

ORDINANCE 11-2025

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE REGARDING REQUIREMENTS FOR ZONING PERMITS AND DUTIES OF THE ZONING OFFICER

WHEREAS, the Borough of Mendham Administrator has recommended amending the Borough Code to clarify requirements for zoning permits and duties of the Zoning Officer; and

WHEREAS, the Borough Zoning Official, Borough Planner, and Borough Engineer have reviewed the matter and recommend the below changes to the Code to incorporate same; and

WHEREAS, the Borough Attorney has reviewed the proposed changes; and

WHEREAS, the Mayor and Borough Council wish to adopt the proposed recommendation to amend the Borough Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Mendham, in the County of Morris, State of New Jersey, as follows:

SECTION 1. Part I, Administrative Legislation, Chapter 4, Administrative Organization, Article IV, Appointed Officials, § 4-32, Zoning Officer, of the Borough of Mendham Code is hereby amended to read as follows:

§ 4-32. Zoning Officer.

The Mayor shall appoint the Zoning Officer, with the advice and consent of the Borough Council of the Borough of Mendham. The official designated as the Zoning Officer shall continue in that capacity until a new resolution is passed by the Borough Council designating a replacement. The duties of the Zoning Officer are set forth in Chapter 215, Zoning.

SECTION 2. Part II, General Legislation, Chapter 215, Zoning, Article III, General Regulations, is hereby amended and supplemented with the following language:

§ 215-12.9 Zoning Permit Required.

- A. No construction, reconstruction, alteration, conversion or installation of a structure, building, fence, patio, driveway, or other impervious surface, establishment of or change of use shall be undertaken unless and until a Zoning Permit is obtained from the Zoning Officer. Zoning permits shall hereafter be secured from the Zoning Officer prior to the issuance of a building permit for the construction, erection, moving or alteration of a structure, fence or sign or part of a structure, or upon a change in the use or character of use.
- B. Zoning permits shall include the following:
 - a. Two (2) sealed plot plans with an embossed seal, prepared by a New Jersey

licensed professional engineer, land surveyor, architect or planner to the extent that said professionals are permitted to prepare such plans by virtue of the provisions of N.J.A.C. 13:40-7.3.

- i. Such plans shall be drawn to scale and show the size and other facilities sufficient to enable the Zoning Officer to determine whether all zoning requirements are met. The requirement for sealed plot plans may be waived for additions, alterations or accessory structures to existing single-family dwellings, and a sketch prepared by the owner or applicant accepted in lieu thereof.
- ii. Where there is a question as to the size, location, or other zoning requirements, the Zoning Officer may require a sealed location survey.

SECTION 3. Part II, General Legislation, Chapter 215, Zoning, Article XII, Zoning Officer, is hereby amended and supplemented to read as follows:

§ 215-33 Appointment.

There shall be an officer to be known as the “Zoning Officer,” and there may also be not more than two deputy officers to be known as “Deputy Zoning Officers,” who shall be appointed by the Mayor and confirmed by the Borough Council. The Zoning Officer or a Deputy Zoning Officer may also be either the Construction Official or the Building Subcode Official of the Borough. All references in this chapter to “Zoning Officer” shall apply equally to “Deputy Zoning Officer.”

§ 215-34 Authority and duties of Zoning Officer.

- A. It shall be the duty of the Zoning Officer to enforce the provisions of this chapter (Zoning), the provisions of Chapter 195 (Subdivision of Land and Site Plan Review), and the provisions of Chapter 155 (Property Maintenance).
- B. The Zoning Officer shall investigate any violation or alleged violation of this chapter coming to their attention and shall have, to the extent applicable, all of the powers to exercise all of the functions and duties with respect to this chapter as set forth below.
- C. In the event of any material deviation from the approved application, plot plan, or building plans, the Zoning Officer may stop construction by posting a stop-work notice at the building site. The Zoning Officer shall have the right to enter any building or premises during the daytime in the course of duty, after proper notification to the property owner or occupant of the property.

§ 215-35 Qualifications.

The Zoning Officer shall be an engineer, planner, Construction Official or Building Subcode Official, architect, or other competent person.

§ 215-36 Conflict of interest.

The Zoning Officer shall not engage directly or indirectly in any building business or

superintendence or enter into any contract for building for others or for furnishing materials, plans, specifications or designs for others in the Borough of Mendham.

§ 215-37 Records.

The Zoning Officer shall keep a record of the plans and specifications and details submitted for approval, for the alteration or construction of any building, fence, wall, driveway, accessory use, or other use, coming under the provisos or provisions of this chapter, which said record shall be open to the public.

§ 215-38 Compensation.

The Zoning Officer shall be compensated as provided by resolution.

SECTION 4. Part II, General Legislation, Chapter 215, Zoning, Article XIII, Enforcement, § 215-39, Authority and duties of Zoning Officer and Construction Official, is hereby repealed in its entirety. There are no changes to remainder of Article XIII.

SECTION 5. All articles, sections, paragraphs, subsections, clauses, or other provisions of the Mendham Borough Code inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such adjudication shall apply only to those the portions held unconstitutional and/or invalid shall be deemed severed, and such decision shall not affect the remaining portion of this Ordinance; and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 7. This Ordinance may be renumbered for purposes of codification.

SECTION 8. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

INTRODUCED: 9/10/2025

ADOPTED:

EFFECTIVE DATE:

BOROUGH OF MENDHAM,
COUNTY OF MORRIS,
STATE OF NEW JERSEY

ATTEST:

Lauren McBride, Acting Clerk

James Kelly, Mayor

