

ORDINANCE 2014-09

AN ORDINANCE AMENDING CHAPTER XI (PROPERTY MAINTENANCE), ADDING SECTION 9-3.6 TO THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ALLENHURST, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Borough Council of the Borough of Allenhurst, County of Monmouth and State of New Jersey, as follows:

9-3.6 REMOVAL OF GRASS, WEEDS, BRUSH AND OTHER DEBRIS.

9-3.6.1 Duties of Owners and Tenants.

It shall be the duty of the owner, tenant or person in possession of any dwelling or lands in the Borough, except for dedicated conservation easements, to keep all previously established lawn areas free from grass six (6) inches in height or higher and all lands free of brush, weeds, heavily matted cut grass, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, litter, trash and debris, and any solid waste stored in such a way that is accessible to and likely to be strewn about by animals such as but not limited to dogs, cats, raccoons, birds or rodents, where the same are inimical to the preservation of public health, safety and general welfare of the Borough, or which may constitute a fire hazard.

9-3.6.2 Notice to Owners and Tenants.

If the reported conditions are found to exist, after an investigation of any complaint of a resident, officer, or employee of the Borough relative to a violation of this section or upon his own initiative, the Borough Clerk/Administrator and/or his or her designee, shall direct that a notice be sent to the owner, tenant or person in possession of the dwelling or land complained of in writing either personally or by registered or certified mail to remove such brush, weeds, grass, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or other debris within a period not less than seventy-two (72) hours nor more than ten (10) days.

9-3.6.3 Removal by Borough, Costs Established as a Lien.

If the owner, tenant or person in possession of the dwelling or lands in question shall fail to abate the condition complained of within the time period specified after receipt of notice, the Borough Clerk/Administrator and/or his or her designee shall cause the condition complained of to be abated, either by action of the Department of Public Works or by engagement of an outside contractor, and shall certify the cost to the Borough Council, which shall examine the certificate and, if it is correct, adopt a resolution causing the cost as shown thereon to be charged against the dwelling or lands. The amount so charged shall forthwith become a lien upon the

dwelling or lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such dwelling and lands, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this section.

9-3.6.4 Violations and Penalties.

In addition to any costs established by subsection 9-3.6.3, any person convicted of violating any provision of this section shall be punishable by the penalties stated in Chapter I, Section 1-5, et seq.

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

This Ordinance shall take effect upon adoption and publication according to law.

9-3.7 BRUSH, HEDGES AND OTHER PLANTS.

9-3.7.1 Service of Notice.

Notice to cut and remove objectionable brush, hedges and other plant life shall be given by the Borough Clerk/Administrator and/or his or her designee to the owner or tenant by registered mail or certified receipted mail to the last known post office address.

9-3.7.2 Determination of Need for Cutting.

The Borough Council of the Borough of Allenhurst shall determine, by resolution, when such notice shall be given pursuant to this section.

9-3.7.3 Removal by Borough.

In the event of the failure of any owner or tenant to keep all brush, hedges and other plant life growing within ten (10') feet of any roadway, and within twenty-five (25') feet of the intersection of two (2) roadways, cut to a height of not more than four (4') feet after written notice thereof, the Borough may proceed to cause the cutting and removal of such brush, hedges and other plant life under the direction of the Borough Clerk/Administrator and/or his or her designee.

9-3.7.4 Lien for Costs.

In any case where the Borough has cut and removed brush, hedges and other plant life, the Borough Clerk/Administrator and/or his or her designee shall thereafter certify to the Borough Council the cost thereof, and if the amount so certified is by resolution of the Borough Council determined to be correct and reasonable, the Borough

Clerk/Administrator and/or his or her designee shall deliver a certified copy of the resolution to the Tax Collector. The amount so charged shall become a lien upon such lands from which the brush, hedges and other plant life were cut and removed, and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the Tax Collector in the same manner as taxes, as authorized by N.J.S.A. 40:48.2-26 and 40:48.2-27.

9-3.7.5 Violations and Penalties.

Any person who shall refuse or neglect, after written notice as above set forth, to comply with the demands therein made with respect to the cutting of the foregoing for the preservation of the public safety of the citizens of the Borough, within the period of time above set fourth, shall, upon conviction thereof, be liable to a penalty not to exceed a fine of five hundred (\$500.00) dollars, and each and every day in which the owner or tenant shall refuse or neglect so to cut the matter shall be and constitute a separate offense. The imposition and collection of any fine or penalty prescribed by this subsection shall not bar the right of the Borough to collect the cost of the cutting of the brush, hedges and other plant life, as hereinbefore specified; and the remedies shall be cumulative.

EXPLANATORY STATEMENT:

This Ordinance amends Chapter XI by adding Sections 9-3.6 and 9-3.7 governing the maintenance of property adjacent to roads and intersections. This Ordinance also enacts provisions controlling the maintenance of yards and allows for imposing a lien if the Borough, after notice to the owner or tenant, performs the maintenance.

APPROVED: June 24, 2014

ADOPTED: July 8, 2014