

ORDINANCE NO. 310

AN ORDINANCE TO AMEND ORDINANCE NO. 296 OF THE VILLAGE OF LOCH ARBOUR ENTITLED "AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE AND REPEALING ORDINANCES NO. 229 AND 255 OF THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY" FOR THE PURPOSE OF AMENDING AND SUPPLEMENTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE IN THE VILLAGE OF LOCH ARBOUR, MONMOUTH COUNTY, NEW JERSEY.

BE IT ORDAINED by the Board of Trustees of the Village of Loch Arbour, in the County of Monmouth and State of New Jersey, that Ordinance No. 296 referred to in the title hereof is amended and supplemented as follows:

Section 1. Additions, Insertions and Changes.

The International Property Maintenance Code is amended and revised as follows:

- A. Section 106.3 "Prosecution of violation" is deleted.
- B. Section 106.4 "Violations penalties" is deleted.
- C. New Section 106.3 "Violation removal" is enacted as follows:

Any person failing to comply with a notice of violation of Section 302.3, 302.4 or an Order served in accordance with Section 107 shall be deemed in violation of this code. The Board of Trustees shall have the authority to cause the snow, weeds, grass or plant growth on the real property to be removed or cut, and the actual cost of removal or cutting shall be certified by the Board of Trustees to the municipal tax collector. This cost shall become a lien upon the real property on which the snow, weeds, grass or plant growth are located, and shall be added to and

become a lien on such real property in the same manner as real property taxes, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced by the municipal tax collector.

D. New Section 106.4 "Violations penalties" is enacted as follows:

For a violation of any provision of this Ordinance, the maximum penalty, upon conviction thereof, shall be a fine not exceeding One Thousand Two Hundred Fifty (\$1,250.00) Dollars or imprisonment for up to ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination thereof. Each and every day in which a violation of any provision of this Ordinance exists shall constitute a separate violation.

E. New Section 111.2 "Membership of board" is enacted as follows:

The board of appeals shall consist of the members of the Board of Trustees.

F. Section 302.3 "Sidewalks and driveways" is amended as follows:

All sidewalks, walkways, stairs, driveways, parking spaces in similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Snow and ice on any sidewalk abutting a public street shall be removed in order to create a two (2) foot path within forty-eight (48) hours after the snow or ice is formed on the sidewalk.

G. Section 302.4 "Weeds" is amended as follows:

All premises and exterior property shall be maintained free from weeds, grass or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Section 2. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Ordinance No. 296 not inconsistent herewith are ratified and confirmed.

Section 3. This ordinance shall take effect immediately upon its final passage and publication as required by law.

CERTIFICATION

I, LORRAINE CARAFA, CLERK OF THE VILLAGE OF LOCH ARBOUR, do hereby certify the above to be a true and exact copy of the Ordinance adopted by the Board of Trustees of the Village of Loch Arbour, Monmouth County after a public hearing thereon held the 15th day of December, 2004.

LORRAINE CARAFA, R.M.C.
Village Clerk

Introduction: December 1, 2004
First publication: December 4, 2004
Public hearing: December 15, 2004
Adoption: December 15, 2004
Final publication: December 23, 2004

Attorney: Kenneth B. Fitzsimmons, Esq.