

ORDINANCE NO. 2016-03 (1147)

ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER § 48A OF THE BOROUGH CODE, ENTITLED “PROPERTY MAINTENANCE”, TO PERMIT THE BOROUGH TO DO CORRECTIVE ACTION FOLLOWING NOTICE TO PROPERTY OWNER

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Lavallette, in the County of Ocean, State of New Jersey, as follows:

Deletions are shown by ~~striketrough~~; additions are shown by underline.

SECTION 1. § 48A-5 Sanitation of ARTICLE III: Exterior Property Areas is hereby amended with the addition of the following:

- A. **Order to Remove**. It shall be the duty of any owner or tenant or person in possession of any lands in the Borough to keep such lands free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, and debris. When any Borough inspector or police officer deems it necessary for the preservation of the public health, safety, general welfare or the elimination of a fire hazard or upon investigation of a complaint of any resident, officer or employee of the Borough, she/he may order the owner, tenant or person in possession of any lands to remove the offending brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris within (10) ten days to cause the removal; thereof, if the order is not complied with.

Removal by Borough; Costs established as a Lien. In the event the owner, tenant or person in possession of the lands in question refuses or neglects to abate or remedy the condition complained of within (10) ten days after the receipt of notice, any Borough inspector, Code Enforcement Officer, police officer or special police may cause the condition complained of to be abated and remedied and shall certify the costs; thereof, to the Borough Administrator, who shall examine the certificate and, if found correct, cause the costs as shown thereon to be charged against the lands. The amount so charged shall forthwith, become a lien upon such lands, the same to bear interest at the same rate as property taxes. Costs shall be in addition to any penalties imposed for a violation of this section.

- B. In the event that the order for removal of trash or debris is as a result of the trash or debris being located on the Borough right of way and the owner, tenant, or person in possession of the lands in question refuses or neglects to abate or remedy the

condition complained of within (48) forty-eight hours after the receipt of notice, any Borough inspector, Code Enforcement Officer, police officer or special police officer may cause the condition complained of to be abated and remedied and shall certify the cost thereof, to the Borough Administrator, who shall examine the certificate and, if found correct, cause a lien upon such lands and shall be added to and become and form a part of the taxes next assessed and levied upon such lands, the same to bear interest at the same rate as taxes. Costs shall be in addition to any penalties imposed for a violation of this section.

- C. Violations and penalties. All violations of this section shall be subject to a penalty of up to \$2,000 for each violation of this section and shall constitute a separate violation subject to penalty.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE OF PENDING ORDINANCE

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The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Borough of Lavallette, County of Ocean, State of New Jersey, held on the 6th day of September, 2016. It will be further considered for final passage after the public hearing thereon, at a meeting of said governing body to be held in Council Chambers, 1306 Grand Central Avenue, Lavallette, NJ on the 19th day of September, 2016 at 7pm or soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

A copy of this ordinance has been posted on the bulletin board upon which public notices are being posted in the Administration Office of the Borough Hall located at 1306 Grand Central Avenue during the week prior to and up to and including the date of such meeting; copies of the ordinance are available to the general public of the Borough who shall request such copies, at the office of the Borough Clerk in said Borough of Lavallette, County of Ocean, State of New Jersey.

Donnelly Amico
Municipal Clerk

BOROUGH OF LAVALLETTE

NOTICE

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NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on September 6, 2016. It was further considered for second reading and final passage at a meeting of the Borough Council held on the 19th day of September 2016 at 7:00 pm in the Lavallette Municipal Building, 1306 Grand Central Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on the 19th day of September 2016 and shall take effect upon publication as required.

SEAL

Donnelly Amico, Municipal Clerk

Mayor's Approval:

Walter G. LaCicero, Mayor

September 19, 2016