

TOWNSHIP OF NEW HANOVER
COUNTY OF BURLINGTON

ORDINANCE 2018-5

AN ORDINANCE OF THE TOWNSHIP OF NEW HANOVER
AMENDING AND SUPPLEMENTING CHAPTER 137 ENTITLED "PROPERTY
MAINTENANCE" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF NEW HANOVER
TO INCLUDE SECTION 137-7 ENTITLED "REMOVAL OF TALL GRASS AND
WEEDS"

WHEREAS, the Township Committee of the Township of New Hanover is responsible for promulgating regulations to protect the health, safety and general welfare of its residents and property owners; and

WHEREAS, the Township Committee of the Township of New Hanover recognizes that tall uncultivated grass and weeds on property can create a blighted effect on residential neighborhoods throughout the community and provide refuge for vermin and insects that may negatively impact the health, safety, and welfare of the residents and property owners of the Township of New Hanover; and

WHEREAS, the Township Committee of the Township of New Hanover has determined that regulating the height of tall uncultivated grass and weeds specifically within the Township's residential zones, namely the R-40 and R-25 zones, in which people reside in close proximity, helps secure the public health, safety and welfare of residents and property owners;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of New Hanover, County of Burlington, State of New Jersey, that Chapter 137 is hereby amended as follows:

§ 137-7 "Removal of Tall Grass and Weeds"

(A) Unlawful acts.

It shall be unlawful for any owner or occupant of any land or premises within the R-25 or R-40 zones in the Township of New Hanover to allow any tall uncultivated grass or weeds reach an obnoxious growth thereon when such growth is likely to become a public health, safety or fire hazard or has an adverse effect or impairment of visual or aesthetic scenes or vistas or is a nuisance, annoyance or interference with the

overall enjoyment or general well-being of the public. "Obnoxious growth" shall be defined as excessive overgrowth growth of uncultivated grass or weeds and any other such condition(s) that the Enforcement Officer determines that a property's condition warrants such classification.

(B) Enforcement Officer.

This ordinance shall be enforced by any person that the Township Committee of the Township of New Hanover duly authorizes and designates as the Enforcement Officer.

(C) Notice to owners and occupants.

If any of the unlawful conditions set forth in this Chapter are found to exist after an investigation of any complaint of a resident, officer, or employee of the Township regarding a violation of this Chapter or upon their own initiative, the Enforcement Officer or their designee shall send a Violation Notice either personally or by registered or certified mail to the owner and/or occupant of said property to remove and/or cut any tall uncultivated grass or weeds in violation of this Chapter within 10 days from the date of the notice. Notwithstanding the foregoing, if it shall appear to the Enforcement Officer or his/her designee that a second or subsequent violation of this Chapter has occurred within a six-month period as to the same property, the notice requirements of this Chapter shall not be applicable unless during the six-month period either the legal title to or possession of the property shall have changed. In such instance involving an alleged second or subsequent violation of this Chapter, the Enforcement Officer may issue a notice demanding immediate abatement of the condition and/or issue a summons for the violation of this Chapter without any further notice.

(D) Noncompliance to be lien on land; costs.

Upon the failure of any owner or occupant of land or premises to remove and/or cut any tall uncultivated grass or weeds in violation of this Chapter within ten (10) days of the date of notice, the Enforcement Officer shall have the authority to cause same to be removed, and the cost thereof shall be charged against said lands and premises and become and a lien upon said lands and premises and shall be added to and

become a part of the taxes assessed against said lands and premises, which shall be collected with the taxes next to be assessed and levied upon said lands and premises; and shall both bear interest at the same rate as taxes and be collected and enforced by the same officers and in the same manner as taxes.

- (1) The following costs to be charged and collected against said lands and premises for noncompliance with this Chapter shall include all expenses related to removing and/or cutting tall uncultivated grass or weeds, including equipment usage, transportation, man-hours involved, and any other costs incurred that the Enforcement Officer or Township Committee of the Township of New Hanover have deemed necessary to carry out the requirements of this Chapter.

(E) Opposing or obstructing enforcement officer; penalty.

Whoever opposes, obstructs or otherwise resists any enforcement officer or any person authorized by the enforcement officer or Township Committee of the Township of New Hanover in the discharge of duties as provided under this Chapter shall be punishable as provided in the applicable code(s) or court of competent jurisdiction.

(G) Immunity of enforcement officer

Any enforcement officer or any other person authorized by the Township Committee to enforce the sections herein shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

Section II. Repealer, Severability and Effective Date.

- (A)** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

- (B)** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township

Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

- (C) This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

DATED: TOWNSHIP OF NEW HANOVER

ATTEST: _____
DENNIS ROOHR, MAYOR

Adel Gianaris,
Deputy Township Clerk

Township of New Hanover
Ordinance No. 2018-05

	Moved	Second	Yes	No	Abstained	Absent
Koshak	X		X			
Murphy		X	X			
Peterla			X			
Rigney			X			
Roohr			X			

Township of New Hanover
Ordinance No. 2018-05

	Moved	Second	Yes	No	Abstained	Absent
Koshak						
Murphy						
Peterla						
Rigney						
Roohr						

**TOWNSHIP OF NEW HANOVER
NOTICE OF PENDING ORDINANCE
Ordinance No. 2018-5**

**AN ORDINANCE OF THE TOWNSHIP OF NEW HANOVER
AMENDING AND SUPPLEMENTING CHAPTER 137 ENTITLED "PROPERTY
MAINTENANCE" OF THE TOWNSHIP CODE OF THE TOWNSHIP OF NEW HANOVER
TO INCLUDE SECTION 137-7 ENTITLED "REMOVAL OF TALL GRASS AND
WEEDS"**

Take Notice that the Ordinance identified above, which regulates tall uncultivated grass and weeds on lands and premises with the R-40 and R-25 zones in the Township of New Hanover, has been adopted on first reading by the Township Committee of the Township of New Hanover, County of Burlington, State of New Jersey, held on May 10, 2018. It will be considered for final passage after public hearing to be held on June 12, 2018, at 7:00 P.M. in the Town Hall located at 2 Hockamick Road, Cookstown, New Jersey.

The Ordinance will take effect immediately upon adoption and publication as required by law.

Copies of the full ordinance are on file with the Township Clerk of the Township of New Hanover in the Town Hall. Copies may be obtained free of charge on request and a copy is posted on the municipal bulletin board in the Town Hall at 2 Hockamick Road, Cookstown, New Jersey.