

Explanation: This ordinance amends Chapter II of the Revised General Ordinances entitled "Administration" by creating subsection 2-40 authorizing the Township to clean-up and place a lien on a property that is deemed to be a public health hazard.

**TOWNSHIP OF WARREN
ORDINANCE NO. 12-12**

**AN ORDINANCE AMENDING CHAPTER II, SECTION I OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WARREN,
ENTITLED "ADMINISTRATION" BY ADDING SUBSECTION 2-40
"UPKEEP OF RESIDENTIAL PROPERTY"**

BE IT ORDAINED, by the Township Committee of the Township of Warren, County of Somerset, State of New Jersey that Chapter II of *The Revised General Ordinances of the Township of Warren* entitled, "Administration" is hereby amended as follows:

SECTION I. Section 2-40 entitled, "Upkeep of Residential Property" is hereby added to *The Revised General Ordinances of the Township of Warren*. The new section shall read as follows:

2-40 UPKEEP OF RESIDENTIAL PROPERTY

2-40.1 Duties of Owners and Tenants.

It shall be the duty of the owner, tenant or person in possession of any lands within the Township:

- a. To keep all brush, hedges or 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 three (3) feet where it shall be necessary and expedient for the preservation of public safety.
- b. To keep the lands free of brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris when the same are inimical to the preservation of public health, safety or general welfare of the Township, or which constitutes a fire hazard.

2-40.2 Notice to Owners and Tenants.

After an investigation of any complaint by a resident, officer or employee of the Township relative to a violation of this section, or upon his own motion, the Health Official or the Zoning Officer or his or her designee shall notify the owner, tenant or person in possession of the lands

complained of to remove such brush, rubbish, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or other debris, within ten (10) days after receipt of the notice. The Health Official or the Zoning Officer or his or her designee shall re-inspect the lands in question after the ten (10) day period. Nuisances not abated will result in the issuance of a citation by the Health Official or the Zoning Officer or his or her designee for either (a) a zoning code violation in accordance with Section 16-27 of *The Revised General Ordinances of the Township of Warren*, or (b) a violation of the general penalty provisions contained in Section 3-21 of *The Revised General Ordinances of the Township of Warren*.

2-40.3 Removal by Township; Emergency Measures; Costs Established as a Lien.

- a. If the owner, tenant, or person in possession of the property in question under subsection 2-40.2 above shall fail to abate the condition complained of within ten (10) days after receipt of notice, the Health Official or the Zoning Officer shall advise the Township Administrator of the conditions of the property, who shall utilize Township personnel or to enter into one or more contracts to abate the conditions. All cleanup costs shall be charged against the property. The amount so charged shall become a lien upon the property and shall be added to and become a part of the taxes next to be assessed and levied upon the property, 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.

- b. In addition to the foregoing, in the event that the Construction Code Official finds that there is an actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure and such Construction Code Official exercises his rights under N.J.A.C. 5:23-2.32, any and all costs associated therewith shall become a lien upon the lands and shall be added to and become a part of the taxes next to be assessed and levied upon the 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.

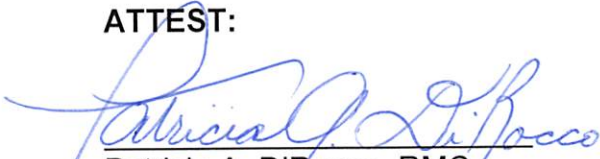
SECTION II. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION III In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Note to Codifier: Deleted provisions indicated by brackets [].
New provision indicated in underline _____.

ATTEST:


Patricia A. DiRocco, RMC
Township Clerk

TOWNSHIP OF WARREN

By: 
Carolann Garafola, Mayor

INTRODUCED May 3, 2012
ADOPTED May 24, 2012
EFFECTIVE May 31, 2012