

ORDINANCE NO. 13, 2014

AN ORDINANCE AMENDING CHAPTER 99 BRUSH, GRASS AND WEEDS OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 99, Brush, Grass and Weeds is hereby amended to add the following sections:

99-5. Property Maintenance, Grass/Weeds.

All premises and exterior properties shall be maintained free from weeds or lawn growth in excess of 10 inches, except that this requirement shall not apply to areas of cultivated gardens and plants, such as English gardens, and areas of natural growth that are not ordinarily maintained, such as, without limitation, areas containing wetlands or marshes, or densely wooded areas. All noxious weeds shall be prohibited.

99-6. Inspection; Enforcement.

A. The Code Enforcement Official is hereby designated as the Enforcement Officer for this chapter. The Code Enforcement Official shall have the power to make periodic inspections within the City in order to ascertain when and where there exist conditions, or any of them, as hereinbefore described, and which constitute conditions which adversely could impact the public health, safety and welfare and/or are injurious to the public health and safety. Where such a condition is found to exist the Code Enforcement Officer shall notify the owner of the lands to abate such condition within 15 days from the date of the notice. Any such notice may be served personally upon the owner, tenant, agent or owner for tenant or occupier of the land upon

which said condition exists or, if such person cannot be personally served within the City of Linwood, may be mailed by certified mail, return receipt requested, to the address of the owner as set forth in the tax records of the City of Linwood. Notice to the tenant, agent or occupier shall be constructive notice to the owner.

B. A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which correction can be made. A violation shall be deemed to be a recurring violation if the notice has been served within two years from the date that a previous notice was served and the violation, premises and responsible party are substantially the same.

99-7. Failure to Comply; Cost to Become Lien on the Property.

In the event of the failure of the owner so notified to abate the condition within 15 days from the date of the notices aforesaid, the City Council may cause the removal or abatement of such condition or conditions, and in such case, the office in charge of removal or abatement shall certify in writing to City Council the cost thereof, which cost, if found correct, shall be charged against said land and the amount so charged shall forthwith become a lien upon said land and shall be assessed and levied upon said land and shall bear interest of the same rate as taxes and shall be collected and enforced by the same officer in the same manner as taxes. Said notice of lien shall be filed with the Municipal Tax Collector of the City of Linwood.

99-8. Violations and Penalties.

In the event of the failure of the owner of said land to remove or abate such condition existing thereon within the time required after the service of the notice hereinbefore mentioned, and in addition to the remedies hereinbefore provided, such person shall be in violation of this chapter. Penalties for violations shall be imposed against an owner of said land as follows: a \$250.00 fine for a first offense; a \$500.00 fine for a second offense; and a \$2,000.00 fine for a

third offense. For the fourth offense and each subsequent offense thereafter, the owner shall appear in Municipal Court and, upon conviction thereof by the Judge of the Municipal Court of the City of Linwood, shall be punished by a maximum fine not to exceed \$2,500.00 per occurrence and/or imprisonment in such a place as is maintained for offenders in the City of Linwood for a period not to exceed 30 days. Each day during which the violation continues after notice shall be considered as a separate offense.

SECTION 2: All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

<i>FIRST READING:</i>	<i>June 25, 2014</i>
<i>PUBLICATION:</i>	<i>June 30, 2014</i>
<i>PASSAGE:</i>	<i>July 9, 2014</i>

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on June 25, 2014 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on July 9, 2014.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

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RICHARD L. DEPAMPHILIS, III, MAYOR