

TOWNSHIP OF MOORESTOWN

ORDINANCE 22-2009

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING CHAPTER 103 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED "LITTERING"

WHEREAS, the Township Council believes it is in the best interest of the residents of the Township of Moorestown to amend its Littering Code so that the health safety and public welfare of its residents are properly protected; and

WHEREAS, the Township Council wishes, through this Ordinance, to memorialize certain changes and revisions to its Littering code.

NOW, THEREFORE, BE IT ENACTED, by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey as follows:

1. Section 103-1 entitled "Purpose" is hereby amended, revised and replaced to read as follows:

103-1 PURPOSE. The purpose of this Chapter is designed to protect the public, safety, health and general welfare of the residents of Moorestown by establishing minimum standards governing appearance, condition and occupancy of residential and non-residential premises; to avoid, prevent and eliminate the maintenance or creation of hazards to the public; to prevent the creation, continuation, extension or aggregation of blight; to prevent and eliminate conditions on property which constitute nuisances and potentially dangers to the life, health or safety of persons on or near the premises which such conditions exists; to establish minimum standards governing the maintenance and condition of land and premises in the Township; to fix responsibility and duties upon owners, lessees, operators and occupants of property; and to provide for enforcement, administration and for penalties. The Township further finds that the reduction of litter on public or private property is an important public concern and is necessary to implement the requirements of the New Jersey Department of Environmental Protections Clean Communities Program.

2. Section 103-2 entitled "Definitions" is hereby amended, revised and replaced to read as follows:

103-2 DEFINITIONS.

FRONT YARD – That space on the same lot with a principal building situated between the front street line or lines and the front line of the building projected to the side property lines. The depth of the front yard shall be measured along a line perpendicular to the front street from the point furthest to the foundation of the structure or building furthest from such street line.

INFESTATION – The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

LITTER – Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic rubber, paper or other natural or synthetic material or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of tree farming, farming or manufacturing.

LITTER RECEPTACLE – A container suitable for the depositing of litter.

NUISANCE – The following conditions, individually or in combination:

- a. Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New Jersey, its governmental agencies or the ordinances of the Township of Moorestown.
- b. Any condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons or, near or passing within the proximity of the premises which such condition exist.
- c. Any premises which are unsanitary or which contain Litter, refuse, rubbish or garbage or which have an uncontrollable growth of weeds, shrubs, trees or vegetation injurious to the health and safety of persons, at, adjacent to, adjoining or passing by the premises.
- d. Any growth of grass or weeds which exceed six (6) inches when measured from the ground to the top of the growth.

OCCUPANT – Any person residing, living or sleeping in or on the premises or having actual possession or use of the premises or any part thereof, whether or not the owner thereof, and regardless of the duration of time of such possession or use.

OPERATOR – Any person, persons or entity who is not the owner, but who has charge, care or control of a premises or part thereof with or without the knowledge, consent or authority of the owner.

OWNER – Any person who, alone or jointly or severally with others, has legal or equitable title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner or of a fiduciary, including executors, administrators, trustees, receivers, guardians or mortgagees in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lease of any part or all of any building, structure or land shall be deemed to be a co-owner for the purposes of this Chapter.

PREMISES – A lot, plot or parcel of land, including the buildings or structures thereon.

REAR YARD - The required open space, the full width of the lot, extending along the rear boundary line or property line of the lot; provided, however, that the following encroachments are permitted: overhanging eaves, gutters or cornices, steps and the exterior portion of a chimney foundation, limited to a maximum encroachment of 36 inches in depth.

SIDE YARD - The required open space from the front yard to the rear yard on the lot extending along the side boundary line or property line of the lot; provided, however, that the following encroachments are permitted: overhanging eaves, gutters or cornices, steps and the exterior portion of a chimney foundation, limited to a maximum encroachment of 36 inches in depth.

