

ORDINANCE 1241-2016

**AN ORDINANCE TO REPEAL CHAPTER IX BUILDING AND HOUSING
SECTION 9-1.2 OF THE CODE OF THE BOROUGH OF MOUNTAINSIDE
TO REPEAL THE PROVISIONS THEREOF PERTAINING TO THE
CONSTRUCTION BOARD OF APPEALS**

WHEREAS, N.J.S.A. 52:27D-127 provides that there shall be a Construction Board of Appeals for each county to hear appeals from decisions by the Uniform Construction Code Enforcing Agency which shall hear appeals from decisions of the Municipal Uniform Construction Code Enforcing Agency; and

WHEREAS, said statute provides that a municipality may establish its own Construction Board of Appeals to hear appeals from decisions by the municipal enforcing agency; and

WHEREAS, the Mayor and Council of the Borough of Mountainside has determined that the Construction Board of Appeals established by Chapter IX of the Code of the Borough of Mountainside is no longer necessary and that any appeals from decisions of the local enforcing agency may be heard by the Union County Construction Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mountainside as follows:

SECTION 1. Chapter IX Building and Housing Section 9-1.2 of the Code of the Borough of Mountainside is hereby repealed and the Mountainside Construction Board of Appeals is hereby abolished.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with law.

SECTION 5. The Municipal Clerk is hereby directed to file a copy of this ordinance with the Office of Regulatory Affairs of the Division of Codes and Standards in the Department of Community Affairs, the Union County Board of Construction Appeals, and the Union County Board of Chosen Freeholders.