

ORDINANCE #68-3
"PUBLIC HEALTH NUISANCE ORDINANCE"

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Elmer, Salem County, New Jersey, as follows:

SECTION I. Any person who violates or neglects to comply with any provisions of this ordinance or notice issued pursuant thereto as deemed by the Land Use Board Zoning Official, shall upon conviction thereof, be liable to a penalty of not more than Five Hundred (\$500.00) Dollars, or imprisonment in the County Jail for a term not exceeding thirty (30) days, or both, for each conviction.

SECTION II. All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance and the code established hereunder are hereby repealed to the extent of such inconsistency.

SECTION III. In the event that any section, sentence or clause of this ordinance or code shall be declared unconstitutional by a court of competent jurisdiction such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

SECTION IV. Person shall mean and include the individual, firm, corporation, association, society, partnership, and their agents or employees.

SECTION V. The following matters, things, conditions or acts and each of them are hereby declared to be a nuisance and injurious to the health of the inhabitants of this municipality:

- (a) Pollution or existence of a condition or conditions which cause or threaten pollution, of any waters in this municipality in such manner as to cause or threaten injury to any of the inhabitants of this municipality either in their health, comfort or property.
- (b) The escape into the open air from any stack, vent, chimney or any entrance to the open air, or from any fire into the open air of such quantities of smoke, flyash, dust, fumes, vapors, mists or gases as to cause injury, detriment, or annoyance to the inhabitants of this municipality or endanger their comfort, repose, health or safety.
- (c) The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or other public or private place.
- (d) The growth, existence or presence of poison ivy within twenty feet of any property line.
- (e) The existence or presence of any water or other liquid, in which mosquito larvae breed or exist.
- (f) The existence or presence of any accumulation of garbage, refuse, manure, or animal or vegetable matter, which may attract flies and to which flies may have access, or in which fly larvae or pupae may breed or exist.
- (g) Depositing, accumulating, or maintaining any matter or thing which serves as food for insects or rodents and to which they have access or which serves or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.
- (h) The existence or presence of brush, weed, dead or dying trees, stumps, roots, construction or demolition, refuse or debris, or lumber, machines, junk, paper, cloth, glass or combination of them.

SECTION VI. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance, as declared and described in this ordinance.

SECTION VII. It shall be unlawful for any person to make, cause or suffer or permit to be made or caused upon any premises owned, occupied or controlled by him or it, or upon any public street, alley or thoroughfare in this municipality, any unnecessary noises or sounds by means of the human voice, or by any other means or methods which are physically annoying to persons, or which are so harsh, or so prolonged or unnatural, or unusual in their use, time and place as to occasion physical discomfort, or which are injurious to the lives, health, peace and comfort of the inhabitants of this municipality or any number thereof.

SECTION VIII.

(1) Whenever a nuisance as declared by this ordinance is found on any plot land, lot, right-of-way or any other private premises or place, notice in writing shall be given to the owner thereof to remove or abate the same within such time as shall be specified therein but not less than five days from the date of service thereof. A duplicate of the notice shall be left with one or more of the tenants or occupants of the premises or place. If the owner resides out of the state or cannot be so notified speedily, such notice shall be left at that place or premises with the tenant, or occupant thereof, or posted on the premises and such action shall be considered proper notification to the owner, tenant or occupant thereof.

(2) Whenever a nuisance as declared by this Ordinance is found on any public property or any highway or any other public premises or place, notice in writing shall be given to the person in charge thereof to remove or abate the same within such time with such notice within the time specified as shall be specified therein. If such person fails to comply with such notice within the time specified therein, the Borough of Elmer may remove or abate such nuisance in the manner as hereinafter provided in the case of a like condition existing on a private premises or place.

(3) If the owner, tenant or occupant upon being notified as provided by this Section shall not comply with such notice within the time specified therein and fails to remove or abate such nuisance, the Borough of Elmer shall proceed to abate the nuisance or may cause it to be removed or abated in a summary manner by such means as said Borough shall deem proper.

SECTION X. The Borough of Elmer may institute an action at law to recover costs incurred by it in the removal or abatement of any nuisance as declared by this ordinance from any person who shall have caused or allowed such nuisance to exist, or from any owner, tenant, or occupant of premises who, after notice and notification as herein provided, shall fail to remove and abate the same within the time specified in such notice.

NOTICE

Notice is hereby given that an ordinance was finally amended at the regular meeting of the Borough Council, of the Borough of Elmer, held on June 11, 2008.

Beverly S. Richards

Borough Clerk