

Rodriguez v. Jackson Township

(1984)

Order for Judgment-

2/16/84

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 Attorneys for Defendant

GREGORY AND JUDITH ANN CHASAR,\*  
 ROBERT AND CHERYL O'CONNOR,\*  
 and JOSEPH H. RODRIGUEZ,\*

Plaintiffs,\*

vs.\*

TOWNSHIP OF JACKSON,\*

Defendant.\*

SUPERIOR COURT OF NEW JERSEY  
 LAW DIVISION, OCEAN COUNTY

Docket No. L 002751-83

Civil Action

ORDER FOR JUDGMENT

THIS MATTER having come on for trial on December 19 , 1983,  
 and the Court having considered the testimony and evidence  
 submitted by the parties hereto, and having considered the  
 argument of counsel, and the Court having reached certain  
 findings and conclusions as set forth in its oral opinion  
 given on January 11, 1984, which opinion and decision are  
 hereby made a part hereof; and the Court being satisfied that  
 the entire mobile home zoning scheme of the Township commencing  
 with the adoption of its mobile home park ordinance in 1951,  
 the adoption of the senior citizen mobile home park ordinance  
 in 1966, and the adoption of the adult mobile home park  
 ordinance in 1980 were not implemented pursuant to a compre-

hensive plan, and this scheme excludes lower income persons and families with children; and the Court having determined that defendant Township must modify its ordinances to permit mobile homes for lower income persons and for families with children, since existing family home parks do not provide a realistic opportunity for low and moderate income housing; and the Court having determined that there is no reasonable basis for the 42 year age restriction established for adult mobile home parks;

IT IS on this 16<sup>th</sup> day of February, 1984,

ORDERED and ADJUDGED that the mobile home zoning scheme of the Township of Jackson is hereby declared invalid and shall be modified in accordance with the terms of this Order within sixty (60) days of the date hereof; and it is

FURTHER ORDERED and ADJUDGED that the provisions of the adult mobile home park ordinance set forth in Article II of Chapter 77 of the Jackson Code are hereby declared invalid and unenforceable; and it is

FURTHER ORDERED and ADJUDGED that the three (3) existing fully developed senior citizen mobile home parks shall remain as senior citizen parks; and it is

FURTHER ORDERED and ADJUDGED that as to Jackson Estates, which presently has an adult mobile home park license, that the Township Committee has the option of reissuing this license either as a senior citizen mobile home park license or as an unrestricted license; and it is

FURTHER ORDERED and ADJUDGED that the existing adult mobile home park license held by Fountainhead Mobile Home Park shall be reissued as an unrestricted license; and it is

FURTHER ORDERED and ADJUDGED that the four (4) unissued 350 unit licenses shall be issued as unrestricted mobile home park licenses containing no age restrictions; and it is

FURTHER ORDERED and ADJUDGED that no new age restricted senior citizen mobile home park license is to be issued until the four (4) remaining unissued, unrestricted licenses are issued; and it is

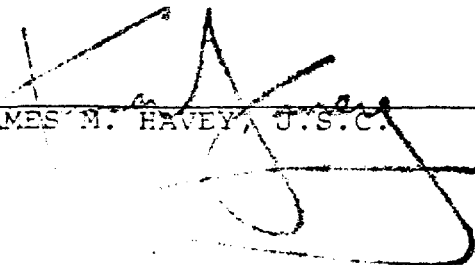
FURTHER ORDERED and ADJUDGED that plaintiffs Chasar and O'Connor and their families shall be permitted to remain as residents in Oak Tree Mobile Home Park on an indefinite basis; provided, however, that within sixty (60) days of the date of the sale of either of their respective units, that said plaintiff selling the unit must remove themselves and their family from the park; and it is

FURTHER ORDERED and ADJUDGED that all pending summonses against plaintiffs Chasar and O'Connor are to be dismissed, and no further Municipal Court prosecution shall be permitted against said plaintiffs unless it is for violation of other provisions of Township ordinances; and it is

FURTHER ORDERED and ADJUDGED that the action by plaintiffs and O'Connor and by plaintiff Public Advocate against the defendant for damages for violation of plaintiffs' civil rights

under 42 U.S.C. Section 1983 be and the same are hereby  
dismissed; and it is

FURTHER ORDERED that this judgment be entered without  
costs to either party.

  
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JAMES M. HAVEY, U.S.C.