



Township of Hillsborough

COUNTY OF SOMERSET
THE PETER J. BIONDI BUILDING
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ORDINANCE 2019-05

An Ordinance amending and supplementing Part II “General Legislation”, Chapter 232 “Property Maintenance”, of the Code of The Township of Hillsborough through the addition of an Article III “Residential Properties”. Further consideration of this Ordinance and Public Hearing will be held on March 13, 2019

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

Section 1. Part II “General Legislation” Chapter 232 “Property Maintenance” of the Code of the Township of Hillsborough is hereby amended and supplemented with the addition of an Article III “Residential Properties” as follows:

§ 232-18. **Purpose.**

The purpose of this article is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential properties and fixing penalties for any violations of this article.

§ 232-19. **Definitions.**

As used in this article, the following terms shall be defined and mean:

ENFORCEMENT OFFICER

The Township Enforcement Officer shall be defined as the Zoning Officer, Health Officer, Chief Construction Official, Township Engineer or any other Township officials so designated by the Township Committee to enforce the provisions of this article. Nothing herein shall preclude any Township employee engaged in the enforcement of laws and ordinances from enforcing the provisions hereof. The Construction Official shall be responsible for enforcement of violations of the New Jersey Uniform Construction Code.

EXTERIOR OF THE PREMISES

Those portions of a residential structure or accessory structure on residential property which are exposed to public view and the surrounding open space.

NUISANCES AND HAZARDS

The following shall be considered nuisances and hazards for the purposes of this Article.

- A. Any residential structure or accessory structure in disrepair by reason of deteriorating conditions or storm damage;
- B. Out-of-service swimming pools in disrepair by reason of deteriorating conditions or storm damage;
- C. Dead, rotting or diseased trees;
- D. Loose and overhanging tree limbs;
- E. Accumulated junk, litter, debris, rubbish, garbage or trash;
- F. Accumulated hazardous, noxious or unhealthy substances or materials; and

G. Overgrown or neglected lawns, bushes, trees, shrubbery and landscaping.

PROPERTY OWNER

The owner of the property or person in charge of the property.

YARD

An open space extending between the closest point of any building and lot line or street line, excluding those portions of the yard that are critical areas as defined in §188-3 and/or subject to conservation restrictions.

§ 232-20. Maintenance standards for residential and nonresidential properties.

A. Property owners are subject to and required to comply with the provisions of Chapter 124 “Brush, Grass and Weeds.” Property owners shall not permit trees, bushes, limbs, shrubbery flowers and/or other vegetation to interfere with street and sidewalk traffic or impair the visibility of official street or traffic control signs or visibility at an intersection of a public street or driveways. An owner or person in charge of property that abuts a street or sidewalk including the right-of-way shall keep all trees and bushes trimmed so that any overhanging portions are at least 8 feet above the sidewalk and at least thirteen feet and 6 inches above the roadway.

B. Property owners are responsible for the maintenance of all trees, bushes, landscaping and other vegetation on their property and the adjoining right-of-way to the edge of the roadway or roadways in the case of corner lots.

C. No property owner shall allow dead or decaying trees to stand if it is a hazard to adjoining properties or the public right-of-way including sidewalks and roadways. Cost of removal is at the property owner’s expense.

D. Property owners are responsible for the timely removal of leaves and tree limbs which fall into the sidewalk, street or other public right-of-way. No owner or hired contractor of the property owner shall sweep or rake grass clippings, leaves or tree limbs onto sidewalks, roadways or other public right-of-way.

E. No property owner shall allow any fence, structures or vegetation to obstruct the sight visibility at a street intersection or driveway. No fences shall be installed within any right-of-way or easement.

F. Property owners are responsible for the maintenance of any ditches, swales, drainage pipes or other stormwater management facilities on their property, within any drainage easements on their property and within the adjoining right-of-way of their property to the edge of the roadway. The Township does not maintain drainage ditches, swales, drainage pipes or other stormwater management facilities on private properties or within easements unless expressly set forth in a maintenance agreement approved by the Township Committee and executed on behalf of the Township.

G. Property owners are responsible for their own driveway to the edge of the roadway. This includes the driveway apron, curbing and driveway piping even if located within the Township right-of-way. Driveways are for the use of the private property owner so all costs to maintain these driveways are the responsibility of the property owner.

H. Property owners shall keep the property free of all nuisances and hazards.

I. Property owners shall keep the property free of accumulations of water, vegetation or other matter which might serve as a source of food or a harboring or breeding place for infestation.

J. Property owners shall keep the grass in the yard cut and maintained so as to prevent the grass from growing to seed or exceeding 14 inches in height.

§ 232-21. Notice of violation.

The enforcement officer upon determination of any violation of the provisions of this article, or any other applicable ordinances, statutes or regulations, shall serve a notice of such violation on the property owner by personal service, registered mail or posting of notice in a noticeable place

on the property. The notice shall advise the property owner of the violation and the obligation to remedy the same within 10 days from the date of the notice. If the violation is not remedied to the satisfaction of the enforcement officer within said 10 days, the enforcement officer may issue a summons to the property owner. The enforcement officer may also request the governing body to adopt a resolution authorizing the municipality to abate the violation and place the property in compliance with the provisions of this article and any other applicable ordinances, statutes or regulations at the property owner's sole cost and expense and impose a lien on the property for all costs and fees associated therewith.

§ 232-22. Abatement by municipality; Costs as lien.

Upon adoption of a resolution by the governing body, the municipality may abate any nuisance, hazard or violation and place the property in compliance with the provisions of this article and any other applicable ordinances, statutes or regulations. The enforcement officer shall certify the costs thereof to the governing body. The governing body shall review the certificate of costs and, if found acceptable, authorize a lien be placed against the property. The amount of the lien shall be added to the taxes to be assessed and levied upon the property. The amount of the lien shall also bear interest at the same rate as taxes and be collected in the same manner as any other taxes assessed and levied upon the property.

§ 232-23. Violations and penalties.

Any property owner, person or entity that violates any provision of this article shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1 “General Provisions”, Article II “Penalties”. Each day a violation continues shall constitute an additional separate and distinct offense.

Section 2. All other ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance shall apply.

Section 3. If any provisions of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Section 4. This ordinance shall take effect immediately upon its adoption, passage and publication according to law.

ATTEST: TOWNSHIP OF HILLSBOROUGH

Pamela Borek, Township Clerk

Frank DelCore, Mayor

Introduced: 2/12/2019

Published:

Public Hearing:

Adoption:

Published: