

Mr. Caizza offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

**O-09-09**  
**AN ORDINANCE AMENDING THE ORDINANCES**  
**OF THE BOROUGH OF HIGHLANDS**  
**PROPERTY MAINTENANCE**

**WHEREAS**, the Mayor and Council of the Borough of Highlands find it desirable to amend certain provisions of the municipal ordinance of the Borough pertaining to property maintenance; and

**WHEREAS**, the Mayor and Council wish to explicitly provide provision for the Borough to be able to recoup costs that it incurs in order to address the need to clean up certain properties that have not been maintained and are in such a condition as to present a potential fire hazard or other hazard to the public health, safety and general welfare of the residents of the Borough.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Highlands, County of Monmouth, State of New Jersey as follows:

**10-9.3 Removal of Brush, Weeds, Trash and Debris.**

Notwithstanding the provisions of the International Property Maintenance Code, and without superseding its incorporation into Borough Ordinance, every owner or tenant of lands in the Borough shall keep the lands free of fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth and garbage (Trash and debris in cans bags and/or in bulk, and shall maintain the land in a clean and sanitary condition.

**10-9.4 Inspection.**

The Borough Code Enforcement Officer is hereby authorized to inspect lands in the Borough for the presence of fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, grass and weeds which exceed of height of nine (9) inches, filth, garbage, trash and debris, and if same are deemed to be detrimental to the public health, shall give ten (10) days' notice, certified mail, return receipt requested, to the persons who, according to the tax duplicate of the Borough, appear as owner or tenant, to remove and eliminate such fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

**10-9.5 Noncompliance; Borough to Remove.**

In the event the owner or tenant aforesaid fails to comply with the order to cut overgrown grass and weeds, remove fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, then the Code Enforcement Officer shall have the work of cutting overgrown grass, weeds, removal or destruction of such fire

hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris done.

#### **10-9.6 Costs.**

Upon completion of the work, costs shall be certified by the Code Enforcement Officer to the Mayor and Council, which shall examine the certificate, and if found to be correct, shall cause the cost as shown thereon to be charged against lands; the amount so charged shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied on such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes, in accordance with and pursuant to N.J.S.A. 40:48-2.13, et seq.

#### **10-9.7 Violations and Penalties.**

Any person, firm or corporation that shall violate the provisions of this section, or shall obstruct the Borough or its employees from cutting overgrown grass and weeds, removing fire hazards, brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, shall, upon conviction thereof in the Borough Municipal Court, be subject to the penalty of not more than \$500.00. Each and every day on which such violation continues shall constitute a separate and distinct offense.

**BE IT FURTHER ORDAINED** by the Mayor and Council that if any section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not effect the other sections or provisions of this ordinance, except so far as a section or provision deemed invalid shall be inseparable from the remainder of any portion thereof.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** that this ordinance shall take effect upon final passage and publication as provided for by the laws of the State of New Jersey.

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**May 20, 2009**

Seconded by Mr. Francy and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**DATE:** May 20, 2009

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**NINA LIGHT FLANNERY**  
**Borough Clerk**

**Intro:** April 15, 2009

**Publication:** April 25, 2009, Asbury Park Press

**2<sup>nd</sup> Reading:** May 20, 2009

**Adoption:** May 20, 2009

**Publication:**

**I hereby certify this to be a true copy of Ordinance # \_\_\_\_\_ as adopted by the  
Governing Body of the Borough of Highlands on May 20, 2009.**

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**BOROUGH CLERK/DEPUTY CLERK**