

ORDINANCE NO. 2417

AN ORDINANCE AMENDING CHAPTER XIX, “PROPERTY MAINTENANCE” SECTIONS 4.3 AND 4.7 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “PROHIBITED VEGETATION” AND “VIOLATIONS AND PENALTIES”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey as follows:

SECTION 1: 19-4.3 Prohibited Vegetation.

a. It shall be unlawful for any owner, lessee or occupant of any lot or land to permit or maintain on such lot or land or the curbline of any street any growth of weeds, grass or brush to height of twelve (12) inches or more.

b. *Enforcement; Serving of Notice; Failure to Comply.*

1. If an above-described condition exists on a property, the Deputy Property Maintenance Enforcement Official shall issue a notice to remedy the same. The notice shall be in writing and shall be served upon a resident owner, lessee or occupant personally or by leaving the notice at the resident's usual place of abode. Service upon a nonresident shall be by mail to his or her last known address as shown by the tax records.

2. In the event that the owner, lessee or occupant of the subject property fails to correct the above-described conditions within five (5) days after service of the notice, the Deputy Property Maintenance Enforcement Official may request the Borough Department of Public Works to perform the necessary work. The Deputy Property Maintenance Enforcement Official and/or the Department of Public Works shall cause the cost of such work to be charged against and become a charge and lien upon the property. The fee schedule for mowing of residential properties is as follows:

<i>Square Footage</i>	<i>Cost</i>
0 to 5,000	\$150.00
5,001 to 7,500	\$250.00
7,501 to 10,000	\$350.00
Above 10,000	\$450.00

3. No additional warning, either in writing or verbally, shall be given for subsequent violations.

~~e. *Deputy Property Maintenance Official.*~~

~~1. There is hereby created within the Borough of Roselle Park the position of Deputy Property Maintenance Enforcement Official who shall be responsible for the~~

~~enforcement of subsection 19-4.3a. The appointment of this position shall be made biannually by the Board of Health.~~

~~— 2. — Compensation. The Deputy Property Maintenance Enforcement Official shall receive as compensation an annual stipend which shall be set by the Board of Health.~~

~~d. — Violations and Penalties. Any person violating this section shall be punishable by a fine of not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars. Each day that the violation continues shall constitute a separate offense. (1980 Code §231-3; Ord. No. 2306)~~

19-4.4 Unguarded Excavations Prohibited.

It shall be unlawful for any owner, lessee or occupant of any lot to maintain thereon any unguarded excavation or any excavation in which water may become stagnant and continue such condition in excess of ten (10) days after service of the notice hereinafter provided in subsection 19-4.5. (1980 Code § 231-4)

19-4.5 Notice to Remove; Failure of Compliance.

In the event that the owner lessee or occupant of lands fails to remove the substances or conditions prescribed in subsection 19-4.2, 19-4.3 and 19-4.4 above within ten (10) days after notice to remove or remedy the same, the Board of Health may cause the same to be done. The Superintendent of Public Works and the Board of Health shall cause such cost to be charged against and become a charge and lien upon such real estate. The notice herein provided for shall be in writing and shall be served upon a resident of the Borough of Roselle Park by mailing to his last known address as shown by the tax records. This remedy is additional to the penalties hereinafter provided. (1980 Code § 231-5)

19-4.6 Enforcement.

It shall be the duty of the Health Officer of the Board of Health of the Borough of Roselle Park to enforce the provisions of this chapter. (1980 Code § 231-6)

19-4.7 Violations and Penalties.

Any person violating any provision of this section shall be punished by a fine of not less than ~~twenty five (\$25.00)~~ **fifty (\$50.00)** dollars or more than five hundred (\$500.00) dollars ~~and a fine of no less than twenty five (\$25.00) dollars and no more than five hundred (\$500.00) dollars~~ for each day in which the violation continues, constituting separate offenses. (1980 Code § 231-7; Ord. No. 2198)

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: September 18, 2014

Adopted:

Mayor

Attest: _____
Borough Clerk