

## Agenda No. O-12

### AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 17, "PROPERTY MAINTENANCE"

**BE IT ORDAINED**, by the Municipal Council of the City of Bayonne, as follows:

**SECTION 1:** The Revised General Ordinances of the City of Bayonne, Chapter 17, "Property Maintenance", is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions {within brackets and/or ~~struck through~~):

#### § 17-1.1 Duties of Owners and Tenants

It shall be the duty of any owner or tenant or person in possession of any lands in the City:

a. To keep such lands free of **\*\*grass,\*\*** ~~brush~~, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and **\*\*/or other\*\*** debris, where the same are inimical to the preservation of public health, safety or general welfare of the City, or which may constitute a fire hazard.

b. Where the lands abut or border upon a public street in the City, to remove all grass, **\*\*brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and/or other debris\*\*** {weeds, brush and other debris} from that part of the street bordering on their respective lands.

#### § 17-1.2 Removal

Whenever the Health Officer **\*\*or his/her designee(s) and/or the Director of Public Works or his/her designee(s)\*\*** shall deem it necessary and expedient for the preservation of the public health, safety, general welfare or the elimination of a fire hazard, or upon investigation of a complaint of any resident, officer or employee of the City, {he} **\*\*the Health Officer or his/her designee(s) and/or the Director of Public Works or his/her designee(s)\*\*** may order the owner, tenant or person in possession of the lands on which grass, weeds, trash or other debris are found to exist, to remove {the} same {within 10 days}, or to cause the removal thereof if the order is not complied with.

#### § 17-1.3 Notice to Owners or Tenants

After an investigation of a complaint of any resident, officer or employee of the City, or upon his own motion, the Health Officer or his/her {agent} **\*\*designee(s)\*\*** and/or the Director of Public Works {and/} or his/her designee(s) shall investigate the conditions complained of. If the reported conditions are found to exist, the **\*\*Health Officer or his/her designee(s) and/or**

**Director of Public Works or his/her designee(s)\*\*** shall notify the owner, tenant, or person in possession of the lands complained of, in writing, either personally or by registered mail, to remove such brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash, or other debris ~~{, within 10 days after receipt of the notice}~~. **\*\*The notice shall specify the time for removal of the condition(s) complained of, which shall not be less than seventy-two (72) hours or more than ten (10) days after the owner, tenant, or person in possession of the lands has received notice.\*\*** The Health Officer or his/her ~~{agent}~~ **\*\*designee(s)\*\*** and/or the Director of Public Works ~~{and/}~~ or his/her designee(s) shall reinspect the lands in question to determine whether or not the condition complained of has been abated or remedied.

#### **§ 17-1.4 Removal by City, Costs Established as a Lien**

In the event the owner, tenant or person in possession of the lands in question shall refuse or neglect to abate or remedy the condition complained of within ~~{10 days after receipt of}~~ **\*\*the time set forth in the\*\*** notice, the Health Officer **\*\*or his/her designee(s) and/or Director of Public Works or his/her designee(s)\*\*** shall cause the condition complained of to be abated and remedied and shall certify **\*\*to\*\*** the cost of removal **\*\*and present same, together with a copy of the notice to the property owner,\*\*** to the **\*\*Municipal\*\*** Council, which shall examine the certificate and, if found correct, cause the cost to ~~{be}~~ **\*\*become a lien against the property\*\*** ~~{charged against the lands}~~. The amount shall become a lien upon the 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, which shall be collected and enforced by the same officer and in the same manner as taxes.

**SECTION 2.** If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

**SECTION 3.** All ordinances or parts of ordinances of the City heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.