

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 24-18

1st Reading 7-23-24 Date to Mayor 8-14-24

2nd Reading & Public Hearing 8-13-24 Date Returned 8-14-24

Date Adopted: 8-13-24 Date Resubmitted to Council _____
Approved as to Form of Legality

Effective Date: 9-8-24 Township Attorney _____

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 110 BRUSH, GRASS AND WEEDS, ALLOWING LIENS AGAINST PROPERTIES FOR COST OF PROPERTY MAINTENANCE

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Keyes-Maloney	X					X
Schroth	X				X	
Steward	X					
Wollert	X					
Baxter	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Keyes-Maloney	X				X	
Schroth	X					
Steward	X					
Wollert	X					X
Baxter	X					

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

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ORDINANCE NO. 24-18

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 110 BRUSH, GRASS AND WEEDS, ALLOWING LIENS AGAINST PROPERTIES FOR COST OF PROPERTY MAINTENANCE

WHEREAS, the Township of Ewing (“Township”) is empowered to promote the health, safety, and general welfare of its citizenry; and

WHEREAS, pursuant to N.J.S.A. 40:48 et seq., the Township is authorized to enact ordinances for the maintenance of lawns, weeds, trees, brush, leaves, etc. in order to deter pests and promote the general welfare of the Township’s residents; and

WHEREAS, pursuant to N.J.S.A. 40:48 et seq., including N.J.S.A. 40:48-2.14, the Township is authorized to cause to be removed those weeds, trees, brush, garbage and/or order the maintenance of a lawn if the property owner refuses to do so, and to recover those costs from the property owner; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.14 the costs incurred by the Township, including any applicable administrative fee, may be added to the taxes next to be assessed and levied upon the property in question in the form of a municipal lien; and

WHEREAS, the Tax Collector is best suited place an estimated lien on the property at issue and certify the actual costs before the Council of the Township of Ewing; and

WHEREAS, the Township has an interest in expeditiously placing municipal liens on properties for the maintenance costs as the burden of unpaid costs is born by the Township and thus, the taxpayers and timely placement of liens serves to place all interested parties, including buyers and sellers, on notice of such liens; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 110, BRUSH, GRASS AND WEEDS, is hereby amended as follows:

§ 110-3 Cost of removal.

- A. Notice requiring compliance with the above provisions shall be sent by the Board of Health, Health Official of the Township of Ewing, by the Construction Official or by the Chief of Police or their designee by registered mail to the last known address of the owner or tenant of the land in question. Such notice shall state the acts to be performed by such owner or tenant, as well as the administrative fee and penalty for failure to comply with such notice.
- B. If the owner or tenant to whom notice is sent neglects or refuses to comply with such notice within 10 days of receipt of the same, the Board of Health, Health Official of the Township of Ewing, the Construction Official or the Chief of Police or their designee shall arrange to perform the acts required by the notice at the cost of the Township.
- C. Whenever an owner or tenant of lands neglects or refuses to remove or abate grass or weeds in excess of six inches as prescribed in such notice and within the time specified therein but not less than three days following of receipt of the same, the Board of Health, Health Official of the Township of Ewing, the Construction Official or the Chief of Police or their designee shall arrange to perform the acts required by the notice at the cost of the Township.

D. Following the arrangement and execution of the acts outlined in said notice, the Tax Collector ~~Assessor~~ may place an estimated lien on the property at issue, subject to adjustment by the Township Council in accordance with the procedures outlined in Section (E) below. The estimated lien(s) shall be in the following amounts:

- (1) Lawn cutting - \$200
- (2) Property clean-up - \$1,000
- (3) Boarding up of a building- \$2,500
- (4) Structural repairs - \$5,000
- (5) Demolition - \$35,000
- (6) Pest control - \$500

E. Upon receipt of an invoice from the contractor(s), the Tax Collector ~~Assessor~~ or other official shall certify the actual cost of the work performed and the administrative fee assessed by the Township to the Township Council, which shall examine the certificate and shall cause the actual costs as shown thereon and any administrative fee assessed to be charged against said lands, retroactively, adjusting the amount of the estimated lien accordingly. Such costs and administrative fee shall be added to the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and to be collected and enforced by the Tax Collector and in the same manner as taxes.

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.