

TOWNSHIP OF UPPER DEERFIELD

ORDINANCE 865

AMENDING CHAPTER 234 OF THE UPPER DEERFIELD CODE

Whereas, Upper Deerfield Township is vested with the authority to adopt ordinances pursuant to N.J.S.A. 40:48-2 as it may deem necessary and proper for good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants and in particular Upper Deerfield Township is vested with the authority to regulate and cause the removal of weeds and other obnoxious growths from properties within the Township pursuant to N. J. S.A. 40:48-2.13, and to adopt ordinances that promote a desirable visual environment pursuant to N.J.S.A. 40:55D-2(i); and

Whereas, the failure of property owners and tenants to maintain landscaping, trees, shrubs and vegetation creates an undesirable visual environment and has the potential to affect property values and it is therefore in the general public welfare to regulate the maintenance of vegetative growth on all properties within the Township; and

Whereas, the condition of some properties in the Township require the adoption of this Amendment to eliminate any doubt as to what is and is not acceptable in the maintenance of lands within the Township.

Now therefore, Chapter 234 of the Township Code is amended as follows:

§ 234-1. Definitions. As used herein the following terms shall mean:

- A. **Front Yard.** Front Yard shall have the meaning set forth in Chapter 405 Section 3.
- B. **Lawn Area.** Lawn Area shall mean the area of the property planted and to be planted with Lawn Grasses.
- C. **Lawn Grasses.** Lawn Grasses means those customarily and traditionally used in residential and commercial landscape design such as fescue, blue grass, zoysia, bent grass and Bermuda grass.
- D. **Landscape Beds.** Landscape Beds means that area cultivated and maintained for the planting of Ornamental Shrubbery, Ornamental Flowers Landscaping Rock and/or Landscaping Stone, fish ponds, fountains and other ornaments customarily used in landscape design.
- E. **Ornamental Shrubbery.** Ornamental Shrubbery means those ornamental shrubs customarily and traditionally used in residential and commercial landscape design such as Azaleas, Hydrangeas, Roses, Boxwoods, Rhododendrons, Lilacs, Camellias, Butterfly Bushes, Spiraeas, Forsythias, Dwarf Alberta Spruce and Japanese Maples.
- F. **Ornamental Flowers and Plants.** Ornamental Flowers and Plants means plants and flowers primarily grown for decoration, beauty and aesthetics such as: Roses, orchids, tulips, petunias, marigolds, chrysanthemums, Philodendrons, ferns, palms, dracaena, rubber plant, croton, coleus, Pampas grass, ribbon grass, Water lily, lotus, hyacinth, elephant ear, Zinnia, cosmos, snapdragons, dianthus, impatiens, vinca, phlox and decorative ground covers.
- G. **Residential Property.** Residential Property means any parcel of land lying within any Residential Zone of the Township as set forth in Chapter 405 and any other property used for residential purposes regardless of the zoning of such property.

H. **Trees.** Trees shall mean those species described in Attachments 7 and 8 of Chapter 405.

§ 234-2. Maintenances of Yard Areas Generally.

A. All land areas on all properties within the Township, shall be maintained in an orderly state, with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting and/or debilitating effect upon surrounding properties and/or having any negative aesthetic or other impact upon adjoining and nearby property. Open areas shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe condition

§ 234-3. Permitted and Prohibited Landscaping for Residential Properties.

- A. Landscaping in the Front Yard of any Residential Property shall be limited to Lawn Areas, Trees of the species defined herein, and Landscape Beds.
- B. Lawn Areas shall be maintained at a height not greater than Eight (8) inches.
- C. The growing of crops, edible plants, vegetables and similar vegetation is prohibited in the Front Yard of any Residential Property. The cultivation, planting and maintenance of vegetation, composting and other practices within the broadly defined concept of Permaculture or sustainable ecosystems is strictly and expressly prohibited in the Front Yard of any Residential Property.
- D. Hedgerows shall be permitted as set forth in Section 24 of Chapter 405.
- E. The planting, growing, allowing or suffering the growth of Bamboo anywhere on Residential Property is strictly prohibited and any existing growth shall be removed.
- F. Notwithstanding the foregoing, any undeveloped Residential (vacant lots) shall not be subject to the foregoing except for the prohibition of Bamboo and may be maintained with natural vegetation subject to the other sections of this Ordinance.

§ 234-3. Accumulations prohibited. [Amended 7-2-1996 by Ord. No. 456]

- A. It shall be unlawful for an owner or tenant of lands lying within the limits of the Township of Upper Deerfield to allow, suffer or permit anywhere on such lands any accumulation of brush, weeds, obnoxious growth or other vegetation (exclusive of shrubs, hedges and trees) in excess of 10 inches in height. It shall be unlawful for an owner or tenant of lands lying within the Township of Upper Deerfield to allow, suffer or permit an accumulation of garbage, trash, trees, stumps, roots, fallen or dead trees in such a manner as to constitute a fire hazard or so as to constitute a hazard to health and public safety. In any such case, the owner or the owner and tenant shall cause such brush, weeds, fallen, dead or dying trees, stumps, roots or other obnoxious growth to be removed and destroyed.
- B. No owner, owners, tenant or tenants of any building, dwelling or lands lying in the Township of Upper Deerfield shall cause or allow any grass, brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris to be removed from the property of said owner, owners, tenant or tenants and be deposited upon any Township, county or state right-of-way or easement or upon neighboring property. All such grass, brush, weed, etc., shall be collected and either removed from the premises or containerized in proper containers for removal. Any person, firm or entity who shall violate this section shall be fined in accordance with § 234-11.

§ 234-4. Notice to abate condition. [Amended 7-2-1996 by Ord. No. 456 ¹]

Whenever there is non-compliance of any lands lying within the limits of the Township of Upper Deerfield contrary to the provisions of this chapter, the Township Committee, the Health Officer, Zoning Officer or other Township official designated for this purpose by the Township Committee shall cause 10 days' written notice to remove or destroy, or otherwise comply with the provisions hereof to be given to the owner or tenant of any such lands.

§ 234-5. Service of notice.

Written notice as aforesaid shall be given both to the owner and tenant of the land, if known, and may be served personally or left with a member of the household over the age of 14 years or may be sent by certified mail to the last known post office address of such owner or tenant.

§ 234-6. Notice when owner is unknown.

In the event that the name and post office address of the owner are not known, then such written notice as aforesaid shall be sent by certified mail addressed to the person or persons whose names appear as owner on the last tax duplicate with the mailing address shown thereon.

§ 234-7. Refusal by owner to abate condition. [Amended 5-5-2011 by Ord. No. 669]

In the event that any owner or tenant shall refuse to comply within the time limited by such notice, then the Township Committee may authorize and direct that the same be removed or destroyed by or under the direction of the Health Officer or other Township official designated by the Township Committee for this purpose.

§ 234-8. Certification of cost.

In the event that such owner or tenant shall refuse or neglect to remove or destroy any such accumulations as hereinbefore set forth and it shall be necessary for the Township Committee to cause the same to be removed or destroyed, the officer responsible therefor shall certify the cost thereof to the Township Committee.

§ 234-9. Examination of certification; charge against lands.

Upon such certification to the Township Committee of the cost of removal or destruction as hereinbefore set forth, the Township Committee shall examine such certification and, if found correct, the cost as shown thereon shall, by resolution of the Township Committee, be charged against said lands.

§ 234-10. Filing of charge; collection.

Upon passage of said resolution by the Township Committee, a certified copy thereof shall be filed with the Collector of Taxes, and the amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form a 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.

§ 234-11. Violations and penalties.

Any person violating any of the provisions hereof shall, upon conviction, be subject to a penalty, either by imprisonment for not more than 90 days or by a fine not exceeding \$500, or both, in the discretion of the court. Each and every day any violation continues after notice to remove or destroy any accumulation or non-compliance as provided herein shall be considered a separate

offense, punishable by a like fine or penalty.

§ 234-12. Retroactive and Prospective Application.

This Ordinance shall be applied Retroactively and Prospectively. The existing conditions of any property not in compliance at the time of the adoptions of this Ordinance shall be required to comply with the provisions hereof.

234-13. Severability.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

James Crilley, Chairman

Adopted: September 19, 2024

Attested: Roy J. Spoltore, Township Clerk

First Reading: September 5, 2024

Publication: September 11, 2024

Publication of Final Adoption: September 25, 2024