3. Section 103-11.1 entitled “Property Maintenance” is hereby amended, revised and replaced to read as follows:

103-11.1 PROPERTY MAINTENANCE - The following standards for maintenance of a Premises shall be the minimum conditions for maintenance for each and every Premises within the Township of Moorestown. It shall be a violation of this property maintenance code for any Owner, Operator or Occupant to allow or permit any Premises owned, operated or occupied by such person or entity to fail or comply with each of the following standards. It shall further be a violation of this property maintenance code for any Owner, Operator, or Occupant to occupy or, as an Owner, Operator, to permit or allow another to occupy or use premises which do not comply with the following standards:

- a. All exterior property areas and Premises shall be maintained in a clean, safe and sanitary condition free from accumulation of Litter.
- b. All areas shall be kept free from weeds or plant growth which is noxious, dangerous or detrimental to the public health and safety.
- c. The exterior of all Premises shall be kept free of the following materials and conditions:
 - 1) Animal excrement
 - 2) Nuisances as described herein
 - 3) Litter as described herein
 - 4) Infestation as described herein

4. Section 103-12 entitled “Enforcement” is hereby amended, revised, replaced to read as follows:

103-12 ENFORCEMENT – The provisions of this Chapter shall be enforced by the Township Manager or one of more enforcement officers designated by the Township Manager with authority to enforce the provisions of this article.

- a. Said enforcement officer shall be officers and employees of the Township of Moorestown.

b. Whenever a Township official charged with enforcement of this Chapter determines that there is or has been a violation of any provision of this Chapter, he or she shall give notice of such violation to the person, persons or entities listed as Owners of the subject property on the records of the Township Tax Assessor in accordance with subsection (c) set forth below and to any known Operator or Occupant. The notice shall direct that the violation be removed, abated, cured, prevented or remediated within ten (10) days of the date of service of said notice, exclusive of the date of service, or summons issued for such violation. In the event that the violation is not abated, removed, cured, prevented or remediated from or otherwise fully remedied within the specified period as set forth in the notice, a summons may be then filed in the municipal court of the Township of Moorestown against the person, persons, entity or entities so notified.

c. Service of notice.

1) In the event of a violation of this Chapter, notice of said violation shall be served upon the property Owner, Operator and Occupant of the Premises as determined from the records of the Township Tax Assessor and other reliable sources of information, either personally or by mail. In the event of service by mail, it shall be made by registered or certified and by regular mail. Service by regular mail shall be considered valid. If all of the mailings are returned undeliverable, service shall be accomplished by posting the notice at the subject property.

2) Service may also be made by personal service of notice upon the Owner, Operator or Occupant or upon a member of the family of the owner over fourteen (14) years of age residing in the same dwelling as the Owner, Operator or Occupant.

d. Emergency situations.

1) Where the violations or conditions exist on the Premises are of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Township Manager, or his designee, or the Township Director of Public Works may either abate the violation or condition immediately or order the Owner, Occupant or Operator to correct the violation or condition within a period of time not to exceed forty-eight (48) hours. Upon failure to do so, the Township Manager, or his designee, or the Director of Public Works may abate the condition immediately.

5. Chapter 103 of the Code of the Township of Moorestown is hereby amended to add a new Section 103-13 entitled "Abatement by Township; Collection of Expenses" which shall read as follows:

103-13 ABATEMENT BY TOWNSHIP; COLLECTION OF EXPENSES – In the event that the Owner of the subject property does not abate the violation within the time set by the Township Manager, or his designee pursuant to Section 103-12(b) of this Chapter, in addition to any other penalty, the Township Manager or his designee may abate the violation. Upon completion of the work, the Township Manager or his designee shall present to the Township Council a report of the work and all costs associated therewith, along with a summary of the proceedings undertaken to secure compliance, including notices served upon the Owner,

Operator and Occupant of the subject property. The Township Council may thereupon, by resolution, approve the amount of costs expended in the abatement of the violation, whereupon the same shall become a lien against the subject property, collectable as provided by law. A copy of the resolution approving the amount of costs shall be certified by the Township Clerk and filed with the Tax Collector of the Township of Moorestown, who shall be responsible for collection of costs, and a copy of the resolution shall be mailed to the Owner of the subject property by certified and regular mail.

6. Unless revised or modified herein all other sections of the Township Code shall remain in full force and effect.

7. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

8. All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

Effective Date

This ordinance shall become effective twenty (20) days after final adoption.

Cite

This ordinance may be cited as Ordinance No. 22-2009.

NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on August 31, 2009. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium of the William Allen Middle School, 801 North Stanwick Road, NJ on September 14, 2009 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk