

ORDINANCE NO. 2024-13

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26 HOUSING AND PROPERTY MAINTENANCE STANDARDS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING SECTION 2.9.8

SECTION I. 26-2.9.8 Removal or Destruction of Brush, Weeds, Debris, etc., Constituting Fire Hazard or Injurious to Public Health or Safety from Lands; Fines.

If the Director of Code Enforcement determines it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, to remove from such lands or dwelling or destroy brush, weeds, including ragweed, dead and dying trees, stumps, roots obnoxious growths, filth, garbage, trash and debris; he shall serve a notice upon the owner of and parties in interest in such dwelling or lands within the Borough of Belmar requiring the removal or destruction of the same.

Notices issued by the Director of Code Enforcement pursuant to this section shall be served upon persons either personally, by first class mail, or by e-mail ~~or by registered mail~~, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Director of Code Enforcement in the exercise of reasonable diligence, then the Director of Code Enforcement shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the Borough of Belmar, or, in the absence of such newspaper, in one printed and published in Monmouth County and circulating in the Borough of Belmar.

The owner of the dwelling or lands shall be required to have 10 days after service of the notice to remove or destroy the same by the date provided in the notice. If the owner shall have refused or neglected to remove or destroy same in the manner and within the time provided above, the Director of Code Enforcement shall notify the Department of Public Works, who shall remove or destroy the same. If, due to the size or nature of the remediation, the Department of Public Works is unable to remediate the dwelling or lands the Director of Code Enforcement may contract for the removal or demolition thereof after advertisement for, and receipt of, bids therefore pursuant to the provisions of the "Local Public Contracts Law," P.L. 1971, c. 198, (N.J.S.A. 40A:11-1 et seq.), unless the action is necessary to prevent imminent danger to life, limb or property.

In addition to any other penalty for failure to maintain the dwelling or lands, the owner shall be subject to a fine in the amount of \$500 for refusing or neglecting to remove or destroy same in accordance with the notice of the Director of Code Enforcement. In all cases where brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris are destroyed or removed from any dwelling or lands by or under the direction of the Director of Code Enforcement, he shall certify the cost thereof to the Mayor and Borough Council, which shall examine the certificate, and if found correct shall cause the cost as shown thereon to be charged against said dwelling or lands; the amount so charged shall forthwith become a lien upon such dwelling or lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such dwelling or lands, 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 II. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of the Ordinance shall be deemed valid and effective.

SECTION III. All Ordinances or parts of ordinances inconsistent with or in conflict with the ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoptions and publication according to law.