

**ORDINANCE #31-09**

**ORDINANCE AMENDING CHAPTER 367, SECTION 302, OF  
THE JEFFERSON TOWNSHIP MUNICIPAL CODE  
ENTITLED “PROPERTY MAINTENANCE”**

**BE IT ORDAINED** by the Township Council of the Township of Jefferson, Morris County, State of New Jersey that Chapter 367 of the Jefferson County Municipal Code, entitled “Property Maintenance” is hereby amended as follows:

**Section I**

By amending Section 367-2, entitled “Amendments to standards,” by adding the following Sections:

- I.** There is hereby created in the Property Maintenance Code, Section 302.10 to read as follows:

**302.10. Trees and Other Overhanging Objects.** The exterior of the premises, up to the public traveled way or curblineline, shall be kept free of dangerously loose and overhanging objects, including but not limited to, dead trees or tree limbs, or any object, natural or man-made, which could threaten the health and safety of persons if caused to fall or other similar dangerously loose and overhanging objects, which, by reason of their location above ground level, constitute an actual hazard to persons or vehicles in the vicinity thereof.

- J.** There is hereby created in the Property Maintenance Code, Section 302.11 to read as follows:

**302.11. Structures and Trees Within The Public Right of Way.** Any structure or tree existing in the Public Right of Way fronting any private property, which shall include, but not be limited to, trees, landscaping materials, walls and sports equipment, shall be maintained by the Owner of the property fronting on that portion of the Public Right of Way. The property owner, at the Owner’s sole cost and expense, shall remove any such structures or materials, if deemed a hazard by the Township Department of Public Works or the Township Police Department. Any trees or landscaping material within the Public Right of Way, which shall be deemed to be hazardous by the Department of Public Works or the Township Forester, whether the entire tree shall be deemed hazardous or just overhanging limbs or any portion of trees, shall be removed at the direction of the Department of Public Works or the Township Forester by the Owner of the property adjacent to the Public Right of Way on which the object or objects are located. Said removal, trimming or other work on the material shall be at the sole cost of the Owner of the property and the Owner shall remain liable for any risk posed by said structures. Notwithstanding the language herein, in the event that any trees located in the Rights of Way that are 16” or more in diameter, at a height of 54”

from the ground level, and were not planted and/or maintained by the property owner fronting the aforementioned Rights of Way, or planted as part of a development landscaping plan, shall not be subject to the requirements of this Ordinance, but shall be maintained, pruned or removed by the Township, without any cost or expense to the property owner.

**Section II**

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

**Section III**

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

**Section IV**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**ATTEST:**

**COUNCIL OF THE TOWNSHIP  
OF JEFFERSON**

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**Maria Pivrotto, Deputy Clerk**

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**Brooke Hardy, Council Vice President**

Dated: September 23, 2009

Adopted: October 7, 2009

**RUSSELL W. FELTER, MAYOR**

\_\_\_\_\_  
DATE AND TIME PRESENTED TO MAYOR FOR SIGNATURE:

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**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed by the Township Council on the first reading at a meeting of the Township Council of the Township of Jefferson, held on the 23rd day of September, 2009, and will be considered for a second reading and final passage at a regular meeting of the Township Council to be held on the 7th day of October, 2009, at 7:30 p.m., at the Municipal Building, located at 1033 Weldon Road, Lake Hopatcong, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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**Maria Pivrotto, Deputy Clerk  
Township of Jefferson**

**CERTIFICATION**

I, MARIA PIVIROTTTO, Deputy Clerk of the Township of Jefferson, do hereby certify that the Township of Jefferson Council duly adopted the foregoing Ordinance on the 7th day of October, 2009.

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**Maria Pivrotto, Deputy Clerk  
Township of Jefferson**