

ORDINANCE NO. 2023-19

ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 264 ENTITLED "PROPERTY MAINTENANCE" TO CREATE ARTICLE II ENTITLED "TREE MAINTENANCE" TO IMPOSE CERTAIN MAINTENANCE OBLIGATIONS ONTO ABUTTING PROPERTY OWNERS

WHEREAS, dead and dying trees pose a hazard to the Township and its residents; and

WHEREAS, dead and dying trees must be maintained in order to prevent the risk of injury, bodily harm, and/or death as a result of failure to maintain such trees; and

WHEREAS, Township Committee of the Township of Mansfield believes that the Township Code should be amended to establish a procedure by which dead and dying trees may be maintained and the risk of injury, bodily harm, and/or death can be prevented and/or avoided; and

WHEREAS, the Township Committee of the Township of Mansfield believes that such amendment is in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that Chapter 264 entitled "Property Maintenance" be amended to create Article II entitled "Tree Maintenance" as follows:

SECTION I:

Chapter 264. Property Maintenance.

Article II. Tree Maintenance.

§ 264-4. Duties of Owner.

It shall be the duty of the owner of any lands in the Township of Mansfield to maintain, trim, upkeep, and, if necessary, remove, and/or cause to be removed any and all trees located on their property or on any property located between their property and a public roadway adjacent to their property. The maintenance shall be performed in a manner so as to prevent the risk of any potential injury, bodily harm, and/or death, and preserve the public health, safety and general welfare of the public at large.

§ 264-5. Notice of Violating Conditions.

If any condition exists in violation of this Article, the Township Zoning Officer, the Supervisor of the Department of Public Works, or the Township Committee or its authorized agent shall notify the owner of the property of such condition(s) in writing, by regular mail, or via personal delivery. The owner of the property shall have forty-five (45) days from the date of such notice to cure the condition(s) so noticed. The Zoning Officer or the Supervisor of the Department of Public Works shall reinspect the land in question after the forty-five (45) day period had expired to determine if the condition has been remediated. The property owner may, within fifteen (15)

days of receiving the notice from the Township, make a written application for an extension of time to remediate the condition, which may be granted for a good cause shown.

§ 264-6. Failure to Abate or Remediate Conditions.

If the Zoning Officer, Supervisor of the Department of Public Works, the Township and/or its authorized agent determine(s) that the owner of a property has failed to remediate the condition described in this Article within forty-five (45) days if the notice, the following shall occur:

- A. A complaint shall be issued by the Zoning Officer, the Supervisor of the Department of Public Works, or the Township's authorized agent for the violation(s) of this Article, which complaint shall be brought before the Municipal Court of the Township of Mansfield;
- B. If it is necessary to preserve the public health, safety, and/or general welfare of the Township and its residents, the Zoning Officer, the Supervisor of the Department of Public Works, or the Township's authorized agent shall cause the condition(s) to be abated and/or remedied and shall certify the cost of such abatement and/or remediation shall be paid by the owner within thirty (30) days of the date of the mailing by which the invoice is sent to the owner.

§ 264-7. Costs Assessable as Taxes

The amount of cost of tree maintenance incurred by the Township shall be a municipal lien against the real property upon which such cost was incurred. The public officer shall certify the cost thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; the amount so charged shall forthwith become a lien upon such lands 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 taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

§ 264-8. Violations and Penalties.

Any person who violates any provision of this Article may be subject to a civil penalty for each offense of not more than \$200. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

SECTION II.

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

SECTION III.

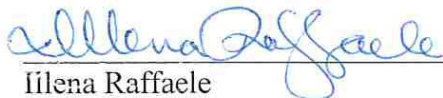
Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION IV.

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Committee of the Township of Mansfield, held on June 28, 2023 at 7:30 PM and ordered published in accordance with the law. Said Ordinance shall be considered for final reading and adoption at a regular meeting of the Township Committee of the Township of Mansfield to be held on July 12, 2023 at 7:30 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, located at 100 Port Murray Road, Port Murray, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.



Ilena Raffaele
Township Deputy Clerk



Joseph Watters
Mayor