

**ORDINANCE 20-09
INTRODUCTION DATE: 06-22-2020
PUBLIC HEARING DATE: 07-13-2020**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12: “PROPERTY MAINTENANCE” OF THE BOROUGH CODE TO CLARIFY SECTION 12-2 REGARDING BOROUGH OFFICIALS’ RESPECTIVE DUTIES FOR PROCESSING LIENS FOR REMEDIATION OF DELINQUENT PROPERTIES

BE IT ORDAINED by the Mayor and Council of the Borough of Roosevelt, County of Monmouth, State of New Jersey, that Chapter 12: “Property Maintenance” of the Borough Code shall be amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

§ 12-2 HEIGHT OF BRUSH, HEDGES AND PLANTS NEAR STREETS.

§ 12-2.1 Height Limits; Notice to Comply.

The owner or tenant of any lands lying within the limits of the Borough of Roosevelt shall keep all brush, hedges and other plant life growing within 10 feet of any roadway or street and within 25 feet of the intersection of two roadways or streets cut to height of not more than 2 1/2 feet where it shall be determined necessary and expedient for the preservation of the public safety, within 10 days after notice to cut and remove same.

§ 12-2.2 Borough ~~Clerk~~ to Issue Notice.

Such notice to cut and remove objectionable brush, hedges and other plant life shall be given by the Borough ~~Clerk~~ to the owner or tenant by certified mail to the last known post office address.

§ 12-2.3 Resolution of Borough Council to Designate Notification.

The Borough Clerk shall determine by resolution as to whom such notice shall be given pursuant to this section.

§ 12-2.4 Failure to Maintain; Action by Borough.

In the event of the failure of any owner or tenant to keep all brush, hedges and other plant life, growing within 10 feet of any roadway or street and within 25 feet of the intersection of two roadways or streets cut to a height of not more than 2 1/2 feet, after written notice thereof, the Borough of Roosevelt may proceed to cause the cutting and removal of such brush, hedges and other plant life under the direction of the Superintendent of Public Works.

§ 12-2.5 Removal by Borough; Lien on Property for Expenses.

In any case where the Borough has cut and removed brush, hedges and other plant life, the ~~Superintendent of Public Works~~ Borough CFO or Purchasing Agent 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 shall forthwith deliver a certified copy of said resolution to the Tax Collector. The amount so charged shall forthwith 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 N.J.S.A. 40:48.2-27.

§ 12-2.6 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 of Roosevelt, within the period of time above set forth, shall upon conviction thereof be liable to a penalty not to exceed \$500, and each and every day in which the owner or tenant shall refuse or neglect so to cut said matter shall be and constitute a separate offense. The imposition and collection of any fine or penalty prescribed by this section 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 said remedies shall be cumulative.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect twenty (20) days after final passage and publication, as required by law.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor