

CHAPTER 3 – ADMINISTRATION, FEES AND ENFORCEMENT

SECTION 3.1 – Zoning Permit Required for Construction, Land Use and Development.

- A. Zoning Permit Required. A zoning permit is required for any of the following construction, land use and development activities:
1. commencement of any new development, use or occupancy of a property;
 2. any change or expansion of an existing use of a property;
 3. construction of any new building or structure, or any alteration, conversion, renovation, enlargement or expansion of any existing building or structure requiring a construction permit; and
 4. Commencement of any development or site improvement, or any non-agricultural clearing, grading or land disturbance except for gardening and landscaping at residential lots, and maintenance of approved landscaping at non-residential lots, including but not limited to development or site improvement activities relating to roads, utilities, or other improvements or installations in connection with any proposed or approved subdivision or site plan application.

Applicants for zoning permits must complete, sign, and file a zoning permit application directly with the Zoning Officer or the Zoning Officer's designee at the Construction Office during regular Township business hours. The Zoning Officer or designee must issue a receipt confirming the filing date and retain a duplicate thereof. The Zoning Officer must grant or deny zoning permit applications within ten (10) business days as provided in *N.J.S.A. 40:55D-18*.

- B. Use and Development Requirements. Applicants for zoning permits should be familiar with the use and development requirements of the zoning district in which the property in question is located. This can be accomplished by consulting with the Zoning Officer, reviewing the zoning map which is included in this ordinance to determine in which zoning district the property is located, and reviewing the appropriate district regulations set forth in Chapter 5 of this ordinance to determine whether the proposed use or development conforms to the zoning district regulations. If a proposed use or structure is not specifically listed among the permitted uses it is deemed prohibited. In such event, or if the lot or the proposed development does not or will not conform to all applicable zoning requirements, a zoning permit cannot be issued without variance relief from the Planning Board. Some uses and structures, which are defined in this ordinance as "conditional uses" and "conditional accessory uses and structures", will only be permitted if the conditions that apply to them are satisfied, or if variances from those conditions are granted by the Planning Board.
- C. Site Plan Review Requirements. Except in the case of single and two-family residences, certain agricultural uses and structures, and other uses and structures as specified in this ordinance, no zoning permit will be issued for any clearing, grading, construction, land use or development activity unless the Planning Board has first either granted site plan approval or waived site plan review for the proposed use or development. Site plan review requirements are set forth in detail in Chapter 6 of this Ordinance.
- D. Subdivision Requirements. Portions of lots, and certain lots that are subject to common title, physical possession, ownership, dominion or control with adjoining lots, cannot be transferred independently without subdivision approval as set forth in detail in Chapter 7 of this Ordinance.

- E. Application Procedures and General Requirements. The procedures and requirements for applications to the Planning Board are found in the Site Plan, Subdivision, Zoning and General Requirements chapters of this Ordinance.

SECTION 3.2 – Zoning Officer Appointment and Duties.

