

**RO-13-21**

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND CHAPTER 217, ZONING, OF THE TOWNSHIP CODE TO REGULATE THE REPAIR, RESTORATION AND RECONSTRUCTION OF NONCONFORMING STRUCTURES WHEN PARTIALLY DESTROYED OR DAMAGED BEYOND REPAIR**

**WHEREAS**, Section 217-103, Partial destruction, of the Township Code regulates the repair, restoration and reconstruction of nonconforming uses when partially damaged by fire and casualty or Act of God; and

**WHEREAS**, Section 217-104, Damage beyond repair, of the Township Code regulates the repair, restoration and reconstruction of nonconforming uses when partially damaged by fire and casualty or Act of God; and

**WHEREAS**, the Township Code does not address repair, restoration and reconstruction of nonconforming uses when partially damaged or damaged beyond repair by intent or design; and

**WHEREAS**, the Township Zoning Officer, Township Engineer and Township Attorney have reviewed Sections 217-103 and 217-104 and recommend amending the ordinance to address repair, restoration and reconstruction of nonconforming uses when partially damaged or damaged beyond repair by intent or design.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Washington, in the County of Morris and State of New Jersey, as follows:

**SECTION 1.** Chapter 217, Zoning, Article X, Nonconforming Uses and Structures, Section 217-103, Partial destruction, of the Code of the Township of Washington is hereby amended to read as follows:

“Any nonconforming use or structure partially damaged or destroyed by design, intent, fire, casualty or act of God may be repaired, restored, reconstructed or used as before, provided that the area of such use, building or structure shall not exceed the area which existed prior to such damage. All repairs shall be commenced within two years of such date or such use shall not be rebuilt except as a conforming use. In the event that substantial total destruction occurs, then the provisions of § 217-104 shall apply. A farm building on a farmland preserved lot, or an exception area on such lot, made nonconforming as a result of the acquisition of land by the Township of Washington may be continued, repaired, restored, reconstructed or enlarged, provided that any enlargement of the building does not extend, or increase any nonconforming condition existing as of the date the land was acquired by the Township of Washington.

**SECTION 2.** Chapter 217, Zoning, Article X, Nonconforming Uses and Structures, Section 217-104, Damage beyond repair, of the Code of the Township of Washington is hereby amended to read as follows:

“When a nonconforming structure or use is destroyed or damaged by design, intent, fire or other casualty or an act of God beyond repair, the nonconforming structure or use shall thereafter be terminated. Damage or destruction beyond repair, for purposes of this section, shall occur when

it is determined that the structure or use is substantially totally destroyed with some quantity of destruction that surpasses mere partial destruction.”

**SECTION 3.** This Ordinance may be renumbered for purposes of codification.

**SECTION 4.** Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

**SECTION 6.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

#### NOTICE

**NOTICE** is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of Washington Township held on July 19, 2021, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Washington Township Committee to be held on August 16, 2021 **at 7:00 p.m.** or as soon thereafter as the Township Committee may hear this Ordinance at the Washington Township Municipal Building, 43 Schooley’s Mountain Road, Long Valley, NJ 07853, at which time all persons interested may appear for or against the passage of said Ordinance.

ATTEST:

TOWNSHIP OF WASHINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

\_\_\_\_\_  
Nina DiGregorio, RMC, Township Clerk

By: \_\_\_\_\_

Matthew Murello, Mayor

Adopted:

Attest: I herein certify that the foregoing ordinance was duly adopted by the Washington Township Committee at a regular meeting held by the Township Committee on August 16, 2021.

\_\_\_\_\_  
Nina DiGregorio, RMC, Township Clerk