

**ORDINANCE
#2012-07**

**ORDINANCE OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AMENDING
AND SUPPLEMENTING CHAPTER III (POLICE REGULATIONS), SECTION 3-2 ENTITLED, “BRUSH,
GRASS AND WEEDS” TO INCLUDE “EMERGENT REPAIRS”**

BE IT ORDAINED by the Borough Council of the Borough of Beachwood, County of Ocean, and State of New Jersey, as follows:

Section 1. Section 3-2.1 entitled, “Accumulation of Brush, Weeds and Trash Prohibited”, Section 3-2.2 entitled, “Violations and Penalties”, and Section 3-2.3 entitled, “Notice to Remove; Removal by Borough; Costs a Lien” are hereby deleted and in their place instead the following shall be inserted:

“Section 3-2.1, Accumulation of Brush, Weeds and Trash Prohibited.

It shall be unlawful for any owner or owners, occupant or occupants, tenant or tenants of any lot or tract of land situate within the Borough to permit or maintain on any such lot or tract of land any brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris injurious to the public health, safety and general welfare or where the same shall tend to create a fire hazard. Grass or weeds in excess of 8 inches in height shall be considered a violation of the within Section and Ordinance.

3-2.2 Violations and Penalties.

Any owner or owners, occupant or occupants, tenant or tenants who shall neglect to cut and remove or otherwise destroy such brush, grass, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris as directed by this Section shall, upon conviction thereof, be subject, for each offense, to the General Penalty as established in Chapter I, Section 1-5.

3-2.3 Notice to Remove; Removal by Borough; Costs a Lien. The Borough Code Enforcement Officer or his or her designee may at any time he or she believes there was a violation of the within provisions shall give notice to the owner or owners, occupant or occupants, tenant or tenants to cut and remove or otherwise destroy any such brush, weeds, grass, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris within ten (10) days after notice to remove the same has been received from the Borough, which notice may be effected by personal service, by regular mail, by certified or registered mail, return receipt requested. Thereafter, the Borough shall cause the same to be removed under the direction of the Code Enforcement Officer or the designee or any other duly authorized individual of the Borough; and such officer shall certify the costs thereof to the Borough Council, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against the land and premises; and the cost shall be added to and become and form a part of the taxes next to be assessed and levied upon the land, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.”

Section 2. Section 3-2 of the Code of the Borough of Beachwood is hereby supplemented to include the following:

Section 3-2.5 Emergent Repairs.

At any time the Code Enforcement Officer, his designee or a law enforcement officer of the Borough determines that an emergent situation exists which presents a condition which could cause serious or life threatening injury or death said official shall request immediate securing or repairing to alleviate said condition. Thereafter, said officer shall certify the cost thereof to the Borough Council, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against the land and premises; and the cost shall be added to and become and form a part of the taxes next to be assessed and levied upon the land, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

Section 3-2.6 Violations and Penalties.

The owner or owners, occupant or occupants, tenant or tenants responsible for causing said emergent situation shall, in addition to the above referenced costs, be subject, upon conviction, to the General Penalty as established in Chapter I, Section 1-5.”

Section 3. Section 3-2 of the Code of the Borough of Beachwood is hereby supplemented to include the following:

Section 3-2.7 Control of Invasive Plants

- a. Purpose. The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.
- b. Definition. Invasive plants and all native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.
- c. All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident’s property is a violation of this chapter.
- d. All places and premises in the Borough of Beachwood shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Borough of Beachwood. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.
- e. Violations and Penalties.
 - (i) Whenever an invasive plant as defined by this chapter is found on any plot of land, lot or any other premises or place, a violation shall be given to the owner, in writing, to remove or abate the same within such time as shall be specified therein. (recommend time in years – due to difficulty of removing bamboo)
 - (ii) The cost of abatement shall be borne by the property owner.
 - (iii) If the owner fails to comply with such notice within the time specified therein, the enforcing official may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plant removal.

Section 4. If the provisions of any subsection paragraph, subdivision or clause of this Section shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any subsection, paragraph, subdivision or clause of this Section.

Section 5. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

Section 6. This Ordinance shall take effect immediately.

NOTICE OF FINAL PASSAGE & ADOPTION

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Beachwood, in the County of Ocean, held on the 3rd day of October, 2012 and was further considered for second reading , public discussion and final passage at a regular meeting of said governing body to be held on the 17th day of October , 2012 at 7:00 p.m. at the Beachwood Municipal Complex, 1600 Pinewald Road, Beachwood, New Jersey at which time and place any person desiring to be heard on same was given an opportunity to be so heard.

ELIZABETH A. MASTROPASQUA, RMC/CMC
Municipal Clerk