- A. Appointment; Term. The Township Committee shall appoint a Zoning Officer of the Township of Pennsville, to administer and enforce the provisions of this Ordinance. The Zoning Officer shall be appointed to serve at the pleasure of Township Committee for a three (3) calendar-year term. The Zoning Officer shall receive such compensation for his or her services as shall be fixed by Ordinance. The first appointment pursuant to this Ordinance will be made upon the expiration of the term of the Zoning Officer who is serving as of the date this Ordinance becomes effective.
- B. Deputy Zoning Officer. The Township Committee shall appoint a Deputy Zoning Officer of the Township of Pennsville to administer and enforce the provisions of this Ordinance in the same manner as the Zoning Officer during the Zoning Officer’s absence or unavailability or as may be otherwise directed by the Zoning Officer or the Township Committee. The Deputy Zoning Officer shall be appointed to serve at the pleasure of Township Committee for a three (3) calendar-year term, staggered by at least one year so as not to begin or end simultaneously with the Zoning Officer’s term. The Deputy Zoning Officer shall receive such compensation for his or her services as shall be fixed by Ordinance.
- C. Duties. The principal duty of the Zoning Officer shall be to enforce the provisions of this Land Use Ordinance, including:
1. Supply, at no charge, the application forms that are necessary to request permits and determinations that are within the Zoning Officer’s jurisdiction.
 2. Accept, for filing, applications for permits and determinations that are within the Zoning Officer’s jurisdiction, and collect, record, and remit to the Township Treasurer, fees and other charges relating thereto.
 3. Review applications for zoning permits and other determinations, and issue or deny requests for zoning permits and other determinations as appropriate pursuant to this Ordinance and applicable provisions of *N.J.S.A. 40:55D-1, et seq.* Pursuant to *N.J.S.A. 40:55D-18* the Zoning Officer must issue or deny a zoning permit within 10 business days following receipt of a zoning permit application.
 4. Upon receipt of notice from the Planning Board Secretary that an appeal of a Zoning Officer decision has been filed pursuant to *N.J.S.A. 40:55D-72*, the Zoning Officer, shall immediately transmit to the Planning Board all papers constituting the record upon which the action appealed from was taken.
 5. Perform inspections to confirm whether and to what extent any land is cleared, graded or otherwise disturbed, any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of the Municipal Land Use Law, the Land Development Ordinance, or other regulation made under authority conferred thereby, and take measures as may be approved by the Township Committee and Township Solicitor, and to institute any appropriate action or proceedings to prevent such unlawful clearing, grading, disturbance, erection, construction, reconstruction, alteration, repair, conversion,

maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any such illegal act, conduct, business or use in or about such premises such as but not limited to ordering the owner, user or occupant in writing to remedy any condition found to exist in violation of the provisions of this Ordinance, issuing cease and desist orders, or filing a complaint in the appropriate court of law.

6. Maintain records of all applications for permits and determinations whether issued, approved or denied.
7. Produce a monthly report to be filed with the Township Tax Assessor indicating Zoning Officer permit or determination applications which have been approved or denied, ordinance violations, and remedial actions taken.
8. Render an account of fees collected to be given to the Township Treasurer at the end of each month.
9. Maintain and update a record of current land uses within the Township by address and tax map designation, and including the nature and duration of each use and the number and types of buildings and other structures and other improvements at the property, and a reference to any prior or current permits or development approvals. The Zoning Officer will prepare a report of changes in land uses within the Township for submission to the Planning Board every six (6) months (to be filed with the Board on June 1 and December 1 each year).
10. Maintain multiple copies of this Land Development Ordinance, and other land use and development regulations as may from time to time be adopted by the Township Committee, and any other documents confirmed by the Municipal Clerk as not requiring a request pursuant to the Open Public Records Act, *N.J.S.A. 47:1A-1, et seq.*, furnish copies thereof to any person upon request, and impose charges for same as may be reasonable or established by ordinance.
11. Maintain copies of resolutions memorializing Planning Board and former Zoning Board of Adjustment actions and decisions, and refer all requests for review or copies of same or any other Zoning Officer records to the Municipal Clerk pursuant to the Open Public Records Act, *N.J.S.A. 47:1A-1, et seq.*, or process such requests according to policies and procedures established by the Municipal Clerk.
12. When any application is made to the Planning Board for a development approval, the Zoning Officer shall report to the Planning Board all prior permits and prior approvals granted for the same land, buildings and other structures, and all conditions contained in such prior permits and approvals.
13. Attend all Planning Board meetings unless excused by the Chair.
14. Ensure compliance with all conditions of permits and Planning Board approvals, and enforce against any violations as provided in this ordinance or other applicable laws.
15. Upon request, make determinations and, where appropriate, issue certificates of adjoining lot conformity pursuant to the definition of "subdivision" as set forth in this ordinance.
16. Review written applications submitted pursuant to *N.J.S.A. 40:55D-56* by prospective purchasers, prospective mortgagees, or any other persons interested in any land which forms part of a subdivision, or which formed part of such a subdivision 3 years preceding the effective date of

the Municipal Land Use Law (*N.J.S.A. 40:55D-1, et seq.*, which became effective on August 1, 1976), and where appropriate issue certificates confirming whether or not such subdivision has been approved by the planning board. Any application submitted for this purpose must contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

