

**TOWNSHIP OF HILLSIDE
COUNTY OF UNION, STATE OF NEW JERSEY**

ORDINANCE NUMBER O-16-12

**ORDINANCE AMENDING THE TOWNSHIP OF HILLSIDE TOWNSHIP CODE AT
CHAPTER 261 "COLLECTION; VEHICLE AND TIRE STORAGE; WEEDS;
LITTERING", ARTICLE I, AT SECTION 261.**

WHEREAS, the Township Council has considered the implementation of certain amendments to the Township Code in order to safety and cleanliness of the Township.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Hillside, in the County of Union, as follows:

1. Article I be and is hereby amended at §261.26 only, as set forth herein below:

§261-26. Removal and clearance of solid waste by Township.

A. The Health Department or duly designated agent is authorized and empowered to notify the owner of any lands or the person in possession or the tenant or agent of such owner prior to removal by the Township to dispose properly of solid waste, garbage or litter, high weeds, grass or brush located on such property. Notice shall be by registered or certified mail, addressed to said tenant or owner or his agent at the last known address or served personally upon said tenant, owner or his agent and upon posting said notice upon the land, if unable to effectuate service.

B. If the owner fails to dispose properly of solid waste, garbage or litter, high weeds, grass or brush located on such property within ten (10) days after service of first written notice to do so, or within ten (10) days after the date of such notice in the event that it is returned to the Township by the post office because of inability to make delivery thereof, provided that the notice was properly addressed to the last known address of the tenant, owner or agent, the Department of Public Works or its duly designated agent is authorized and empowered to pay for disposing of such material or to order its disposal by the Township. Upon service of second, or subsequent, written notice the owner shall have 48 hours to dispose properly of solid waste, garbage or litter, high weeds, grass or brush located on such property provided that the notice was properly addressed to the last known address of the tenant, owner or agent, the Department of Public Works or its duly designated agent is authorized and empowered to pay for disposing of such material or to order its disposal by the Township.

C. When the Township has effected the removal of the material or has paid for its removal, the actual cost thereof shall, unless paid by the owner prior thereto, be charged to the owner of the property on the next regular tax bill forwarded to the owner by the Township. The charge shall be due and payable by the owner at the time established for payment of the tax bill.

D. Where the full amount due the Township is not paid by the owner within 30 days after the disposal of such material, then and in that event the Department of Public Works or its duly designated agent shall cause to be recorded in the Office of the Tax Collector a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court and counsel fees, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and shall be subject to a delinquent penalty at the same rate of taxes in the event that they are not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

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2. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, void, or ineffective for any cause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

3. This Ordinance is not meant to repeal any provisions of the Code, other than those specified herein above, but to add to its requirements, and all Ordinances or parts thereof inconsistent or in conflict with the provisions of this Ordinance are repealed only to the extent of such inconsistency or conflict.

This Ordinance shall take effect 20 days after final passage and publication as provided by law.

INTRODUCTION: September 20, 2016

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Alston	X				
X		Freedman	X				
		Mobley	X				
		Murray	X				
		Whitaker	X				
	X	Hyatt	X				
		DeAugustine	X				

PUBLIC HEARING: October 19, 2016

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
		Alston	X				
		Freedman	X				
		Mobley	X				
	X	Murray	X				
		Whitaker	X				
X		Hyatt	X				
		DeAugustine	X				

FINAL ADOPTION: October 19, 2016

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
X		Alston	X				
		Freedman	X				
	X	Mobley	X				
		Murray	X				
		Whitaker	X				
		Hyatt	X				
		DeAugustine	X				

Donald DeAugustine

Donald DeAugustine, Council President

ATTEST:

Lorraine N. Messiah

Lorraine N. Messiah, Deputy Township Clerk

Approved:

Angela R. Garretson, Mayor

Date

Vetoed: _____

Return to the Township Clerk with the following statement of objections:

