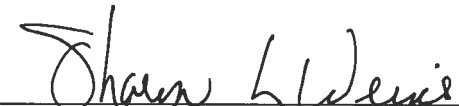


SHAWN R. KLEIN, Mayor



GLENN R. TURTLETAUB, Township Clerk

Approved as to form:



SHARON L. WEINER, Township Attorney

Introduced: March 6, 2017

Adopted: 3/20/17