17. Review written applications submitted pursuant to *N.J.S.A. 40:55D-68* by any prospective purchaser, prospective mortgagee, or any other person interested in any land upon which a nonconforming use or structure exists, and where appropriate issue a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming, provided that the Zoning Officer may only issue such certificate within the first year following the adoption of the ordinance which rendered the use or structure nonconforming (a certificate for a use or structure that was rendered nonconforming by an ordinance adoption which occurred more than one year prior to the certificate request application may only be issued by the Planning Board).
18. Accept notices of appeals to the Planning Board that are filed pursuant to *N.J.S.A. 40:55D-70(a)* and -72 by interested parties who are affected by decisions of the Zoning Officer based on or made in the enforcement of the zoning ordinance or official map. Upon receipt of such notice, the Zoning Officer must immediately transmit to the Planning Board Secretary all papers constituting the record upon which the action appealed from was taken.

- D. The Zoning Officer's decisions can be appealed to the Planning Board by filing a completed Application Cover Sheet, Checklist Schedule A (General Requirements), Checklist Schedule B (Approvals Requested), and Checklist Schedule FF (Appeal to Planning Board), with all applicable fees and escrow deposits, provided that the appellant must serve notice specifying the grounds of the appeal upon the Zoning Officer or Deputy Zoning Officer within 20 days following the date the appellant receives notice of the Zoning Officer's decision, or within 23 days following the date the Zoning Officer's decision is mailed to the appellant, whichever is earlier.

SECTION 3.3 – Planning Board

As of the date of this Ordinance and for several years prior hereto it has been confirmed that the Township of Pennsville has a population of 15,000 or less. Accordingly, there has been established on March 20, 2003, by Ordinance No. A-3-2003, pursuant to *N.J.S.A. 40:55D-23, et seq.*, a Planning Board with all powers enumerated therein, and all other powers and duties set forth in the Municipal Land Use Law, *N.J.S.A. 40:55D-1, et seq.*, including but not limited to the power pursuant to *N.J.S.A. 40:55D-25(c)(1)* to exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment, provided that the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to *N.J.S.A. 40:55D-70(d)* (described in this Ordinance as "D" or "Use" variances). The Planning Board, which has four alternate members as permitted by *N.J.S.A. 40:55D-23.1*, is hereby reconfirmed and will continue in existence following the adoption of this ordinance.

SECTION 3.4 – Planning Board Secretary Selection and Duties.

- A. Selection; Term. Upon its reorganization each year, or at other times as may be necessary, the Planning Board shall select a secretary to serve the Planning Board until the Board's next annual reorganization. The Planning Board Secretary may be a member or alternate member of the Planning

Board, or a municipal employee. The Planning Board Secretary shall receive such compensation for his or her services as shall be fixed by Ordinance.

