



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 20-25

AN ORDINANCE ADDING SECTION 3-3 OF THE BOROUGH CODE TO ESTABLISH REGULATIONS FOR THE PLANTING, GROWING OR CULTIVATING OF INVASIVE PLANTS

WHEREAS, pursuant to N.J.S.A. 40:48-2.13, the Borough has the authority to adopt an Ordinance requiring owners or tenants of property in the Borough to remove weeds and obnoxious growths from their property to preserve the public health, safety and general welfare; and

WHEREAS, pursuant to N.J.S.A. 40:48-2.14, in the event of a property owner's or tenant's noncompliance with a direction to remove weeds and obnoxious growths, the Borough has the authority to cause their destruction or removal and impose the costs of such destruction or removal as a lien against the dwelling or lands.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I. Borough Code Section 3-3 "Invasive Plants" shall be added as follows:

3-3 INVASIVE PLANTS

3-3.1 Purpose.

This Ordinance is adopted to control the planting, cultivating or growing of invasive plants in the Borough of Highlands; and to require barriers to prevent the spread of existing invasive plants into other areas of the Borough.

3-3.2 Regulation of the Planting, Growing or Cultivating of Invasive Plants.

No persons, or other property owners or tenants shall plant, cultivate, or cause to grow, any invasive plant on any lot or parcel of ground in the Borough of Highlands. For purposes of this ordinance, the term "Invasive Plants" is defined as followed:

INVASIVE PLANTS — All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo of any kind, ragweed, English ivy, multi flora rose, kudzu-vine and poison ivy or oak.

3-3.3 Exemptions.

This Ordinance shall not apply to any land owner or possessor who, prior to the effective date of this ordinance, has planted or caused to grow any invasive plant on any property within the borough limits unless the code enforcement officer determines on his own or upon complaint from any abutting or nearby property owner, that any portion of such invasive plant has been allowed to grow upon, extend roots across, or extend branches, stalks or leaves over any public way or any private property not owned by or in the possession of such land owner or any possessor of said land.

3-3.4 Complaint Notice, Order for Removal and Compliance.

Whenever the Borough determines that there is a violation of this Section, notice shall be given to the property owner and tenant, if there is one. The notice shall be substantially as follows:

- a. The Notice may be served personally or by ordinary mail.
- b. The Notice shall specify the nature of the violation.
- c. The Notice shall state that the violation must be corrected within thirty (30) days from the date of the received or returned mailing.
- d. The Notice shall state specifically what must be done by the responsible party to correct the violation.

3-3.5 Penalties.

- a. Any person determined by any court of competent jurisdiction to have violated this Section shall be subject to pay a fine of not less than \$50.00, nor more than \$500.00. Any convictions for violating this Section after the initial conviction shall result in a fine of not less than \$100.00 and not more than \$1,000.00.
- b. If the violation is not remedied within the time set forth in the aforesaid notice, the Borough is hereby authorized to remove or have removed any encroaching invasive plant and to take all reasonable steps to eradicate the re-growth of the invasive plant on the public rights of way, including sidewalks, and to restore such land to its normal condition, prior to such removal and eradication.
- c. The cost of the corrective action shall be certified to the governing body and, if found correct, shall be charged against the dwelling or lands. The amount so charged shall become a lien upon such 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 or lands, shall 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.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

First Reading and Set Hearing Date for O-20-25

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN						X
VALKOS	X		X			
BROULLON		X	X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 11/12/2020



Michelle Hutchinson, Acting Municipal Clerk
Borough of Highlands

Public Hearing and Adoption December 2, 2020 O-20-25

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN		X	X			
VALKOS			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 12/2/2020



 Michelle Hutchinson, Acting Municipal Clerk
 Borough of Highlands



 Carolyn Broullon, Mayor