

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

**ORDINANCE NO. 15-20**

1st Reading 6-23-15 Date to Mayor 7-15-15

2nd Reading & Public Hearing 7-14-15 Date Returned \_\_\_\_\_

Date Adopted: \_\_\_\_\_ Date Resubmitted to Council \_\_\_\_\_

7-14-15 Approved as to Form of Legality

Effective Date: \_\_\_\_\_ Township Attorney \_\_\_\_\_

8-3-15

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 110 BRUSH GRASS AND WEEDS AS WELL AS CHAPTER 407, NUISANCES, PUBLIC HEALTH

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X					
Schroth	X				X	
Steward	X					
Wollert	X					X
Keyes-Maloney	X					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X				X	
Schroth	X					
Steward	X					X
Wollert	X					
Keyes-Maloney				X		

By \_\_\_\_\_ Date \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
Mayor

Reconsidered  
By Council \_\_\_\_\_ Override Vote YEA \_\_\_\_\_ NAY \_\_\_\_\_

\_\_\_\_\_  
President of the Council

\_\_\_\_\_  
Municipal Clerk

THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY

ORDINANCE NO. 15-20

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 110 BRUSH GRASS AND WEEDS AS WELL AS CHAPTER 407, NUISANCES, PUBLIC HEALTH

**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:

**§ 110-1 DUTIES OF OWNERS AND TENANTS.**

A. It shall be the duty of owners and tenants of lands:

- (1) To keep such lands free of brush, weeds, dead or dying trees, stumps, roots, growth of grass, ~~brush~~ or weeds in excess of six inches, trash, garbage and debris.
- (2) At the direction of the Construction Official, the Health Official or the Chief of Police or representative, to keep all brush, hedges and other plant life, growing within ten feet of any roadway and within twenty-five feet of the intersection of two roadways, cut to a height of not more than two and a half feet where it shall be necessary and expedient for the preservation of the public safety.
- ~~(3) Where such lands border on a public highway, to remove all grass, weeds, brush, trash, garbage and other impediments from that part of the public highway that borders on their respective lands.~~
- ~~(4) At the direction of the Construction Official, the Health Official or the Chief of Police or representative, where such lands border on an intersection of a roadway, to keep all brush, hedges and other plant life at or near such intersection cut to a height of 2 1/2 feet.~~
- (5) To keep any and all compost piles at least six feet from the property line, and all such compost piles must meet standards of the United States Department of Agriculture and any other applicable law.

B. For the purposes of this section, garbage shall not include solid waste stored in such a way that it is accessible to and likely to be strewn about by animals, such as but not limited to dogs, cats, raccoons, birds or rodents.

C. When the Board of Health, Health Official, Construction Official, Police Chief or their designees determines that it is necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard to remove such brush, weeds, dead or dying trees, stumps, roots, ~~growth of grass, brush or weeds in excess of six inches,~~ trash, garbage and debris, that official may order the owner or tenant to remove the hazard within 10 days. Whenever an owner or tenant of lands fails to keep such lands free of grass or weeds in excess of six inches, an official may order the owner or tenant to remove or abate within five (5) days of being notified thereof. Notice shall be deemed received within three (3) days of the date of such notice.

D. Upon the failure of the owner or tenant to comply with an order issued hereunder, a fine not to exceed \$500 per day shall be assessed. The fine shall be assessed for each day of continued noncompliance with the order. Such fine shall be in addition to any costs assessed under § 110-3.

E. Administrative fee.

- (1) Upon the failure of the owner or tenant to comply with an order issued hereunder, an administrative fee shall be assessed in accordance with the following schedule:
  - (a) First occurrence: \$100.
  - (b) Second occurrence: \$250.
  - (c) Each additional occurrence: \$500.
- (2) Such administrative fee shall be in addition to any costs assessed under § 110-3 and shall be charged against said lands in accordance with § 110-3. Such administrative fee shall also be in addition to any penalties assessed under § 110-1D. The administrative fees will be assessed and calculated for the period January 1 through December 31 of each year.

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**§ 110-3 COST OF REMOVAL.**

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 designate, as the case may be, 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. 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 designate, as the case may be, shall arrange to perform the acts required by the notice at the cost of the Township. 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 within the time specified therein but not less than five (5) days of receipt of the same, the official shall arrange to perform the acts required by the notice at the cost of the Township. The official shall certify the cost thereof and the administrative fee assessed to the Township Council, which shall examine the certificate and, if found correct, shall cause the costs as shown thereon and any administrative fee assessed to be charged against said lands. 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 CHAPTER 407, NUISANCES DEFINED AND PROHIBITED, is hereby amended as follows:

**§ 407-3 NUISANCES DEFINED AND PROHIBITED.**

- A. Any matter, thing, condition or act which, after investigation by the Health Officer or other enforcing official, is deemed to be injurious, detrimental or a menace to the public health or environment or is deemed to be an annoyance or to interfere with the comfort or wellbeing of the inhabitants of the Township is hereby declared to be a nuisance and shall include but not be limited to the following:
- (1) Pollution or the existence of a condition or discharge or release which causes or threatens pollution of any surface water or subsurface water of the Township.
  - (2) The escape or entrance into open air/outdoor environment from any stack, vent, chimney, process or from any fire such quantities and duration of smoke, fly ash, dust, fumes, vapors, mists, or gases that tend to be injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property throughout the Township.