- B. Assistant Planning Board Secretary. Upon its reorganization each year, or at other times as may be necessary, the Planning Board may select an assistant secretary to serve the Planning Board for a term to run from the date of selection until the Board's next annual reorganization. The Assistant Planning Board Secretary shall assist the Planning Board Secretary and assume his or her duties in the same manner as the Secretary during the Secretary's absence or unavailability or as may be otherwise directed by the Secretary or the Planning Board. The Assistant Planning Board Secretary shall receive such compensation for his or her services as shall be fixed by Ordinance.
- C. Duties. The principal duty of the Secretary shall be to receive, process and distribute applications and other materials, to take and maintain minutes of meetings, to publish notices as required by law, and to perform other administrative duties as may be directed by the Board or otherwise set forth in this Land Use Ordinance, including:
1. Supply, without charge, application forms and checklists to potential applicants for development.
 2. Accept development applications and appeals for filing with the Planning Board, and review applications and appeals prior to distributing them to the Board to determine whether they meet the following minimum filing requirements, all of which remain subject to completeness review by the Planning Board:
 - a. All applications and appeals must include a completed Application Cover Sheet, Checklist Schedule A (General Requirements), and Checklist Schedule B (Approvals Requested).
 - b. Applications and appeals must include a certificate of the Township Tax Collector confirming that taxes are paid through the current quarter for all lots involved in the application or a written request for waiver of same;
 - c. Applications and appeals must include full payment for all applicable fees and escrow deposits, provided that if the applicant reasonably disagrees with the Secretary about the amount of fees or escrow deposits to be paid, the Secretary may accept the application for filing and forward it with a memorandum explaining the nature of the disagreement so that the Board can determine the sufficiency of the tendered payments as part of completeness review; and
 - d. Applications and appeals must include the required number of copies of all plans and application materials to be filed, as specified in the applicable checklists, or a written request for waiver of same.
 - e. Appeals pursuant to *N.J.S.A. 40:55D-70(a)* and *-72* must include a copy of the record upon which the action appealed from was taken that is required to be received from the Zoning Officer pursuant to Section 3.2.C.18, above. The Planning Board Secretary must keep the record on file, and copy and distribute it to the Board members and the Board's professional consultants with the other documents and materials relating to the appeal.

The Secretary must stamp the original copy of the application or appeal with the filing date and, if all minimum filing requirements have been satisfied, distribute all but the original and one copy of the application or appeal and related plans and materials to the Planning Board members and professional consultants (thus preserving the original and keeping one copy on file for public

review as required below). If the Secretary determines that any one or more of these minimum filing requirements have not been satisfied, then in lieu of distributing the application or appeal materials to the Board or its professional consultants, the Secretary shall, at the Board's next meeting, inform the Board of the minimum filing requirements that have not been satisfied so that the Board can certify the application or appeal incomplete. The Secretary does not have authority to waive application or appeal filing or completeness requirements, or to certify applications or appeals as "complete" or "incomplete" for purposes of commencing or tolling the time periods within which applications must be decided by the Board unless that authority is specifically delegated for particular applications or appeals on a case-by-case basis following the Board's initial completeness review of such applications or appeals. Within 45 days after an application or appeal has been filed it will be considered for completeness by the Planning Board with recommendations from the Secretary as aforesaid and its designated subcommittee and/or professional consultants, and completeness or incompleteness will thereafter be certified by vote of the Planning Board and memorialized in a resolution which, in the case of incompleteness, shall specify what must be submitted in order for the application or appeal to be certified complete. Any subsequent submission to supplement an application or appeal will be date stamped and reviewed by the Secretary for minimum filing requirements, and referred to the Board for completeness review, all in the same manner as the original filing. The Planning Board's completeness review for subsequent submissions will occur within 45 days following the date of the subsequent submission.

3. Distribute, to Planning Board members and professional consultants, copies of all other correspondence and materials that are directed to the Board.
4. Maintain a calendar system to monitor the deadlines that apply to all filed applications and appeals, including all deadlines for completeness reviews and decisions.
5. Prepare, at the direction of the Planning Board Chair, the agenda for each upcoming Planning Board meeting, and distribute the agenda to the Board members in advance of each meeting.
6. Maintain, as required by law, all Planning Board records, including all application forms, plans, materials and related reports and correspondence, resolutions, agendas, minutes, publication proofs, and other documents and materials received or created by, on behalf, or at the direction of the Planning Board.
7. Take minutes of all Planning Board meetings, including closed sessions.
8. Create, and maintain for a period not less than 1 year, verbatim recordings of all Planning Board meetings, not including closed sessions.
9. Distribute copies of decisions, and cause notices thereof to be published and served as required pursuant to *N.J.S.A. 40:55D-10* or any other law, or as may be directed by the Planning Board Chair.
10. Communicate with all persons regarding scheduling and all other administrative aspects of Planning Board business.
11. Facilitate and oversee inspection of application materials and other documents by members of the public when public notice has been issued to announce that public inspection of such materials and documents is permitted, provided that requests for copies of any materials or documents that are the subject of such public notice must be referred to the Municipal Clerk pursuant to the Open

Public Records Act, *N.J.S.A. 47:1A-1, et seq.*, or processed according to policies and procedures established by the Municipal Clerk.

