

Chapter 25

BRUSH, WEEDS AND DEBRIS

- § 25-1. **Minor violation; guilty plea and fine; growth height and adjacent lands.**
- § 25-2. **Major violation; removal by city.**
- § 25-3. **Lien for cost of removal.**
- § 25-3.1. **Service of citation and written notice.**
- § 25-4. **Penalties for major violations.**
- § 25-4.1. **Subsequent offenders.**
- § 25-5. **Severability.**
- § 25-6. **When effective.**

[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City 3-2-1961. Amendments noted where applicable.]

GENERAL REFERENCES

- Air pollution — See Ch. 13.
- Garbage collection — See Ch. 50.
- Garbage and littering — See Ch. 51 and Ch. 59A.
- Handbills — See Ch. 52.
- Hazardous materials — See Ch. 54.
- Junk dealers — See Ch. 58.
- Property maintenance — See Ch. 66.
- Abandoned refrigerators — See Ch. 68.
- Abandoned or inoperable vehicles — See Ch. 88.
- Public health nuisances — See Ch. 99.

- § 25-1. **Minor violation; guilty plea and fine; growth height and adjacent lands. [Amended 9-6-1990 by Ord. No. 26-1990; 12-7-2000 by Ord. No. 29-2000]**
 - A. Whenever it shall appear, to the Code Enforcement Officer or his designee, necessary and expedient for the

preservation of the public health, safety, general welfare or the elimination of a fire hazard to remove from lands lying within the limits of Gloucester City high grass, brush, weeds, dead and dying trees, stumps, roots, vegetation in sidewalks, curbs and gutters, obnoxious growths, filth, garbage, trash and debris, the Code Enforcement Officer or his designee shall determine the matter to be a minor violation and is hereby required to issue a citation against the owner and/or tenant of the property in question. Persons cited with a minor violation may plead guilty to the violation without appearing before the Municipal Judge and, upon such pleading, shall be required to pay a municipal penalty of \$30, in addition to the State of New Jersey A.T.S. Surcharge, for each offense. Such citation shall also have attached to it a written notice that the nuisance shall be abated within five days, date certain, and failure to abate the nuisance within the prescribed time (regardless of previously paying the \$30 penalty) shall cause the minor violation to become a major violation, and that the major violation nuisance shall be removed by the city as enumerated in § 25-2, and a lien shall be placed upon the property as enumerated in § 25-3. The owner and/or tenant shall also be advised that failure to comply with the provisions of this ordinance may result in the levying of a fine not to exceed \$1,000 or 90 days of imprisonment, or both, upon conviction.

- B. For purposes of this section, grass, weeds or brush growing above the height of 10 inches from ground level shall be considered a nuisance.
- C. Owners and/or tenants of abutting property shall be responsible for the maintenance and upkeep of the area between the property and the cartway of the street to which the property is abutting as well as areas adjacent to the property known as fire alleys.

§ 25-2. Major violation; removal by city. [Amended 12-7-2000 by Ord. No. 29-2000]

In the event that the owner and/or tenant of any such lands shall refuse or neglect to remove the said high grass, brush, weeds, dead or dying trees, stumps, roots, vegetation in sidewalks, curbs or gutters, obnoxious growths, filth, garbage, trash and debris within the five days of the minor violation citation and written notice, the minor violation shall become a major violation, and it shall be the duty of the Code Enforcement Officer or his designee to cause the violation to be removed.

§ 25-3. Lien for cost of removal. [Amended 12-7-2000 by Ord. No. 29-2000]

The cost of such removal shall be certified by the Code Enforcement Officer or his designee to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands, and the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes and to be collected and enforced by the Tax Collector in the same manner as taxes.

§ 25-3.1. Service of citation and written notice. [Added 12-7-2000 by Ord. No. 29-2000]

The notices as required by this ordinance shall be deemed properly served as follows: A citation and notice shall be served personally upon the owner as occupant, the tenant or the owner or agent if not an occupant, if possible; however, if personal service is not possible, service by certified mail, return receipt, to the address of the owner of record as contained in the tax records of the City of Gloucester City shall be sufficient. Notices sent to the owner of record as per the tax records of Gloucester City and returned as undeliverable shall be considered properly served.

§ 25-4. Penalties for major violations. [Amended 12-5-1974;¹ 12-7-2000 by Ord. No. 29-2000]

Any owner and/or tenant of property who shall, after being given the citation and written notice in compliance with § 25-1 of this ordinance, refuse or neglect to comply therewith, thus sustaining a major violation, shall also, upon conviction thereof in the Municipal Court of Gloucester City, forfeit and pay a fine of not less than \$100 and not more than \$1,000 or be imprisoned for a term not to exceed 90 days, or both, for each offense.

§ 25-4.1. Subsequent offenders. [Added 12-7-2000 by Ord. No. 29-2000]

Any owner and/or tenant, after pleading guilty of a violation of this chapter or being found guilty of a violation of this chapter, and who, within two years of said guilty plea or finding, shall be found by the Code Enforcement Officer or his designee to be again in violation of this chapter, shall be considered a subsequent offender. Penalties for major violations for subsequent offenders within two years of a previous offense shall be not less than \$250 for a second offense, not less than \$500 for a third offense and \$750 for a fourth offense.

§ 25-5. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be held unconstitutional, illegal or invalid for any reason, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

§ 25-6. When effective.

This ordinance shall take effect immediately after final passage and publication as required by law.

¹ Editor's Note: See Ch. 1, § 1-6B(1).