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ORDINANCE: 2023-030

**BOROUGH OF HIGH BRIDGE
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**APPROVING THE AMENDMENT TO CHAPTER 275 PROPERTY MAINTENANCE
TO ESTABLISH ARTICLE III MAINTENANCE OF RIGHT OF WAY OF THE
BOROUGH CODE**

WHEREAS, the Borough has an established Borough Code for property maintenance to include general requirements; and

WHEREAS, the Borough wishes to provide clarification regarding the responsibility for private property owners for land within the municipal right of way; and

WHEREAS, the Borough is hereby amending the Borough Code, Chapter 275 Property Maintenance to establish Article III Maintenance of Right of Way.

Chapter 275 Property Maintenance

Article III Maintenance of Right of Way

§ 275-15. Duties of Property Owner.

It shall be the duty of the owner of any lands in the Borough of High Bridge to:

- A. Maintain and keep living trees and or shrubbery in the road right of way or trees which threaten the road right of way of any road in the Borough in a manner so as to keep the right of way safe to preserve the public health, safety and general welfare and to remove dead or dying trees and/or branches. Ornamental grass and other similar plants, unless otherwise regulated under another chapter, shall be considered shrubbery for the purpose of this Section.
- B. Maintain and keep the right of way free of garbage, trash and other debris for the purpose of preserving the public health, safety, and general welfare of the public.

- C. On and after the effective date of this article, no structures, fences, or obstructions shall be placed in the road right of way. No shrubbery or tress that will be placed in the right of way shall interfere with the sight distance from any property and/or under utility lines. The foregoing shall not be deemed to prohibit the placement of mailboxes and house numbers in the right of way.
- D. Existing trees and shrubbery shall be maintained so as not to interfere with the sight distance from any property and to keep the right of way safe to preserve the public health, safety, and general welfare.

§ 275-16. Notice of violating conditions.

If any condition exists that violates this article, the Borough Zoning Officer or Department of Public Works shall notify the owner of the property of such condition or conditions, in writing, by regular mail or personal delivery. The owner of the property shall have 45 days from the date of this written notice to take corrective action bringing the property in to compliance as noticed. The Zoning Officer or Department of Public Works shall reinspect the property in question after the forty-five (45) day period has expired to determine if the condition(s) have been abated or remedied.

§ 275-17. Failure to abate or remediate conditions.

If the owner of the lands in question fails to abate or remediate the condition or conditions noticed by Zoning Officer or Department of Public Works within 45 days, the following shall occur:

- A. A complaint shall be issued by the Zoning Officer or the Department of Public Works for the violation(s) of this article, which such complaint shall be brought before the High Bridge Borough Municipal Court.
- B. If it is necessary to preserve the public health, safety, or general welfare of the Borough the Zoning Officer or Department of Public Works shall cause the condition(s) provided in such complaint to be abated or remedied and shall certify the cost of abatement or remediation to the Borough Council. The amount of such abatement or remediation shall be paid within ten (10) days of the date of the mailing by which the invoice is sent to the aforesaid person.

§ 275-18. Violations and penalties.

For each day the condition or conditions complained of condition to exist after the forty-five (45) period has expired, the owner in possession shall be subject to one or more of the following: a fine of not less than \$20 nor more than \$200, imprisonment for a period not to exceed 90 days or a period of community service not to exceed 90 days for each and every day the condition(s) exist.

Severability: The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Repealer: Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.