

**TOWNSHIP OF MAHWAH
ORDINANCE NO. 1988**

Introduction: 9/22/22
Public Hearing: 10/13/22
Effective: 11/3/22

ORDINANCE OF THE TOWNSHIP OF MAHWAH, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 2, ADMINISTRATION, REPEALING PROVISIONS RELATED TO THE DIVISION OF ENGINEERING, DEPARTMENT OF INSPECTIONS, AND DEPARTMENT OF LAND USE AND PROPERTY MAINTENANCE, AND ESTABLISHING A NEW DEPARTMENT OF LAND USE

WHEREAS, the Township Council of the Township of Mahwah wishes to establish a Department of Land Use to streamline in increase efficiency in the handling of land use matters.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

SECTION 1. Chapter 2, Administration, § 2-6.16, Division of Engineering, § 2-6.17, Powers and Duties of the Engineer, § 2-10, Department of Inspections (including §§ 2-10.1 - 10.3, and § 2-12, Department of Land Use and Property Maintenance (including § 2-12.1 - 13.3) and hereby repealed in their entirety and replaced with the following:

§ 2-16. DEPARTMENT OF LAND USE

§ 2-16.1. Establishment and Organization.

There is hereby established a Department of Land Use, the head of which shall be the Director. The Department shall consist of the following:

1. Division of Zoning, Planning and Property Maintenance;
2. Division of Building and Inspection; and
3. Division of Engineering.

§ 2-16.2. Director of Land Use.

§ 2-16.2.1. Qualifications; Compensation.

The Director of Land Use shall, prior to appointment, be qualified by training or experience in the administration of land use matters. The Director's compensation shall be such sum annually as shall be fixed by ordinance of the Township Council. The head of the Division of Zoning, Planning and Property Maintenance, the Division of Building and Inspection or the Division of Engineering may also be appointed concurrently as the Director of Land Use.

§ 2-16.2.2. Powers and Duties.

The powers and duties of the Department of Land Use shall consist of the cumulative powers and duties of Division of Zoning; Planning and Property Maintenance, Division of Building and Inspection, and Division of Engineering, as set forth below.

§ 2-16.3. Division of Zoning, Planning and Property Maintenance.

§ 2-16.3.1. Establishment.

There shall be a Division of Zoning, Planning and Property Maintenance, the head of which shall be the Administrative Officer

§ 2-16.3.2. Duties and Responsibilities.

- a. The Division shall be responsible for the interpretation and implementation of the Township Land Use Ordinances and the Township Property Maintenance Code.
- b. The Administrative Officer will be responsible for the supervision of employees administratively responsible to the Division and shall perform the following tasks and other related tasks as necessary for the proper implementation of matters relating to Land Use and Property Maintenance:
 1. Enter upon all premises, grounds and structures wherever necessary for the performance of assigned duties. Entry shall take place during reasonable hours except when protection of the public requires immediate entry.
 2. Review development plans for conformance to the Land Use Ordinances.
 3. Establish and maintain such files as necessary to provide a permanent record of property uses in the Township.
 4. Confer with the Township Planner and Attorney as necessary in the performance of assigned duties.
 5. Issue warnings, abatement notices and summonses as necessary to assure compliance with the Land Use and Property Maintenance Codes.
 6. Make recommendations to the Planning Board and Board of Adjustment on matters pertaining to the Land Use Ordinances.
- c. The Administrative Officer may also serve as Zoning Officer, Secretary to the Planning Board and/or Secretary to the Board of Adjustment.

§ 2-16.3.3. Composition.

The Division shall be comprised of the Administrative Officer and the following persons:

- a. Zoning Officer;
- b. Administrative Assistance or Board of Adjustment Secretary;
- c. Planning Board Secretary;
- d. Zoning/ Property Maintenance Inspector; and
- e. Such other clerical and secretarial staff as deemed necessary by the Mayor and Council.

§ 2-16.4. Division of Building and Inspection

§ 2-16.4.1. Establishment.

There shall be a Division of Building and Inspections, the head of which shall be the Township Construction Official.

§ 2-16.4.2. Duties.

Under the supervision and direction of the Construction Official, the division shall enforce the Uniform Construction Code, Housing Code, Plumbing Code and other construction subcodes. It shall issue building permits and occupancy certificates.

§ 2-16.4.3. Composition.

The department shall be composed of the Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Subcode Official and others as approved by the Mayor and Council.

§ 2-16.5. Division of Engineering

§ 2-16.5.1. Establishment.

There shall be a Division of Engineering, the head of which shall be the Township Engineer.

§ 2-16.5.2. Powers and Duties of the Engineer.

- a. Prepare, or cause to be prepared, plans and specifications for public works and improvements undertaken by the Township, either on force account or by public contract.
- b. Ascertain conformity with all public works contract provisions and certify the amounts due and payable thereunder.
- c. Provide and maintain surveys, maps, plans specifications and operating records with respect to public works and facilities owned or operated by the Township.
- d. Advise Council on all engineering matters which may come before Council.

SECTION 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Ordinance No. 1988

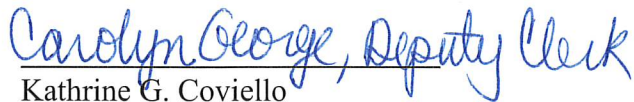
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Dated: November 3, 2022

Attest

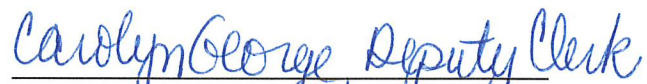


David May
Council President



Kathrine G. Coviello
Municipal Clerk

I, Kathrine G. Coviello, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 13th day of October, 2022.



Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk