

## Chapter 52

### BRUSH, WEEDS, DEBRIS AND LITTER

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**[HISTORY: Adopted by the Mayor and Council of the Borough of Riverton during codification 11-14-1974 by Ord. No. 315 (see Ch. 1, General Provisions, Art. II); amended in its entirety 12-10-1987 by Ord. No. 13-87 . Subsequent amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire prevention — See Ch. 69.

Streets and sidewalks — See Ch. 111.

Garbage, rubbish and refuse — See Ch. 74.

Public health nuisances — See Ch. 140.

Recycling Program — See Ch. 99.

#### § 52-1. Legislative findings.

It is hereby found and determined by the governing body of the Borough of Riverton that it is necessary for the preservation of the public health, safety and general welfare, to eliminate fire hazards and to avoid unsightly conditions upon real properties, that noxious or unsightly weeds (including ragweed), brush, dead or dying trees and similar types of obnoxious growths, and also trash, garbage, debris and litter (including paper, plastic, bottles, cans, wrappers and containers), not be permitted to exist, remain or accumulate upon lands situate within the Borough.

#### § 52-2. Definitions. [Added 12-11-2013 by Ord. No. 9-2013 <sup>1</sup>]

The following terms, wherever used herein, shall have the following meanings, unless a different meaning clearly appears from the context:

**EXTERIOR OF PREMISES** — Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent lots, including all outside surfaces and appurtenances thereto and including all signs and fences, as well as the open land space of any premises which may be unimproved by any building or structure.

**NUISANCE** —

A. Any public or private condition that would constitute a nuisance according to the statutes, laws or

1. Editor's Note: This ordinance also renumbered former §§ 52-2 through 52-6 as §§ 52-4 through 52-8, respectively, and former § 52-7 as § 52-10.

regulations of the State of New Jersey, its governmental agencies or the ordinances of the Township.

- B. Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, or passing within the proximity of, premises where such condition exists.

**OCCUPANT** — Any person residing, living or sleeping in or on the premises or having actual possession, use or occupancy of a dwelling, premises or rooming unit, or any person or entity in possession of or using any premises, or part thereof, whether or not the owner thereof, and regardless of the duration of time of such possession, use or occupancy.

**OPERATOR** — Any person, persons or entity, not the owner, who has charge, care or control of a dwelling or premises, or a part thereof, with or without the knowledge, consent or authority of the owner.

**OWNER** — Any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises, or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure, or part thereof, as owner or agent of the owner or as a fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purpose of this chapter and shall have responsibility over the portion of the premises so sublet, leased or assigned.

**PREMISES** — One or more lots, plots or parcels and/or rights-of-way, including the buildings or structures which may exist thereon.

**REFUSE or RUBBISH** — All discarded, useless, unusable, unused or worthless solid waste matter or materials, combustible or noncombustible, including, but not limited to, garbage, trash, ashes, paper, paper goods and products, wrappings, cans, bottles, containers, yard clippings, garden waste, debris, junk, glass, boxes, crockery, wood, mineral matter, plastic rubber, leather, furniture, household goods, appliances, bedding, scrap lumber scrap metal, construction material, inoperable machinery or parts.

### **§ 52-3. Maintenance of exterior of premises. [Added 12-11-2013 by Ord. No. 9-2013 ]**

It is the responsibility of all owners, operators or occupants, of property located within the Borough to maintain the exterior of all premises in a clean and safe condition, free from the following:

- A. Noxious, dangerous, overgrown or unsightly weeds (including ragweed) or brush.
- B. Dead or dying trees.
- C. Refuse or rubbish.
- D. Trash, garbage, debris or litter (including paper, plastic, bottles, cans, wrappers and containers).
- E. Abandoned or unused appliances.
- F. Nuisances.
- G. Discarded or unused household goods and furniture.

### **§ 52-4. Obnoxious growths and accumulations prohibited.**

Any person, company or firm who or which is the owner, tenant or occupier of any lands within the Borough shall not permit, allow or cause to remain on said lands any noxious or unsightly weeds (including

ragweed), brush, dead or dying trees or similar types of obnoxious growths or trash, garbage, debris or litter (including paper, plastic, bottles, cans, wrappers and containers).

**§ 52-5. Notice to remove.**

The Borough, acting through the Director of Public Safety or such deputies as he may appoint, may require the removal of the aforesaid noxious or unsightly weeds (including ragweed), brush, dead or dying trees or similar type of obnoxious growths or trash, garbage, debris or litter (including paper, plastic, bottles, cans, wrappers and containers) from such lands by written notice delivered or mailed to the owner, tenant or occupier of any such lands, at the address for said party shown on the Borough real estate tax records and at the address situate within the Borough at which the matter is to be removed, if the addresses are different. The notice shall set forth in detail the matter to be removed and shall allow the owner, tenant or occupier 10 days to remove the matter specified therein and shall inform said party that should the removal not take place within the time provided, the Borough may remove the same and charge the cost to such lands and/or may enforce the provisions of this chapter by proceedings in the Borough Municipal Court against said party.

**§ 52-6. Failure to comply; removal by Borough.**

The Borough may cause the removal of any of the aforesaid matter from such lands, through whatever means the Borough shall deem appropriate, should the owner, tenant or occupier of such lands not do so, after notice given as set forth above and the expiration of the time period provided in such notice and the failure of said party to comply therewith.

**§ 52-7. Costs to be lien.**

The cost of the removal of such matter from such lands shall be certified by the Borough Clerk to the governing body, and the governing body shall conduct a hearing on 10 days' notice to the owner, tenant or occupier of such lands as to the correctness of such cost and, after the determination of the correctness thereof, shall cause the same to be charged against such lands and become a lien thereon, to be collected and enforced in the same manner as a lien for real estate taxes.

**§ 52-8. Commercial properties.**

The owners, tenants and occupants of all commercial properties in the Borough shall maintain their exterior premises so as to prevent the accumulation of noxious and unsightly weeds (including ragweed), brush, dead or dying trees or similar types of obnoxious growths or trash, garbage, debris or litter (including paper, plastic, bottles, cans, wrappers and containers). Failure to do so shall subject the owners, tenants and occupants to the fines provided under § 52-10 herein, as well as any other provision of this chapter.

**§ 52-9. Enforcement. [Added 12-11-2013 by Ord. No. 9-2013 ]**

The provisions of this chapter shall be enforced by the Code Enforcement Official of the Borough of Riverton with the assistance of the Riverton Police Department and others as needed.

**§ 52-10. Violations and penalties.**

Any person, company or firm who or which shall violate the provisions of this chapter shall be subject to a fine of not more than \$500 for each offense and imprisonment for not more than 60 days if an individual, in the discretion of the Borough Municipal Judge. This remedy shall be separate and apart from, or in addition to, the remedies provided under §§ 52-5 through 52-7, as the Borough or other complainant may determine

is appropriate.