

BOROUGH OF WATCHUNG
ORDINANCE: 24/09

**ORDINANCE ESTABLISHING REGULATIONS ON ILLEGAL DUMPING
THROUGHOUT THE BOROUGH.**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Watchung, in the County of Somerset and State of New Jersey as follows:

Section 1. Chapter 15 entitled "Garbage and Waste" of the Code of the Borough of Watchung is hereby supplemented and amended to establish new Section 15-3 to be entitled "Illegal Dumping" to read as follows:

§15-3. ILLEGAL DUMPING.

§15-3.1. Dumping Prohibited.

It shall be unlawful for any person to: dump, deposit, place or throw, or cause to permit to be dumped, deposited, placed or thrown, upon any property belonging to another person, without express permission of such owner, any barrels, boxes, cans, bottles, glasses, papers, or containers broken or otherwise susceptible of holding or containing liquids of any junk, garbage, rubbish, live or dead vegetation, grass, leaves, trees, branches, stumps, castoff building materials, soil, offal, or other offensive or unsightly matter.

§15-3.2. Owner of Land Where Material is Dumped.

It shall be unlawful for any owner, lessee or occupant of any lot or land to dump, deposit, place or throw, or permit to be dumped thereon, or allow to accumulate thereon, and fail to remove within five (5) days after the service of the notice hereinafter provided for in Section 15-3.5, any barrels, boxes, cans, bottles, glasses, papers or containers, broken or otherwise susceptible of holding or containing liquids; or any obnoxious growths, filth, junk, garbage, rubbish, dead vegetation, leaves, discarded building materials, sewerage, offal, trash, debris, or other offensive or unsightly matter.

§15-3.3. Brush, Weeds and Other Vegetation.

It shall be unlawful for any owner, lessee, or occupant of any lot or land to permit or maintain on such lot or land, within a distance of 200 feet of any building, sidewalk, public place or the curblines of any street, any growth of weeds, grass or brush to a height of six inches or more, or any dead or dying trees, stumps, roots or other rank vegetation, and failure to remove such items within ten days after service of notice is hereinafter provided in Section 15-3.5.

§15-3.4. Accumulation of Water.

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It shall be unlawful for any owner, lessee or occupant of any lot to maintain thereon any ingraded excavation, or any excavation in which water may become stagnant, and continue such condition in excess of ten (10) days after service of the notice hereinafter provided in Section 15-3.5.

§15-3.5. Notice; Removal by Borough; Costs.

- a. In the event that the owner, lessee or occupant of lands fails to remove the substance or correct the condition prescribed as unlawful in this Section 15-3 within five (5) days after the notice to remove or remedy the same, and the Code Official having determined that the same is necessary and expedient for the preservation of the public health, safety and general welfare, or to eliminate a fire hazard, the Code Official or his/her designee may cause the substance to be removed or the condition to be corrected and the cost thereof, plus an administrative fee of 15%, to be certified to the Council, which shall examine the certificate and if found to be correct adopt a resolution certifying the amount and authorizing said amount to be charged against said lands. The administrative fee shall be subject to a minimum amount of \$500.00. The amount charged shall thereupon become a lien upon said lands and shall be added to and become a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as unpaid taxes, and shall be collected and enforced by the same officer and in the same manner as real estate taxes. The notice herein provided for shall be in writing and shall be served upon a resident of Watchung personally, or by leaving it at his or her usual place of abode, and shall be served upon a nonresident of Watchung by mailing the same to his or her last known address as shown on the tax records. This remedy shall be in addition to the penalties hereinafter provided.
- b. Any and all administrative fee amounts collected as a result of this section shall be used exclusively for the replacement of materials and equipment utilized by the Code Official for the purposes of enforcement of this section and shall be held in trust by the Borough's Chief Financial Officer for that purpose.

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of

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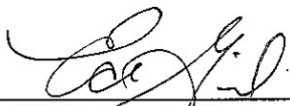
the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED by the County of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

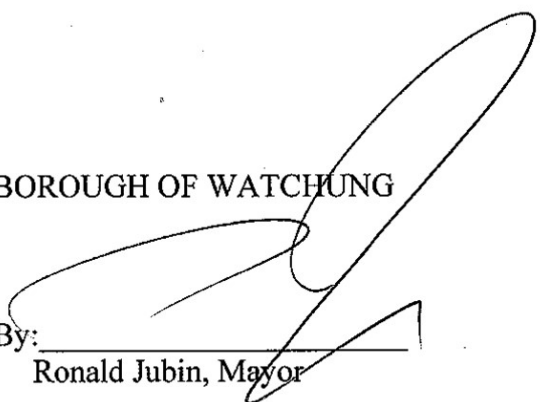
INTRODUCED BY: GIBBS
PASSED: APRIL 18, 2024
PUBLISHED: APRIL 25, 2024
ADOPTED: MAY 2, 2024
CC: CONSTRUCTION, CODE,
COURTS, FINANCE,

ATTEST:



Edith Gil, Borough Clerk

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By: _____
Ronald Jubin, Mayor