

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

ORDINANCE NO. 18-27

1st Reading 9-25-18

Date to Mayor 10-17-18

2nd Reading &
Public Hearing 10-16-18

Date Returned 10-17-18

Date Adopted:
10-16-18

Date Resubmitted to Council _____

Approved as to Form of Legality

Effective Date:
11-7-18

Township Attorney

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

First Reading

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

Second Reading

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

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

TOWNSHIP OF EWING
ORDINANCE NO. 18-27

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

WHEREAS, a review of the Revised General Ordinances of the Township of Ewing in the County of Mercer revealed inconsistencies in the prohibited length of grass and weeds, and a concern as to the duration permitted to abate any such violation under § 110: Brush, Grass and Weeds and § 407: Nuisances, Public Health during the high growth times; 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: Section 110-1, entitled “Duties of Owners and Tenants” of the Revised General Municipal Ordinances of the Township of Ewing is hereby revised to modify the language of subsection (C) with the following:

C. When the Board of Health, Health Official, Construction Official, Police Chief or their designees determine 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, 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~~ three days of being notified thereof. Notice shall be deemed received within three days of the date of such notice.

Section 2: Section 110-3, entitled “Cost of removal” of the Revised General Municipal Ordinances of the Township of Ewing is hereby revised to modify the language of the subchapter with the following:

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~~ three 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 3: Section 407-2, entitled “Definitions” of the Revised General Municipal Ordinances of the Township of Ewing is hereby revised to modify the following definition:

WEEDS

The growth, existence or presence of any noxious weeds of any height, or the growth, existence or presence of any other weeds or plant growth in excess of ~~10~~ 6 inches. "Weeds" shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers, landscaped areas and gardens.

Section 4: Section 407-3, entitled "Nuisances defined and prohibited" of the Revised General Municipal Ordinances of the Township of Ewing is hereby revised to modify the language of subsections (3), (4), (5), and (6) with the following:

(3) The growth, existence or presence of ragweed of ~~10~~ 6 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~~ 6 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~~ 6 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 6 inches in height. Areas allowed to return to natural conditions must be approved by the Health Department as provided herein.

Section 5: Section 407-7, entitled "Abatement of nuisances" of the Revised General Municipal Ordinances of the Township of Ewing is hereby revised to modify the language of subsection (A) with the following:

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~~ three days from the date of service thereof. Notwithstanding the foregoing, whenever a nuisance is declared pursuant to § 407-3A(6) for failure to maintain a commercial or residential lawn, the Township may require removal or abatement within ~~five~~ three 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.