

ORDINANCE #997

AN ORDINANCE AMENDING CHAPTER 331 "STREETS & SIDEWALKS" AND CHAPTER 371 "TREES" OF THE CODE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY FOR THE MAINTENANCE OF RIGHT OF WAYS

BE IT ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey that the following ordinance be and the same is hereby enacted:

NOTE: Additions are underlined and deletions are marked by strike through.

SECTION ONE: Chapter 331 Streets and Sidewalks

ARTICLE III. Maintenance of Streets and Right-of-Ways

- A. **Curbs and sidewalks.** For any road maintained by the Borough or any other public entity that is lined with curbing and/or sidewalk, said curbing and/or sidewalk, regardless of the installer and absent of an agreement and resolution to assume responsibility, shall be maintained by the fronting property owner.
- B. **Trees, plantings and other objects.** For any road maintained by the Borough or any other public entity that is lined with trees, plantings or has any other object within its right-of-way, said trees, plantings or any other object, regardless of the installer and absent of an agreement and resolution to assume responsibility, shall be maintained by the fronting property owner.
- C. **Notice of violating conditions.** If any condition exists that violates this article, the Borough Code Enforcement Officer shall notify the owner, tenant or other person in possession of the property of such condition or conditions, in writing, by regular mail or personal delivery. The owner, tenant or person in possession of the property shall have 14 days from the date of such written notice to correct the condition or conditions so noticed. The Code Enforcement Officer shall reinspect the lands in question after the fourteen-day period has expired to determine if the condition or conditions have been abated or remedied.
- D. **Failure to abate or remediate conditions.** If the property owner of the lands in question fails to abate or remediate the condition or conditions noticed by the Code Enforcement Officer within 14 days of the notice, the following shall occur:
 - A. The Code Enforcement Officer shall have the authority to issue a complaint for the violation or violations of this article, which complaint shall be brought before the Municipal Court of the Borough of Oceanport.
 - B. If it is necessary to preserve the public health, safety or general welfare of the Borough, the Zoning Officer shall cause the condition or conditions complained about to be abated or remedied and shall certify the cost of abatement or remediation to the Council of the Borough of Oceanport. The amount of such abatement or remediation shall be paid by the owner, tenant or person in possession within 10 days of the date of the mailing by which the invoice is sent to the aforesaid person.
 - C. If the said invoice is not so paid, the amount so charged shall be added to and become a part of the taxes next to be assessed upon the lands in question and shall bear interest at the same rate as municipal real estate taxes, and shall be collected and enforced by the same officer and in the same manner as delinquent taxes.

IV. Violations and Penalties

Any person, firm or corporation violating any of the provisions of this chapter shall be

subject to a penalty as set forth in Chapter 1, § 1-15, General penalty.

SECTION TWO: Chapter 371 TREES

§ 371-2. Trimming or removal of public trees.

Any person, firm or corporation desiring for any lawful purpose to cut, prune, trim or remove any tree in a public highway in the Borough of Oceanport or to replace an existing tree or plant an additional tree within the public highway shall submit a request in writing to the Borough Clerk apply for permission by ~~to the Shade Tree Committee~~ or other official so designated by the Governing Body, ~~for permission to do the particular act.~~ The applicant shall, in writing, indicate the location and type of work, and the species of tree to be planted or destroyed. Upon approval of the application, ~~by the Shade Tree Committee~~ or other official so designated by the Governing Body, ~~the Secretary thereof~~ shall issue a permit, and thereafter, the work shall be performed and/or the tree planted in accordance with the instructions issued by and under the supervision of the Shade Tree Committee or other official so designated by the Governing Body. In the case of the replacement of existing trees or the planting of additional trees, after the maintenance period of one year has expired, the tree or trees, if satisfactory, will be accepted and classed as other trees existing along the public highways.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

BE IT FURTHER ORDAINED this amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED: February 21, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: March 21, 2019

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II

Mayor