12. Refer all other requests for review or copies of filed application materials, meeting minutes, resolutions, or any other Planning Board records to the Municipal Clerk pursuant to the Open Public Records Act, *N.J.S.A. 47:1A-1, et seq.*, or process such requests according to policies and procedures established by the Municipal Clerk.
13. Render an account of fees collected to be given to the Township Treasurer at the end of each month.
14. Attend all Planning Board meetings unless excused by the Chair.
15. Maintain multiple copies of the Township Master Plan, this Land Development Ordinance, and other land use and development rules and regulations as may from time to time be adopted by the Township Committee or Planning Board, and any other documents confirmed by the Municipal Clerk as not requiring a request pursuant to the Open Public Records Act, *N.J.S.A. 47:1A-1, et seq.*, furnish copies thereof to any person upon request, and impose charges for same as may be reasonable or established by ordinance.
16. Review allegations of failures of the Planning Board to act within applicable deadlines and, where appropriate, issue certificates confirming same pursuant to *N.J.S.A. 40:55D-10.4, -47, -50, -61, -67, or -76.*

SECTION 3.5 – Fees and Review Escrows.

All applicants must pay the fees and initial escrow deposits set forth below. Escrow deposits are used to reimburse the municipality for professional services rendered in connection with applications pursuant to *N.J.S.A. 40:55D-53.2*, which include the services of the Planning Board Engineer, Township Engineer, Planning Board Solicitor, Township Solicitor, and any Planners or other professional that may be hired by the Board to review and advise the Board with respect to the application, or who otherwise serve the Board or the Township in connection with an application or approval. Applicants will be required to replenish the review escrow if the aforesaid professionals' charges exceed the initial escrow deposit amount, or if otherwise required pursuant to *N.J.S.A. 40:55D-53.2*. Any escrow deposit amounts not reimbursed to the municipality as aforesaid will be returned to the applicant. The fees and initial escrow deposits required by this for the types of applications that can be made pursuant to this Ordinance and the Municipal Land Use Law are as follows:

1. Zoning permit application: \$25
2. Grading plan review and inspections (required for zoning permit): (See Section 5.16 for fees)
3. Permanent sign permit application: \$50
4. Temporary sign permit application: \$35 (if a temporary sign permit is issued pending erection of a permanent sign, and if the permanent sign is approved during the temporary sign permit period, the temporary sign permit fee shall be applied toward the permanent sign permit fee)

5. Minor subdivision (including “lot line adjustment” by which no additional new lots are created):
 - Application fee: \$150
 - Initial escrow deposit: \$750
6. Amendment of minor subdivision approval:
 - Application fee: \$50
 - Initial escrow deposit: \$500
7. Determination of qualification as division of farmland pursuant to the definition of “subdivision” in this ordinance:
 - Application fee: \$50
 - Initial escrow deposit: \$350
8. Re-affirmation or extension of expired minor subdivision approval:
 - Application fee: \$50
 - Initial escrow deposit: \$350
9. Informal review of concept plan pursuant to *N.J.S.A. 40:55D-10.1*:
 - Application fee: \$50 (to be credited toward fee for review of the application for development for which the concept plan was presented)
 - Initial escrow deposit: \$750
10. Request to amend master plan and/or recommend development regulation adoption or amendment:
 - Application fee: \$50
 - Initial escrow deposit: \$750
11. Preliminary major subdivision:
 - Application fee: \$500
 - Initial escrow deposit: \$1,500 or \$150 for each proposed resulting lot, including all remainder lots, whichever is greater.
12. Amendment of preliminary major subdivision approval:
 - Application fee: \$250
 - Initial escrow deposit: \$750 or \$75 for each proposed resulting lot, including all remainder lots, whichever is greater.

