

Chapter 36

BRUSH, WEEDS, OBNOXIOUS GROWTH

§ 36-1. Removal.

§ 36-2. Inspection; service of notice by Zoning Officer/Code Enforcement Officer.

§ 36-3. Investigation officers.

§ 36-4. Failure to comply.

§ 36-5. Penalty.

[HISTORY: Adopted by the Township Committee of the Township of Barnegat 5-20-43. Amendments noted where applicable.]

GENERAL REFERENCES

General provisions — See Ch. 1.

Shade Tree Commission — See Ch. 23. Garbage, rubbish, refuse matter —See Ch. 48.

Junk and junk dealers —See Ch. 54.

Pollution — See Ch. 62.

Property maintenance — See Ch. 63.

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

§ 36-1. Removal. [Amended 6-30-92 by Ord. No. 1992-11; 6-15-98 by Ord. No. 1998-10]

It is prohibited to allow any land within the Township of Barnegat to have upon it brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash, debris or vegetative matter determined by the Township Code

Enforcement Officer or Zoning Officer to be hazardous to public health, safety or welfare. This includes the growth of grass, weeds or vegetative matter other than shrubs, trees, cultivated flowers or gardens in excess of five (5) inches.

**§ 36-2. Inspection; service of notice by Zoning Officer/Code Enforcement Officer. [Amended 630-92 by Ord. No. 1992-11; 6-15-98 by Ord. No. 1998-10]**

If the Township Code Enforcement Officer or Zoning Officer shall determine that the land is a hazard to public health, safety or welfare because of the presence of the matter described in this chapter, the landowner, tenant or agent of the landowner shall remove the matter immediately and no longer than five (5) days after the violation has been determined by township officials and notice thereof has been issued.

**§ 36-3. Investigation officers. [Amended 7-1-85 by Ord. No. 1985-21; 9-8-87 by Ord. No. 1987-22; 6-30-92 by Ord. No. 1992-11]**

The Zoning Officer or Code Enforcement Officer and their designee shall be considered the proper officers to investigate all lands with the township and to issue summons pursuant to this section.

**§ 36-4. Failure to comply. [Amended 7-1-85 by Ord. No. 1985-21; 9-8-87 by Ord. No. 1987-22; 6-30-92 by Ord. No. 1992-11; 6-15-98 by Ord. No. 1998-10]**

- A. In the event that the landowner, tenant or agent of the landowner shall fail to remedy the violation and remove the matter described in this chapter within five (5) days after the determination and notice of such by township officials, the matter shall be caused to be removed by the Township of Barnegat.

- B. The costs incurred for the removal of matter by the Township of Barnegat shall be charged against the land and shall become a lien upon the land and shall be added to and become part of the taxes next to be assessed upon the land, with the same rate of interest accruing as taxes. The lien shall be collected by the same township officers and in the same manner as property taxes.
  
- C. If the township removes the matter from the land in violation, reasonable costs for the removal shall be determined by the Administrator and shall include, but not be limited to labor, equipment charges, fuel, or depreciation. If the cost of removal is by outside contractor, the cost of the contract plus reasonable administrative fees shall be assessed.

(1) Charges to be incurred to property owner: [Added 11-19-01 by Ord. No. 2001-38]

Foreman	30.00 per hour
Laborer/driver	19.59 per hour
Push lawn mower	7.00 per hour
Riding lawn mower	22.66 per hour
Weed whacker	7.33 per hour
Trailer	3.73 per hour
Pick up truck	10.00 per hour
Chain saw	7.25 per hour
Blower	7.00 per hour

- D. Notice shall be made by personal service on the landowner, tenant or agent of the landowner or by certified mail to the last known address of the landowner, tenant or agent of the landowner.

§36-5. Penalty. [Amended 6-15-98 by Ord. No. 1998-10]

In the event that any person, individual, firm, partnership, entity or corporation is found to be in violation of this chapter, he shall be subject to a fine not to exceed one thousand dollars

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**(\$1,000.) or ninety (90) days in the Ocean County Jail. Each day of violation shall be a separate offense and subject the violator to a separate penalty.**