

Township of Mahwah

Ordinance No. 1731

Amending Chapter III, Section 3-6 of the Mahwah Township Code
Regulating Brush, Grass, and Weeds and Solid Waste

WHEREAS, the purpose of this ordinance is to amend the Township's ordinances regulating the obnoxious and unhealthy growth of plants, including brush, grass, and weeds, and solid waste, as authorized by N.J.S.A. 40:48-2.13, -2.13a, and -2.14.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

Section 1: Chapter III of the Code of the Township of Mahwah, titled "Police Regulations" is amended to add the following new subsections to Section 3-6 titled "Brush, Grass and Weeds":

§3-6.8. Duties of owners and tenants regarding brush, weeds, debris, and solid waste.

- A. The owner, tenant, and/or other person in possession of any dwelling or lands in the Township will keep the dwelling and/or lands free of brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris, which may constitute a fire hazard or which otherwise are detrimental to the public health, safety, or general welfare.
- B. The owner, tenant, and/or other person in possession of any dwelling or lands in the Township, when it is necessary and expedient for the preservation of the public health, safety, or general welfare, will remove from the dwelling or land and/or to destroy any solid waste stored in such a way that it is accessible to

and likely to be strewn about by animals such as but not limited to dogs, cats, raccoons, birds, or rodents, within 10 days after the owner, tenant, and/or other person in possession has received notice from any officer or enforcement official of the Township of these conditions of the property. If the owner, tenant, or other person in possession fails, refuses, or neglects to correct the condition within the time specified in the notice, then the Township's officers and code enforcement officers may remove and/or destroy the solid waste.

§3-6.9. Notice to remove.

If the construction code official determines, as a result of investigation by any municipal official or employee, that the owner, tenant, or person in possession of any dwelling and/or lands in the Township has failed to comply with §3-6.8(A), he or she will notify in writing the owner, tenant, or person in possession of the dwelling and/or lands to remedy or abate the condition complained of within 10 days after receipt of notice. Notice may be served either personally or by certified mail, return receipt requested, to the person at the last known address shown on the Township's records. The construction code official will reinspect the property in question after the ten-day period has expired, and will determine if the conditions complained of have been abated or removed.

§3-6.10. Removal by Township, lien.

If the owner, tenant, or person in possession of the dwelling or lands has failed or refused to remedy or abate the condition complained of within 10 days after receipt of the notice provided for in §3-6.8(B) and/or §3-6.9, then the construction code official will cause the conditions complained of to be abated or removed by an appropriate municipal official, employee, or contractor. The official, employee, or contractor directed to remedy or abate the condition complained of will keep a record of all costs and expenses incurred in connection with the remedy or abatement, and will certify it to the Township Council, which will

examine the certificate and, if found correct, will cause the cost as shown thereon to be charged against said dwelling or lands; the amount so charged will forthwith become a lien upon such dwelling or lands and will be added to and become and form part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes, and will be collected and enforced by the same officers and in the same manner as taxes. The remedy provided by this section will be in addition to any penalty that may be imposed for a violation of this chapter.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.


Section 4: This ordinance will take effect upon final approval and publication, according to law.

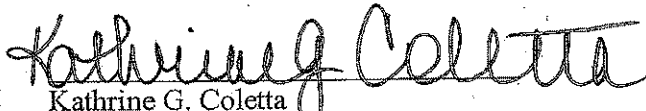
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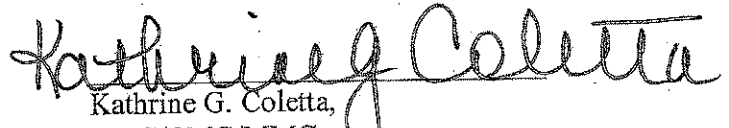
Dated: 11/18/13

Attest


Harry Williams
Council President


Kathrine G. Coletta
Municipal Clerk

I, Kathrine G. Coletta, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council held on the 10th day of October, 2013.


Kathrine G. Coletta,
RMC/CMC/MMC
Municipal Clerk