

ORDINANCE NO. 2024-6

**AN ORDINANCE OF COLTS NECK TOWNSHIP IN THE COUNTY OF
MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND
SUPPLEMENTING CHAPTER 87 OF THE CODE OF
COLTS NECK TOWNSHIP ENTITLED “BRUSH, WEEDS AND PLANT LIFE”**

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of Colts Neck Township; and

WHEREAS, Colts Neck Township is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township’s policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, proper sight lines (aka sight triangles) at road intersections are critical to prevent accidents as well as ensuring the efficient flow of traffic, and maintaining a clear line of sight at intersections plays a pivotal role in achieving this goal; and

WHEREAS, the obstruction of sight lines at road intersections due to landscaping, fences, or other structures poses a significant risk to public safety by increasing the likelihood of traffic accidents and limiting visibility for drivers and pedestrians; and

WHEREAS, establishing regulations promoting clear sight lines and sight triangles at road intersections promotes public safety and aligns with the Township’s commitment to improving the quality of life for its residents; and

WHEREAS, adoption of an ordinance to address sight lines and sight triangles at road intersections and to provide guidelines for their maintenance will serve to protect the public welfare by reducing accidents and creating safer road conditions; and

WHEREAS, the Colts Neck Township Committee recognizes the need to balance property rights and public safety concerns, and therefore seeks to develop a fair and practical approach to address sight lines at road intersections that accommodates both individual landowners and the greater community; and

WHEREAS, the Colts Neck Township Committee finds it is in the best interest of the Township and its citizens to implement an ordinance that establishes requirements for clear sight lines at road intersections and outlines the responsibilities of property owners to ensure a safer and more harmonious environment for all.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline deletions to text indicated by ~~strikeout~~).

SECTION I: That Chapter 87, “Brush, Weeds and Plant Life” is hereby amended and supplemented as follows.

Chapter 87. Brush, Weeds, and Plant Life, Trees, Fences and Walls at Intersections

§ 87-1. Findings.

The Township Committee hereby finds and declares that the existence of brush, weeds, trees, plant life, fences and walls within 25 feet of the intersection of two or more roadways at a height in excess of 2½ feet is adverse to the preservation of public safety and general welfare and is likely to constitute a traffic hazard.

§ 87-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PLANT LIFE

Includes any brush, hedge, tree, weed and/or other plant life on lands within the Township.

FENCE

A construction, usually made of posts, wire, wood, plastic or iron, used as a barrier to enclose or border an area, or to prevent entrance, or to confine, or to mark a boundary or for decorative or landscaping purposes.

WALL

A structure forming a physical barrier between two areas or border an area to prevent entrance, or to confine, or to mark a boundary or for decorative or landscaping purposes.

§ 87-43. Restriction on height; duty of owner or tenant.

- A. The owner or tenant of lands lying within the limits of the Township of Colts Neck shall keep all brush, hedges, trees, weeds and other plant life growing within a triangle formed at 25 feet of the intersection of two or more roadways measured 25 feet along the edge of pavement or curb line cut to a height of not more than 2½ feet.
- B. No fence, wall or structure greater than 2½ feet in height shall be installed or erected within a triangle formed at the intersection of two or more roadways measured 25 feet along the edge of pavement or curb line.

§87-24. Notice; failure to comply; cost of work to become lien.

Upon the failure or refusal of the owner or tenant to cut or lower any brush, hedge, tree or other plant life, fence, wall or structure within the limitations of § ~~87-43~~ hereof within 10 days after written notice to cut the same has been served upon him, either by registered mail or by personal service, by the Zoning Officer, Code Enforcement Officer of the Township or ~~his or her~~ their designee, the Zoning Officer, Code Enforcement Officer or ~~his or her~~ their designee may himself, or under his or her direction, provide for the cutting of the same. The Zoning Officer, Code Enforcement Officer or ~~his or her~~ their designee shall certify the costs thereof to the governing body, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; or, in the event that such costs are excessive, to cause the reasonable costs thereof to be charged against said lands. The amount so charged shall forthwith become a lien upon such lands and shall be added 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 other taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

§87-35. Violations and penalties.

- A. A violation of any provision of this Chapter shall be punishable as provided in § ~~1-9~~ of this Code.
- B. The imposition and collection of any penalty imposed by the provisions of Subsection A of this section shall not constitute any bar to the right of the Township to collect the cost of removal as provided in § 87-4.

§87-46. County designated as additional enforcement agency.

For the purposes of this chapter, in addition to the Zoning Officer, Code Enforcement Officer of the Township of Colts Neck or ~~his or her~~ their designee, the County of Monmouth is hereby designated as an officer of the Township of Colts Neck empowered to carry out the provisions of this chapter on all county roads and at all intersections of county roads.

SECTION II Severability.

If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of January 2024. A public hearing will be held on January 31, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.


Tina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	January 10, 2024					January 31, 2024				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Rizzuto		X					X			
Deputy Mayor Buss		X				S	X			
Viola	M	X					X			
Bartolomeo		X					X			
Fitzpatrick	S	X				M	X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting			Ab - Absent		