- (3) The growth, existence or presence of ragweed of 10 inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties or be a public health concern, on any plot of land, lot, highway, street, sidewalk, right-of-way or any other public or private place within 200 feet of an occupied dwelling.
- (4) The growth, existence or presence of poison ivy, of 10 inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties or, or be a public health concern, within 20 feet of an adjoining property line of an occupied residential or commercial property, sidewalk or right-of-way.
- (5) The growth, existence or presence of any weeds or noxious weeds, of 10 inches in height or greater, or in such a quantity so as to cause damage or injury to adjacent properties or be a public health concern, on any residential or commercial property, with the exception of state, county or local designated conservation areas or other restricted use areas.
- (6) All residential and commercial lawn areas are to be maintained and mowed and may not to exceed ~~106~~ inches in height. Areas allowed to return to natural conditions must be approved by the Health Department as provided herein.
- (7) The existence or presence of dead and dying trees or limbs on any land within 50 feet of an adjoining dwelling or within 20 feet of an adjoining residential property line.
- (8) Any dead or dying tree that harbors insects or rodents.
- (9) The presence on any plot of land, highway, street, right-of-way or any other public or private place of any solid waste, but excluding usable materials properly stored. The practice of composting shall not fall within the meaning of this subsection, provided that such compost pile, mound or area is maintained on one's own private property and is properly maintained so as not to present offensive odors, the breeding or harborage of flies or other insects, rodents, vermin or any other public health nuisance.
- (10) Depositing, dumping, accumulating, maintaining or otherwise allowing any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects, rodents or pigeons of a public health significance in or on any land, premises, building or other place.
- (11) The existence or presence of any accumulation of solid waste which may attract insects, rodents or other vermin and to which insects, rodents or other vermin may have access, or in which they may breed or dwell.
- (12) The existence or presence of any water or other liquid in which mosquito eggs, larvae or pupae exist or of any condition which allows water to lie, pond, stand or otherwise accumulate so as to provide a breeding environment for mosquitoes. The meaning of this subsection shall not apply to ponds where fish are adequately maintained so as to preclude the breeding of mosquitoes. This section shall not apply to fountains or swimming pools which maintain adequate circulation to preclude the breeding of mosquitoes.
- (13) The keeping of any animal or animals in such a manner as to cause or present a source of foulness, odors or breeding of insects, rodents or other vermin.
- (14) The existence or maintenance of any condition which may reasonably constitute a safety hazard, an attractive nuisance or otherwise present a threat to the safety and well-being of the inhabitants of the Township or of the public at large, including but not limited to the following:
  - (a) Any vacant building which is not adequately sealed, boarded up or otherwise secured so as to preclude the entry of inquisitive minors or others.

- (b) Any excavation, depression, hole, shaft, abandoned or unused well which is of such depth or dimension so as to present a hazard in terms of one falling into or being entrapped therein and which has not been adequately fenced or sealed so as to prevent injury or harm.
  - (c) Any discarded refrigerator, cabinet, automobile or other piece of equipment, machinery, device or material which may offer or present an enclosure and a hazardous attraction to children or others which has not been properly sealed or discarded.
  - (d) Any dead or dying trees or limbs in such proximity to a dwelling, building, street, sidewalk, pathway, right-of-way, thoroughfare, driveway, park, playground or other frequented area where the falling of the tree or part thereof would endanger life or threaten injury or damage property.
- (15) The willful abandonment of any domestic animal within the boundaries of the Township.
  - (16) Accumulation and storage of solid waste on any private or commercial property, unless properly contained or stacked for disposal, for 10 days or more.
  - (17) Placement of solid wastes at curb for more than one day prior to the scheduled pick-up date. All items must be removed after the day of collection if not collected for any reason.
  - (18) Any sidewalk, walkway, driveway, parking spaces or similar area containing cracks, potholes, or other defect which creates a hazardous condition or which is obstructed by plant growth or other natural or artificial barrier.
  - (19) The runoff, sump pump discharge or drainage of water from any premises or building which results in the accumulation of ice, stagnant water or discharges on public roadways or onto an adjoining property in an uncontrolled (via pipe or swale) manner without permission of adjoining property owner or Township if a public roadway. This subsection shall not apply to water detention/retention areas approved by the Township when properly maintained and cleaned of silt and debris.
  - (20) Public restrooms shall be kept in good repair; all surfaces of fixtures, walls and floors are to be cleaned on a regular schedule and must be provided with running hot and cold water of adequate pressure per the Plumbing Code. A supply of toilet paper, soap and hand drying supplies or equipment shall be provided at all times. Hand washing signs shall be posted.
- B. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance, as declared and described in this section.

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**§ 407-7 ABATEMENT OF NUISANCES.**

- A. Whenever a nuisance pursuant to § 407-3 is found, a violation notice shall be given to the owner and tenant/occupant, if applicable, in writing by personal delivery or by certified and regular mail, to remove or abate the same within such time as shall be specified therein but not less than five days from the date of service thereof. Notwithstanding the foregoing, whenever a nuisance is declared pursuant to § 407-3(A)(6) for failure to maintain a commercial or residential lawn, the Township may require removal or abatement within five (5) days from the date of receipt of service thereof. Notice to the owner and tenant/occupant of the violation and the time to abate shall be deemed complete as of the date of the violation notice if served personally on the property owner. Notice to the owner of the violation and the time to abate shall be deemed complete three days after the date on the violation notice, if served by certified and regular first class mail.
- B. Whenever a nuisance as declared pursuant to § 407-3 is found on any public property or on any highway or any other public premises or place, notice in writing shall be given to the person in charge to remove or abate the same within such time as shall be specified therein.

C. The cost of abatement shall be borne by the property owner.

D. If such person fails to comply with such notice within the time specified therein, the Health Officer or other enforcing official may remove, abate or cause the clean up of the nuisance in the manner as hereinafter provided.

Section 3 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 4 Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 5 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Adopted: