

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 29-2023

**AMENDING CHAPTER 180 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN
ENTITLED “ZONING” TO AMEND THE DEFINITION OF FAMILY**

WHEREAS, the definition of the term “Family” contained in Chapter 180 is outdated and not in conformance with controlling legal authority, which has led to recent litigation against the Township and its Zoning Board of Adjustment; and

WHEREAS, the Zoning Board of Adjustment, in its recent annual reports to the governing body as provided by N.J.S.A. 40:55D-70.1, has recommend the definition be revised to be consistent with the controlling legal precedent; and

WHEREAS, the Township Council finds it is in the best interest of its residents to amend the definition of the term “Family” for the reasons set forth above.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Moorestown, County of Burlington, and State of New Jersey, as follows:

Section 1. §180-2A. Definitions is hereby amended as follows: “~~FAMILY- Related persons living together as one housekeeping unit; provided, however, that domestic employees residing with a family shall be deemed to be members of the "family" for the purposes of this chapter~~ One or more individuals, not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit, including the joint use of and responsibility for common areas, as a permanent and stable non-profit housekeeping unit under a common housekeeping management plan, including the sharing of household activities and responsibilities, such as meals, chores, maintenance and expenses, and under an intentionally structured relationship.”

Section 2. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 3. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provision which imposes the greater restriction or limitation shall control.

Section 4. Severability. If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Township Council of the Township of Moorestown declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall take effect 20 days after adoption, transmittal to the Burlington County Planning Board, and publication according to law.

Section 6. Short Title. This Ordinance shall be known as Ordinance 29-2023.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 29-2023 which was introduced and adopted on first reading on November 27, 2023 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on December 18, 2023.

<u>VOTE:</u>	
GILLESPIE	YES
LAW	YES
KEATING	ABSTAIN
MAMMARELLA	YES
ZIPIN	ABSENT

Patricia L. Hunt, RMC
Township Clerk