

Township of Lower, County of Cape May, State of New Jersey

Ordinance # 2013-13

AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, Section 302.4 of the Property Maintenance Code of the Township of Lower governs weeds in exterior property areas; and

WHEREAS, Section 302.4 presently requires that all premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254mm) with an exception for cultivated flowers and gardens thereof; and

WHEREAS, upon further review of Section 302.4 the Township has deemed that adjacent landowners need protection from even cultivated flowers or gardens that interfere with an adjoining property owners property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township of Lower Council, County of Cape May and the State of New Jersey as follows:

Section 1. Section 302.4 entitled Weeds, of the Property Maintenance Code of the Township of Lower is hereby amended as follows:

§302.4 Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however; this term shall not include cultivated flowers and gardens so long as said cultivated growth does not encroach, trespass or interfere with an adjoining property.

Section 2. The above Section 302.4 is intended to replace and supersede all previous requirements cited in the section.

Section 3. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be Declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 5. Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower and filed with the Secretary of State.

Section 6. This Ordinance shall take effect twenty (20) days after final passage and Publication as provided by law.

Thomas Conrad
Thomas Conrad, Councilmember

James Neville
James Neville, Councilmember

Glenn Douglass
Glenn Douglass, Councilmember

Norris Clark
Norris Clark, Deputy Mayor

Michael E. Beck
Michael E. Beck, Mayor

Adopted: 7-1-13

Attest: Julie A. Picard
Julie A. Picard, Township Clerk