

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE TOWNSHIP
CODE TO CREATE A CHAPTER 247 "PROPERTY MAINTENANCE" INCLUDING A
NEW SECTION TO ESTABLISH STANDARDS FOR MAINTENANCE OF RIGHT-OF-
WAY**

WHEREAS, trees on private property are the responsibility of the property owner regardless of whether they are located within a municipal right of way; and

WHEREAS, it has come to the Township committee's attention that some property owners mistakenly believe that land within a municipal right of way is the responsibility of the municipality; and

WHEREAS; the Township Committee wishes to make it clear to all property owners that land within the municipal right of way is the responsibility of the property owner; and

WHEREAS, the Township Committee also wishes to make clear that the Township has the right, not the obligation, to abate/remediate hazardous conditions after notice of the condition to the property owner; and

WHEREAS, the Township Committee wishes to establish a procedure for such notice.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Franklin, Hunterdon County, State of New Jersey as follows:

Section 1:

Chapter 247. Property Maintenance

Article II. Maintenance of Right-of-Way

§ 247-10. Duties of owner.

It shall be the duty of the owner of any lands in the Township of Franklin to:

- A. Maintain and keep living trees and or shrubbery in the road right-of-way or trees which threaten the road right-of-way of any road in the Township in a manner so as to keep the right-of-way safe to preserve the public health, safety and general welfare and to remove dead or dying trees and/or branches. Bamboos, ornamental grass and other similar plants shall be considered shrubbery for the purpose of this Section.
- B. Maintain and keep the right-of-way free of garbage, trash and other debris for the purpose of preserving the public health, safety and general welfare of the public.

- C. On and after the effective date of this article, no structures, fences or obstructions shall be placed in the road right-of-way. No shrubbery or trees that will be placed in the right-of-way shall interfere with the sight distance from any property and/or under utility lines. The foregoing shall not be deemed to prohibit the placement of mailboxes and house numbers in the right-of-way.
- D. Existing trees and shrubbery shall be maintained so as not to interfere with the sight distance from any property and to keep the right-of-way safe to preserve the public health, safety and general welfare.

§ 247-11. Notice of violating conditions.

If any condition exists that violates this article, the Township Zoning Officer or the Supervisor of the Department of Public Works shall notify the owner of the property of such condition or conditions, in writing, by regular mail or personal delivery. The owner of the property shall have 45 days from the date of such written notice to correct the condition or conditions so noticed. The Zoning Officer or the Supervisor of the Department of Public Works shall reinspect the lands in question after the forty-five day period has expired to determine if the condition or conditions have been abated or remedied.

§ 247-12. Failure to abate or remediate conditions.

If the owner of the lands in question fails to abate or remediate the condition or conditions noticed by the Zoning Officer or the Supervisor of the Department of Public Works within 45 days of the notice, the following shall occur:

- A. A complaint shall be issued by the Zoning Officer or the Supervisor of the Department of Public Works for the violation or violations of this article, which complaint shall be brought before the Municipal Court of the Township of Franklin.
- B. If it is necessary to preserve the public health, safety or general welfare of the Township, the Zoning Officer or the Supervisor of the Department of Public Works shall cause the condition or conditions complained about to be abated or remedied and shall certify the cost of abatement or remediation to the Township Committee of the Township of Franklin. The amount of such abatement or remediation shall be paid by the owner, tenant or person in possession within 10 days of the date of the mailing by which the invoice is sent to the aforesaid person.
- C. If the said invoice is not so paid, the amount so charged shall be added to and become a part of the taxes next to be assessed upon the lands in question and shall bear interest at the same rate as municipal real estate taxes, and shall be collected and enforced by the same officer and in the same manner as delinquent taxes.

§ 247-13. Violations and penalties.

For each day the condition or conditions complained of continue to exist after the fourteen-day period has expired, the owner in possession shall be subject to one or more of the following: a fine of not less than \$20 nor more than \$200, imprisonment for a period not to exceed 90 days or a period of community service not to exceed 90 days for each and every day the condition or conditions exist.

Section 2:

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 3:

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

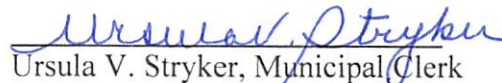
Section 4:

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 and passed by the Township Committee on the first reading at a meeting of the Township Committee of the Township of Franklin, held on August 9, 2018, and will be considered for a second reading and final passage at a regular meeting of the Township Committee to be held on September 13, 2018, at 7:30 p.m., at the Municipal Building, located at 202 Sidney Road, Pittstown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Adopted: 9-13-2018


Ursula V. Stryker, Municipal Clerk