13. Extension of preliminary major subdivision approval pursuant to *N.J.S.A. 40:55D-49*:

Application fee: \$100

Initial escrow deposit: \$750 or \$75 for each proposed resulting lot, including all remainder lots, whichever is greater.

14. Final major subdivision:

Application fee: \$250

Initial escrow deposit: \$750 or \$75 for each proposed resulting lot, including all remainder lots, whichever is greater.

15. Amendment of preliminary and final major subdivision approval:

Application fee: \$100

Initial escrow deposit: \$500 or \$50 for each proposed resulting lot, including all remainder lots, whichever is greater.

16. Extension of final major subdivision approval pursuant to *N.J.S.A. 40:55D-52*:

Application fee: \$100

Initial escrow deposit: \$500 or \$50 for each proposed resulting lot, including all remainder lots, whichever is greater.

17. Preliminary site plan review:

Application fee: \$100

Initial Escrow Deposit: \$2,000 or \$1,000 for each acre or fraction thereof to be affected by the applicant's proposed disturbance, development and use of land, including all on-site, off-site, on-tract and off-tract affected areas, whichever is greater.

18. Amendment of preliminary site plan approval:

Application fee: \$50

Initial escrow deposit: \$1,000 or \$500 for each acre or fraction thereof to be affected by the applicant's proposed disturbance, development and use of land, including all on-site, off-site, on-tract and off-tract affected areas, whichever is greater.

19. Extension of preliminary site plan approval pursuant to *N.J.S.A. 40:55D-49*:

Application fee: \$50

Initial escrow deposit: \$500 or \$250 for each acre or fraction thereof to be affected by the applicant's proposed disturbance, development and use of land, including all on-site, off-site, on-tract and off-tract affected areas, whichever is greater.

20. Final site plan review:

Application fee: \$100

Initial escrow deposit: \$1,000 or \$500 for each acre or fraction thereof to be affected by the applicant's proposed disturbance, development and use of land, including all on-site, off-site, on-tract and off-tract affected areas, whichever is greater.

21. Amendment of preliminary and final site plan approval:

Application fee: \$50

Initial escrow deposit: \$500 or \$250 for each acre or fraction thereof to be affected by the applicant's proposed disturbance, development and use of land, including all on-site, off-site, on-tract and off-tract affected areas, whichever is greater.

22. Extension of final site plan approval pursuant to *N.J.S.A. 40:55D-52*:

Application fee: \$50

Initial escrow deposit: \$500 or \$250 for each acre or fraction thereof to be affected by the applicant's proposed disturbance, development and use of land, including all on-site, off-site, on-tract and off-tract affected areas, whichever is greater.

23. Minor Site Plan Review:

Application fee: \$100

Initial escrow deposit: \$750

24. Amendment of minor site plan approval:

Application fee: \$50

Initial escrow deposit: \$250

25. Extension of minor site plan approval:

Application fee: \$50

Initial escrow deposit: \$250

26. Site Plan Waiver:

Application fee: \$50

Initial escrow deposit: \$500

27. Issuance of permit pursuant to *N.J.S.A. 40:55D-34* (building or structure in street or public area):

Application fee: \$100 per lot for which permit is being requested.

Initial escrow deposit: \$500 per lot for which permit is being requested.

28. Variance pursuant to *N.J.S.A. 40:55D-36* (from requirement that lot must abut improved street):

Application fee: \$100 per lot not conforming to requirements of *N.J.S.A. 40:55D-35*.

Initial escrow deposit: \$500 per lot not conforming to requirements of *N.J.S.A. 40:55D-35*.

29. Conditional use pursuant to *N.J.S.A. 40:55D-67*:

Application fee: \$50

Initial escrow deposit: \$1,000

30. Certification of nonconforming structure or use pursuant to *N.J.S.A. 40:55D-68*:

Application fee: \$25

Initial escrow deposit: \$500

31. Wireless telecommunication facilities application (in addition to other fees required pursuant to this schedule):

Application fee: \$100

Initial escrow deposit: \$3,000

32. Appeal of Zoning Officer decision pursuant to *N.J.S.A. 40:55D-70(a)*:

Application fee: \$50

Initial escrow deposit: \$500

33. Interpretation of ordinance or zone map, or other decision pursuant to *N.J.S.A. 40:55D-70(b)*:

Application fee: \$50

Initial escrow deposit: \$500

34. Variance pursuant to *N.J.S.A. 40:55D-70(c)* (“bulk” variance):

Application fee: \$50 per application, regardless of the number of standards or requirements for which variances are sought.

