

Mayor Nolan offered the following Ordinance pass final reading and moved on its adoption::

ORDINANCE O-13-6

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**AN ORDINANCE AMENDING AND CLARIFYING SECTIONS 3-4 AND 10-10 TO
PROVIDE FOR THE ELIMINATION OF FIRE HAZARDS AND BRUSH, WEEDS,
TRASH AND DEBRIS REMOVAL FROM LANDS WITHIN THE BOROUGH TO
INCLUDE "DWELLING"**

WHEREAS, N.J.S.A. 40:48-2.13 to -2.14 authorize municipalities to adopt ordinances eliminating fire hazards and requiring removal of solid waste from dwellings or land within the Borough; and

WHEREAS, the aforementioned sections also permit a municipality to remove the waste and/or eliminate the fire hazard should the owner fail to do so, the cost of which shall become a lien on the property; and

WHEREAS, the Borough of Highlands has adopted ordinances as authorized by the aforementioned statutes which have been codified at Sections 3-4 and 10-10 of the Code of the Borough of Highlands; and

WHEREAS, the Borough finds that the aforementioned Code sections are intended to apply to applicable land or dwellings within the Borough; and

WHEREAS, the Borough wishes to clarify the Code to confirm that the aforementioned sections apply to "dwellings" and land.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Highlands, New Jersey as follows:

SECTION ONE. Section 3-4 of the Borough Code of the Borough of Highlands shall be amended to read as follows (strikethroughs are deletions. Underscores are additions):

3-4.1 Duty of Owner to Remove Hazards.

The owner or tenant of any lands lying within the borough where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or elimination of fire hazards to remove from such lands or dwellings brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris shall within ten days after notice remove the same.

3-4.3 Cost of Removal To Be Lien Against Premise.

If the same is removed by the borough, such officer shall certify the cost thereof to the mayor and council who shall examine the certificate and if found correct shall cause the cost as shown thereon to be charged against the lands or dwellings and the amount so charged shall become a lien upon the lands or dwellings and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands or dwellings and to bear interest at the same rate as taxes and be collected and enforced by the same officers and in the same manner as taxes.

In addition to the provisions set forth above any person who shall violate the terms of this section shall, upon conviction thereof, be subject to punishment by a fine not to exceed one hundred (\$100.00) dollars, or by imprisonment not exceeding 15 days, or both, in the discretion of the court.

SECTION TWO: Section 10-10 of the Borough Code shall be amended to read as follows (strikethroughs are deletions. Underscores are additions):

10-10.1 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 or dwellings in the Borough shall keep the lands or dwellings 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 or dwellings in a clean and sanitary condition.

10-10.2 Inspection.

The borough code enforcement officer is hereby authorized to inspect lands or dwellings 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 height of nine inches, filth, garbage, trash and debris, and if same are deemed to be detrimental to the public health, shall issue a ten-day warning notice to the tenant and the property owner at the discretion of the property maintenance official, prior to issuing a summons to the person who, according to the tax duplicate of the borough, appear as owner, and require that the trash and garbage be removed and eliminate such fire hazards, **brush**, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris.

10-10.4 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 or dwellings; the amount so charged shall become a lien upon such lands or dwellings and shall be added to and become and form part of the taxes next to be assessed and levied on such lands or dwellings, 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.

SECTION THREE. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

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

SECTION FIVE. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

DATE: April 17, 2013

Carolyn Cummins, Borough Clerk

Introduction: April 3, 2013
Publication: April 7, 2012, Asbury Park Press
P.H./Adoption: April 17, 2013
Publication: April 26, 2013, Two River Times