

**ORDINANCE NO. 13-07**  
**INTRODUCTION DATE: 05-15-13**  
**ADOPTION DATE: 06-05-13**

**ORDINANCE AMENDING CHAPTER II (ADMINISTRATION), SECTION 2-30 (SHADE TREE COMMISSION), CHAPTER III (POLICE REGULATIONS), SECTION 3-4 (BRUSH, HEDGES AND OTHER PLANTS) AND SECTION 3-4A (REMOVAL OF GRASS, WEEDS, BRUSH AND OTHER DEBRIS) AND CHAPTER V, (FEES), SECTION 5-2 (FEES FOR CHAPTER II: ADMINISTRATION) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

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BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey, as follows (additions are underlined, and deletions are in [brackets]):

**I**

Chapter II, Administration, Section 2-30, Shade Tree Commission, Subsection 2-30.6, Costs, is hereby amended to read as follows:

**2-30 SHADE TREE COMMISSION.**

**2-30.6 Costs.**

a. Except as hereinafter provided, the cost of the removal of any tree or part thereof dangerous to public safety shall, if the Commission shall so determine, in accordance with uniform rules and regulations promulgated for this purpose, be a charge upon the real estate in front of which such tree or trees shall be removed. Such cost, if it is so determined that it is to be paid by the owner, shall, unless paid directly to the Commission, be certified by it to the Collector of Taxes of the Township, including the applicable Administrative Fee established in Chapter 5, shall thereupon become and be a lien upon said real estate, shall be included in the next tax bill rendered to the owner or owners thereof, and be collected in the same manner as other taxes against that property.

b. No change.

## II

Chapter III, Police Regulations, Section 3-4, Brush, Hedges and Other Plants, Subsection 3-4.5, Lien for Costs and Section 3-4A, Removal of Grass, Weeds, Brush and Other Debris, Subsection 3-4A.3, Removal by Township, Costs Established as a Lien, are hereby amended to read as follows:

### **3-4 BRUSH, HEDGES AND OTHER PLANTS.**

#### **3-4.5 Lien for Costs.**

In any case where the Millstone Township Department of Public Works or outside contractor has cut and removed brush, hedges and other plant life, the Township Administrator or his/her designee shall thereafter certify to the Township Committee the cost thereof, including the applicable Administrative Fee established in Chapter 5, and if the amount so certified is by resolution of the Township Committee determined to be correct and reasonable, the Township Clerk shall deliver a certified copy of the resolution to the Tax Collector. The amount so charged shall become a lien upon such lands from which the brush, hedges and other plant life were cut and removed, and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the Tax Collector in the same manner as taxes, as authorized by N.J.S.A. 40:48.2-26 and 40:48.2-27.

### **3-4A REMOVAL OF GRASS, WEEDS, BRUSH AND OTHER DEBRIS.**

#### **3-4A.3 Removal by Township, Costs Established as a Lien.**

If the owner, tenant or person in possession of the dwelling or lands in question shall fail to abate the condition ~~complaint~~ complained of within the time period specified after receipt of notice, the Township Administrator or his/her designee shall cause the condition complained of to be abated, either by action of the Department of Public Works or by engagement of an outside

contractor, and shall certify the cost, including the applicable Administrative Fee established in Chapter 5, to the Township Committee, which shall examine the certificate and, if it is correct, adopt a resolution causing the cost as shown thereon to be charged against the dwelling or lands. The amount so charged shall forthwith become a lien upon the dwelling or lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such dwelling and lands, shall bear interest at the same rate as taxes, and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violation of this section.

### **III**

Chapter V, Fees, Section 5-2, Fees for Chapter II: Administration, is hereby amended to read as follows:

#### **5-2 FEES FOR CHAPTER II: ADMINISTRATION.**

a. – f. No change.

g. Administrative fee for lien process – each lien \$125.00.

### **IV**

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

### **V**

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

### **VI**

This Ordinance shall take effect upon adoption and publication according to law.

#### **EXPLANATORY STATEMENT:**

This Ordinance establishes an Administrative Fee which approximates the cost to the Township for staff time to follow the necessary process to establish the lien.