

ORDINANCE NO. 28-09

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE TOWNSHIP
CODE OF THE TOWNSHIP OF JACKSON, SO AS TO
AMEND CHAPTER 40, ENTITLED “BRUSH, WEEDS,
TRASH AND DEBRIS”**

WHEREAS, the governing body desires to amend the Township Code to include provisions permitting the Township to abate various property nuisances; and

WHEREAS, the Township is permitted to abate such nuisances pursuant to this to N.J.S.A. 40:48-1 et seq.;

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of Jackson, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend and supplement Chapter 40, entitled “Brush, Weeds, Trash and Debris,” which shall read in its entirety as follows:

§ 40-1. Maintenance.

It shall be unlawful for any owner or tenant of any land in this municipality to do any of the following things:

A. Permit such land to be covered with or contain brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, manure, trash, refuse or debris, or any combination of said items, which would either tend to start a fire, increase the intensity of a fire already started when it shall reach said land, cause poisoning or irritation to human beings from the obnoxious growths, or cause or tend to cause an unhealthy or obnoxious condition on said land or adjacent property.

B. Permit such land to be covered with or contain refuse or debris resulting from the construction, demolition or neglect of a building, which refuse or debris has remained on the land for more than 30 days after completion of the construction work, the demolition, or after the loose boards, shingles or other materials have fallen off a building, and where such refuse or debris is inimical to the preservation of the public health, safety or general welfare of the people of Jackson Township, or which refuse or debris may constitute a fire hazard.

C. Permit to be stored or placed on his unenclosed land old lumber, metal, machines or parts of machines, junk, paper, clothes, glass or refuse or any combination of them, which is either a fire hazard, retains stagnant water, emits foul or obnoxious odor or which is dangerous to a person, including a child, being or coming upon said land.

§ 40-2. Height requirement at roadways and intersections.

Where it shall be necessary and expedient for the preservation of the public safety, the owner or tenant of lands lying within the Township of Jackson shall keep and maintain all trees, brush, hedges and other plant life growing within 10 feet of any roadway within the Township of Jackson and within 25 feet of the intersection of any two such roadways, cut to a height of not more than 2 1/2 feet above the ground.

§ 40-3. Failure to comply; violations and penalties.

Any owner or tenant of lands who shall not remove the same or cause the same to be reduced to the condition as set forth in this article within 10 days after receipt of written notice from the Superintendent of Public Works of the Township of Jackson to do so, shall be guilty of a violation of this article and, upon conviction by a court of competent jurisdiction, shall be punished by a fine not to exceed \$500 or imprisonment for a term not to exceed 90 days, or both.

§ 40-4. Removal by township; costs and charges.

In the event that an owner or tenant of lands does not remove or reduce the condition as set forth in this article upon receipt of notice to do so as set forth in § 40-3 of this article, the Superintendent of Public Works of the Township of Jackson may, after the expiration of a period of 10 days from the receipt of such notice by said owner or tenant, cause said condition to be removed or reduced. The Superintendent of Public Works shall then certify the cost of such removal or reduction to the Township Committee, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands and premises or, in the event that such costs are deemed excessive, shall cause the reasonable cost thereof to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and premises and shall be added to and become and form a part of the real estate taxes next to be assessed and levied upon such lands and premises, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

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 portions hereof.

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

Date: _____

MAYOR MICHAEL REINA

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on **September 8, 2009**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 22nd day of September, **2009**, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

ANN MARIE EDEN, RMC
Township Clerk, Township of Jackson

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