Initial escrow deposit: \$750

35. Variance pursuant to *N.J.S.A. 40:55D-70(d)* (“use” variance):

Application fee: \$100

Initial escrow deposit: \$2,000

36. Supplement/amendment of application for further completeness review:

Application fee: \$50 for each additional completeness review (to be submitted with each supplemental/amending application submission).

Supplemental escrow deposit: Twenty-five (25%) percent of total of all previously posted initial escrow amounts, plus any additional initial escrow deposits that are required for additional approvals or other relief that is requested in the supplemental/amending application submission.

37. Certification of subdivision pursuant to *N.J.S.A. 40:55D-56*:

Application fee: \$25

Initial escrow deposit: \$150

38. Certification of failure by Planning Board to decide application within deadlines determined pursuant to *N.J.S.A. 40:55D-10.4, -47, -50, -61, -67, or -76*:

Application fee: \$25

Initial escrow deposit: \$0

39. Appeal to Township Committee pursuant to *N.J.S.A. 40:55D-17*:

Application fee: \$25

Initial escrow deposit: \$50 (or estimated cost of transcript, whichever is less, per *N.J.S.A. 40:55D-17(c)*)

40. General development plan approval pursuant to *N.J.S.A. 40:55D-45, et seq.*:

Application fee: \$200

Initial Escrow Deposit: \$5,000

41. Modification of Timing Schedule for general development plan approval pursuant to *N.J.S.A. 40:55D-45.4*:

Application fee: \$100

Initial Escrow Deposit: \$2,000

42. Variation of general development plan approval pursuant to *N.J.S.A. 40:55D-45.5*:

Application fee: \$100

Initial Escrow Deposit: \$2,000

43. Amendment of general development plan approval pursuant to *N.J.S.A. 40:55D-45.6*:

Application fee: \$100

Initial Escrow Deposit: \$2,000

44. Additional escrow deposits: The Planning Board or Township may, upon review of any application or approval that involves complex or special issues that the Board or the Township believes will result in professional review costs in excess of the initial escrow deposits required pursuant to this schedule, or for which the review escrow has been depleted or nearly depleted, require the applicant to post additional escrow deposits in amounts based on the non-binding estimates of the Board's or the Township's professionals. Unless otherwise determined by the Board or the Township, such additional escrow deposits must be posted prior to any further review or hearing of the application, or any review relating to an approval. The Planning Board may also condition any approval upon the applicant's timely deposit of supplemental escrow amounts as may be deemed necessary based on non-binding estimates of the Board's or the Township's professionals.

SECTION 3.6 – ENFORCEMENT AND PENALTIES

A. Enforcement. In case any land is cleared, graded or otherwise disturbed, any building or structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of the Municipal Land Use Law or of any ordinance or other regulation made under authority conferred thereby, the Zoning Officer or any interested party may, in addition to other remedies, sign a complaint to be heard by the Township's municipal court in accordance with the provisions of *N.J.S.A. 2A:8-1, et seq.*, to prevent such unlawful clearing, grading, disturbance, erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

B. Subdivision Without Approval. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by ordinance pursuant to this act, such person shall be subject to a penalty not to exceed \$1,000.00, and each lot disposition so made may be deemed a separate violation. In addition to the foregoing, the municipality may institute and maintain a civil action:

1. For injunctive relief; and

2. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with *N.J.S.A. 40:55D-56*.

C. Penalties. Except as otherwise expressly provided in this Ordinance, a violation of any requirement of this ordinance is punishable by one or more of the following:

1. imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days;
2. a fine of not less than \$100 and not more than \$1,250;
3. a period of community service not exceeding 90 days.