

ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY, NEW JERSEY AMENDING ORDINANCE 2009-06 ENTITLED, "ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XII ENTITLED, "PROPERTY MAINTENANCE", SUBSECTIONS 12-1 THROUGH-12-1.2 IN ORDER TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION"

**ORDINANCE
2013- 03**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Island Heights, County of Ocean, and State of New Jersey, as follows:

Section 1. Section 106.4 entitled, "Violations, Penalties" of the International Property Maintenance Code, as adopted is hereby deleted and in its place instead the following shall be inserted:

"106.4 VIOLATIONS, PENALTIES.

- a. Any person who violates any one (1) or more sections of this ordinance shall be subject to a fine of not less than one thousand dollars (\$,1000.00) for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days. The Municipal Court shall have the option of imposing community service for a violation of any offense under this ordinance. Each day that a violation continues after notice has been served shall be deemed a separate offense."
- b. Each and every day in which a violation of any of the provisions of this Chapter exists shall constitute a separate offense.

Section 2. Section 106.5 of the International Property Maintenance Code as adopted is hereby deleted and in its place instead the following shall be inserted:

"106.5. Abatement of Violations and Violation and Nuisance; a lien against the premises. The imposition of penalties herein prescribed shall not preclude the Code Enforcement Officer of the Borough from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. Further, the Borough may, by resolution of the Borough Council, abate a nuisance, correct a defect or put a premises in proper condition so as to comply with the requirements of this Chapter or applicable statutes, at the cost of the owner or lessor, and the Borough may expend Municipal funds for such purposes and charge the same against the premises, in the amount thereof, as

determined by the Borough Council, shall be a lien against the premises and collectable in the same manner as other Municipal liens.”

Section 3. Section 106 of the International Property Maintenance Code as adopted entitled, “Violations” is hereby supplemented by the inclusion of the following sub-section:

“106.6. Removal of Brush, Debris, High Grass, Garbage, etc.; lien against the premises. Where it shall be necessary and expedient for the perseveration of public health, safety and general welfare, or to eliminate a fire hazard, the Borough Council may require the owner or tenant of the land to remove or destroy brush, weeds, including ragweed, dead and dying trees, roots, obnoxious growths, high grass, filch, garbage, trash and debris within 7 days after notice to remove or destroy the same. In cases where the owner or tenant shall refuse and neglected to remove or destroy same in the manner and within the time provided above, the Borough Council may provide for the removal or destruction of same by or under the direction of the Municipal Officer; or the same is removed or destroyed by or under the direction of such Municipal Officer, such Officer shall certify the costs thereof to the Borough Council, who shall examine the certificate and if found correct, shall cause the costs as shown thereon to be charged against said land, the amount so charged shall forthwith become and form a part of the taxes next to be assessed and levied upon such lands, and the same to bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.”

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Mayor and Council hereby declare that is would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action

acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Island Heights, in the County of Ocean, held on the 14th day of May, 2013 and will be considered for second reading and final passage at a regular meeting of said governing body to be held on the 28th, day of May, 2013 at 7:00 p.m. at , Island Heights New Jersey at which time and place any person desiring to be heard upon the same will be given an opportunity to be so heard.



Ellie Rogalski, RMC/CMC

COPY TO: Ken Anderson

DATE: 5/15/2013
