

Chapter 110

BRUSH, GRASS, WEEDS AND OTHER DEBRIS

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wood-Ridge 12-26-75 by Ord. No. 700 as Sections 3-5 and 3-6 of Chapter III of the 1975 Revised General Ordinances of the Borough of Wood-Ridge. Sections 110-6A and 110-7A amended and § 110-8 added at time of adoption of Code; see Ch. 1, General Provisions, Art. III. Other amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. II.
Board of Health — See Ch. 37.
Property maintenance — See Ch. 198.

§ 110-1. Statement of findings.

The presence upon lands lying within the boundary limits of the borough of ragweed, poison ivy, poison oak, poison sumach or other noxious or poisonous weeds or vegetation, tent caterpillars and loathsome and obnoxious insects, vermin, rodents, brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash

and debris is hereby decreed to be detrimental to the public health, safety and general welfare.

§ 110-2. Removal from premises required upon notice to do so.

The owner or any other person in possession of or having dominion and control over lands lying within the corporate limits of the borough, is hereby required to remove or cause to be removed from such lands any ragweed, poison ivy, poison oak, poison sumach or other noxious or poisonous weeds or vegetation, tent caterpillars and other loathsome and obnoxious insects, vermin, rodents, brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris within ten (10) days after receipt of a written notice from the Board of Health to do so.

§ 110-3. Service of notice; contents; lien.

- A. The notice required in § 110-2 shall be given by the Board of Health and may be served upon any owner, either personally or by registered mail, at the address appearing upon the records of the Tax Collector, or on any other person in possession of or having dominion and control over the land, either personally or by registered mail, but if the whereabouts of such person is unknown, and the same cannot be ascertained by the Board of Health in the exercise of reasonable diligence, then by posting a copy of such notice in a conspicuous place upon the premises thereby affected.
- B. The notice shall afford a period of ten (10) days from the date of service of such notice within which the required removal or destruction shall be accomplished, and the service of such notice shall be deemed to have been effected on the date when personally served, when placed in the United States mails, as hereinabove provided, or when posted in a conspicuous place on the premises, as aforesaid. Every such notice shall, in addition to requiring the removal or destruction aforesaid, warn the owner of the land to which the notice refers, or any other person in possession of or having dominion and control over such land, that failure to accomplish such removal or destruc-

tion within the time stated therein will result in removal or destruction by or under the direction of the Board of Health and that the cost of such removal or destruction shall be charged to the owner, or other person in possession of or having dominion and control over such lands, and shall be payable to the borough within thirty (30) days after the date of submission of the charges.

- C. The cost aforementioned shall become a lien upon the lands under and by virtue of the authority of N.J.S.A. 40:48-2-14.

§ 110-4. Action upon noncompliance.

Whenever the owner or any other person in possession of or having dominion and control over such lands within the borough, receiving the notice provided for by § 110-3, shall fail and neglect, within the time prescribed in the notice, to effect the removal or destruction as therein required, such failure and neglect shall be certified by the Board of Health to the Mayor and Council. Thereafter, the removal or destruction shall be accomplished by or under the direction of the Mayor and Council. An accurate record of the costs of such removal or destruction shall be certified to the Mayor and Council, who shall examine such certification and, if found correct, shall cause the costs as shown thereon to be certified to the Tax Collector and charged against the land. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and be collected and enforced by the same officers and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this chapter.

§ 110-5. Obstruction of streets and sidewalks prohibited.

It shall be unlawful for any owner, lessee or occupant having control of any occupied or unoccupied lot or land, or any part thereof, in the borough, or for his agent, servant, representative or employee, to maintain any grass, weeds or other vegetation in such a manner as to encroach upon any sidewalk or street or interfere with the free and unobstructed passage of persons upon the sidewalks or streets.

§ 110-6. Cutting or removal of vegetation required upon notice to do so.

- A. It shall be the duty of any owner, lessee or occupant having control of any occupied or unoccupied lot or land, or any part thereof, within the borough, or his agent, servant, representative or employee, to cut and remove or cause to be cut and removed or otherwise destroyed all grass, weeds or other vegetation when it has attained a greater height than eight (8) inches on the average, within five (5) days after receiving notice to do so from the Board of Health. Such notice may be effected by personal service or by registered mail, return receipt requested. The redelivery by proper postal official authorities of the return receipt bearing signature of the addressee shall be presumed to be proof of such notice. **[Amended 10-20-1986 by Ord. No. 86-16; 2-20-1996 by Ord. No. 96-1]**
- B. Hedges and shrubbery shall be neatly trimmed on all properties.

§ 110-7. Action upon noncompliance.

- A. Should the person upon whom such notice is served fail, neglect or refuse to cut and remove or cause to be cut and removed or otherwise destroyed such grass, weeds or other vegetation as hereinbefore described within five (5) days after the service of such notice, the borough may

cause such grass, weeds or other vegetation to be cut and removed. The actual cost of such cutting and removal shall be certified by the Board of Health to the collector and shall thereupon be a lien on the property on which such grass, weeds or other vegetation was located, shall be added to and form part of the taxes next to be assessed on the lot or tract of land and shall be collected and enforced by the same office and in the same manner as taxes. **[Amended 10-20-1986 by Ord. No. 86-16]**

- B. The imposition and collection of any fine or penalty imposed for a violation of §§ 110-5, 110-6 and 110-7 of this chapter shall not constitute a bar to the right of the borough to collect the costs as certified for the cutting and removal of grass, weeds or other vegetation in the manner herein authorized.

§ 110-8. Violations and penalties. [Added 10-20-1986 by Ord. No. 86-16]

Any violation of the provisions of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article II.