

ORDINANCE NO. 2014-07

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF POINT PLEASANT BOROUGH, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER VIII OF THE BOROUGH CODE ENTITLED “BUILDING AND HOUSING” TO PROVIDE FOR NEW SECTION 8-9 ENTITLED “INVASIVE PLANTS”.

BE IT ORDAINED by the Mayor and Council of the Borough of Point Pleasant Borough, County of Ocean, State of New Jersey:

SECTION 1. Chapter VIII of the Borough Code entitled “Building and Housing” is hereby amended and supplemented to include new Section 8-9 entitled “Invasive Plants”.

SECTION 2. Purpose. The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

SECTION 3. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

Invasive Plants

Vegetation which, by its nature, grows beyond the property of its owner, and causes a neighboring property owner potential hardship due to the vegetation being overly competitive, poisonous, allergenic, illegal by State statute, or hazardous to the neighboring property’s structures and facilities is deemed to be “invasive” for the purposes of this ordinance.

SECTION 4. Control of growth. All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident’s property is a violation of this chapter.

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

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SECTION 5. Inspections. All places and premises in the Borough of Point Pleasant may be subject to inspection by the Zoning Officer or his designee, however, an inspection may only be made of an alleged property if a neighboring property owner files a complaint alleging that any section of this chapter has been violated.

SECTION 6. Removal or abatement.

- a. Whenever an invasive plant, as defined by this chapter, is found on any plot of land, lot or any other premises or place, a violation notice shall be given to the owner, in writing, to remove or abate the violation within such time as shall be specified in such notice.
- b. The cost of abatement shall be borne by the property owner.
- c. If the owner fails to comply with such notice within the timer specified therein, the enforcing official may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the property owner and place a lien on the property to recover the cost of invasive plant removal.

SECTION 7. Any property owner who is in violation of this ordinance will have one (1) year from the effective date of this Ordinance to have all invasive plants removed from the property.

SECTION 8. Violations and penalties. Any person, partnership, limited liability company, corporation or other entity who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the maximum fines and penalties established under NJSA 40:49-5 and 40:69A-29, and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

SECTION 9. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is

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adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 10. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 11. Effective Date. This Ordinance shall take effect upon publication in an official newspaper of the Borough, as required by and in conformance with law.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Borough Council of the Borough of Point Pleasant Borough on first reading at meeting held on the **15th day of July, 2014 at 7:00 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Borough Council which is scheduled for the **19th day of August, 2014 at 7:00 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 2233 Bridge Avenue, Point Pleasant, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

ATTESTED TO BY:

APPROVED:

DAVID A. MAFFEI,
Clerk/Administrator

WILLIAM SCHROEDER,
Mayor

Prepared by:

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