

SECTION XIII ADMINISTRATION, ENFORCEMENT, VIOLATIONS AND PENALTIES

1-106 Administration

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety, and welfare of the citizens of the Borough of West Wildwood. Any action taken by the appropriate municipal agency, under the terms of this Ordinance, shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the applicant or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one (1) or more of these regulations is impracticable or will exact undue hardship, the appropriate municipal agency may permit one or more exceptions as may be reasonable and within the general purpose and intent of the rules, regulations, and standards established by this Ordinance.

1-107 Enforcement

- A. For any and every violation of the provisions of this Ordinance, the owner, contractor, or other person or persons interested as lessee, tenants, or otherwise, in any building or premises where such violations have been committed or shall exist, and who refuses to abate such violation within five (5) days after written notice has been served upon him, either by registered mail or by personal service, shall be subject to a fine.
- B. This Ordinance shall be administered and enforced by the Zoning Officer of the Borough of West Wildwood or any proper officer of the Borough of West Wildwood. All Zoning and building permits, and Certificates of Occupancy as required by this Ordinance shall be issued by the Construction Official.

1-108 Certificate of Occupancy

- A. The following shall be unlawful until a Certificate of Occupancy shall have been applied for and issued by the Construction Official:
 - 1. Occupancy and use of a building erected, reconstructed, restored, altered, or moved, or any change in use of an existing building;
 - 2. Occupancy, use, or any change in use of vacant land;
 - 3. Any change in use of a non-conforming use, and;
 - 4. Occupancy and use of any enlargement to an existing structure.

A Certificate of Occupancy shall be deemed to authorize, and is required for, both initial occupancy and the continued occupancy and use of the building or land to which it applies.

- B. It shall be the duty of the Construction Official to issue a Certificate of Occupancy only when:

1. The structure or part(s) thereof and the proposed use of the structures and land conform to this Ordinance and all other applicable codes and Ordinances of the Borough;
 2. Prior conditional use, site plan, subdivision and variance approvals, as may be necessary, have been granted by the appropriate municipal agency or municipal agencies in accordance with the provisions of this Ordinance and the proposed structure or part(s) thereof and the proposed use of the structure(s) and land comply with all conditions and requirements imposed as part of such approvals.
- C. A fee shall be charged for each Certificate of Occupancy in accordance with the fee Ordinance of the Joint Construction Office of the Wildwoods.
- D. A Certificate of Occupancy shall be granted or denied in writing within twenty (20) days from the date that a written notification is filed with the Construction Official that the erection of the structure is completed, unless additional time is agreed upon by the applicant in writing. If the application is denied, the Construction Official shall state the reason for such denial on two (2) copies of the application and return one (1) copy to the applicant.
- E. With respect to any finally approved subdivision and/or site plan or subsection thereof, a Certificate of Occupancy shall be issued only upon completion of such portion of the following improvements as may be deemed by the Borough Engineer to be needed to serve the premises being offered for occupancy.
1. Curbs.
 2. All utilities.
 3. Water supply and sewerage treatment facilities, which shall be functioning and servicing the property in question.
 4. Storm drainage facilities.
 5. Rough grading of the property.
 6. Base course of the street or streets serving the property.
 7. Base course of driveways and parking areas.
 8. Street names and traffic regulatory signs.
- F. With respect to any individual residential lot within a subdivision, a Certificate of Occupancy shall be issued only upon the completion of the following improvements, in addition to those listed herein above, to the extent the same are required as part of a subdivision approval.
1. Sidewalks
 2. Driveway aprons.
- G. A copy of any issued Certificate of Occupancy shall be kept on file at the premises affected and shall be shown to the Construction Official upon request.
- H. A temporary Certificate of Occupancy may be issued by the Construction Official for any structure or use for which approval has been granted although not all conditions of said approval have been complied with. Such temporary Certificate of Occupancy shall be issued only in extenuating circumstances and only subject to specific terms and conditions, including but not limited to, a timetable for achieving full compliance with all such conditions and for the completion of all required improvements and the receipt of a performance guarantee assuring the installation of the improvements as indicated on the approved plat or plan.

1-109 Violations and Penalties

Any person, firm or corporation that shall violate any provisions of this Ordinance shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$500.00, as such court, in its discretion, may impose, or, if the party so convicted be a natural person, such person may be imprisoned for a term not exceeding ninety (90) days, as such court in its discretion may impose; or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court in its discretion may impose.

Each day that such violation exists shall constitute a separate offense.

The owner of any building or structure, lot or land, or part thereof, and/or the tenant of occupant of any building or structure, lot or land, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist or be suffered, allow or permitted to exist; and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation, shall each be guilty of a separate violation, and upon conviction thereof shall each be liable to the fine or improvement or both specified above.

In case any building or structure is erected, constructed, reconstructed, altered, moved or converted; or any building, structure or land is used in violation of or contrary to the provisions of this Ordinance, the Borough may institute an action to enjoin or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use. However, nothing in this Ordinance shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

1-110 Selling Land before Final Subdivision Approval

If, before final subdivision approval has been granted, any person, as owner or agent, transfers or sells or agrees to transfer or sell any land which forms a part of a subdivision for which municipal approval is required in accordance with the provision of this Ordinance, except pursuant to an agreement expressly conditions on final subdivision approval, such person shall be subject to a penalty not to exceed One Thousand Dollars (\$1,000.00) and each lot disposition so made be deemed a separate violation. In addition to the foregoing, the Borough may initiate and maintain a civil action for injunctive relief and/or to set aside and invalidate any conveyance made pursuant to such a contract or sale, if a Certificate of Compliance has not been issued in accordance with N.J.S.A. 40:55D-56.