

BOROUGH OF HAMPTON
HUNTERDON COUNTY, NEW JERSEY

ORDINANCE NO.04-19

AN ORDINANCE ADDING CHAPTER 99 ENTITLED "BRUSH GRASS AND WEEDS"
TO THE CODE OF THE BOROUGH OF HAMPTON

WHEREAS, the Borough of Hampton hereby finds that tall grass and weeds can have a blighting effect on neighborhoods and can provide a refuge for vermin and insects; and

WHEREAS, the purpose of this ordinance is to secure the public health, safety and general welfare of the residents and property owners of the Borough of Hampton by regulating the height of grass and weeds.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Hampton, the County of Hunterdon, that Chapter 99 entitled "Brush, Grass, and Weeds" of the Code of the Borough of Hampton ("Code") is hereby added as follows:

SECTION 1. Chapter 99 of the Code of the Borough of Hampton entitled "Brush, Grass, and Weeds" is hereby added as follows:

§ 99 -1 Definitions

GRASS - any type of grass or weed, but not including crops grown as a source of income, including but not limited to corn, oats or barley.

NOXIOUS PLANT OR WEED - Any plant likely to have an adverse effect on the health or comfort of human beings, including but not limited to ragweed, goldenrod, poison oak, poison ivy, and sumac (poisonous and nonpoisonous).

WEEDS - grasses, annual plants and vegetation, other than trees or shrubs, provided however, that this term shall not include cultivated flowers, vegetables, and gardens.

§ 99-2 Exceptions

This chapter shall not apply to:

A. Land used for agricultural purposes including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.

B. Naturally wooded areas, regulated wetlands or meadows.

C. Areas designated as undeveloped open space.

§ 99-3 Prohibited Conditions

A. Grass and weeds over ten inches.

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof, in the Borough, to permit or maintain on any lot or land or on or along the sidewalk, street or alley adjacent to the same any growth of grass, weeds or any other vegetation to a greater height than ten inches in any part or portion of said lot or land, or any accumulation of weeds, grass or brush.

B. Poisonous or noxious plants.

It shall be unlawful for owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof, in the Borough, to cause, suffer or allow poison ivy, ragweed or other poisonous and noxious plant or plants detrimental to health to grow on any lot or land or along the sidewalk, street, or alley adjacent to the same, or allow the seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

C. Obstruction of public property or right-of-way

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof, in the Borough, to cause, suffer, or allow vegetation to overhang or grow onto or into any public property or right-of-way, including, but not limited to any public alley, land, sidewalk, or street, so as to cause an obstruction to any person or vehicle using such property or right-of-way.

D. Dead, decaying, or diseased trees or vegetation.

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof, in the Borough, to cause, suffer, or allow dead, decayed, or diseased trees or other vegetation to be present on any land or lot where such constitutes a fire hazard or is a detriment to the public health, safety, or welfare.

§ 99-4 Enforcement

A. This Ordinance shall be enforced by the Borough Code Enforcement Officer, Zoning Officer, Police Officers, or their designees.

§ 99-5 Violations, Penalties

- A. Notice of First Offense. Any person violating the provisions of this Chapter, shall be served with a notice to abate the condition within ten (10) calendar days. Failure to abate such condition shall result in the issuance of summonses and the imposition of fines.
- B. For a second violation of this Chapter within one year, any person shall, upon conviction, pay a fine or penalty in the sum of \$25 plus applicable court costs.
- C. For a third or subsequent violation of this Chapter within one year, any person shall, upon conviction thereof, pay a fine or penalty as follows: for a third offense within one year, the sum of up to \$50 plus court costs; for a fourth offense within one year, the sum of up to \$300 plus court costs; for all subsequent offenses within one year, the sum of up to \$500 plus court costs.
- D. Each day that violations continue shall constitute a separate offense, each day to be measured from the date the notice was received until the date the violation is corrected.
- E. All notices required pursuant to this Chapter shall be served within any twelve-month period and this notice shall remain valid for the ensuing twelve-month period as notice for any subsequent violations. Such notices issued under this Chapter may be served personally or by Certified Mail.
- F. The imposition and collection of the fine or penalty imposed by the provisions of this Chapter shall not constitute any bar to the right of the Borough to place a lien on the subject property pursuant to Section 99-6 hereunder.

§ 99-6 Removal by Borough; cost to be lien on the property.

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, rank vegetation, dead weeds, grass or brush, poison ivy or other poisonous or noxious plant or plants as hereinbefore described within 10 days after the service of such notice, the Borough may cause such grass, weeds or vegetation to be cut and removed. The actual cost of such cutting and removal shall be certified by the Code Enforcement Officer to the collector of taxes and shall become a lien on the property on which such grass, weeds, vegetation or poisonous plants were located and shall be added to and form part of the taxes next to be assessed on said lot or tract of land and shall be collected and enforced by the same office and in the same manner as taxes. The property in violation will be assessed a fee of \$100.00 per cutting and removal of items described in this paragraph.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this

Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

James J. Cregar, Mayor

ATTEST: _____
Linda Leidner, RMC
Deputy Municipal Clerk

Reintroduced: September 9, 2019
Advertised: September 19, 2019

Public Hearing and Adoption: October 14, 2019
Advertised: October 24, 2019