

**RARITAN BOROUGH
BOARD OF HEALTH**

ORDINANCE NO. BH: 2017-01

**AN ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH OF
RARITAN, COUNTY OF SOMERSET, STATE OF NEW JERSEY
CREATING A PUBLIC HEALTH NUISANCE CODE**

BE IT ORDAINED by the Board of Health of the Borough of Raritan, County of Somerset, State of New Jersey as follows:

There is hereby created a new Code and Ordinance entitled Public Health Nuisance Code of New Jersey as follows:

Section I

Definitions as Used in This Code and Ordinance

- 1.1 Enforcing Officials shall mean and include the Health Officer or other official authorized by the Board of Health to enforce this Code and Ordinance.
- 1.2 Person shall mean and include an individual, firm, corporation, association, society, partnership, and their agents or employees.

Section II

Nuisances Defined and Prohibited

- 2.1 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, flash, 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 any 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 breed or exist.
- g) Depositing accumulating or maintaining any matter or thing which serves as food for insects or rodents and to which they may have access or which serves or constitutes a breeding place or harborage for insects or rodents in or any land premises, building or other place.

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

Section III

Proper Heating of Apartments

3.1 It shall be unlawful for the owner or owners who have agreed to supply heat to any building designed to be occupied or occupied as a residence by more than two families to fail to supply heat from the first day of October in each year to the first day of May of the succeeding year in such manner that the temperature of said building where one or more persons reside shall always be kept at sixty-eight degrees Fahrenheit or above between the hours of six ante meridian and ten post meridian.

Section IV

Prohibition of Certain Noises or Sounds

4.1 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 V

Prohibited Lease or Rental of Certain Buildings

5.1 It shall be unlawful for any person to rent, lease or otherwise permit the occupancy of any building as a residence or for any person to reside in any building as its owned which:

- a) is not adequately and properly ventilated, or
 - b) fails to provide potable water at sufficient pressure and quantity for each family unit from a public supply approved by the State Department of Health or a private supply approved by the Enforcing Official, or
 - c) does not have plumbing fixtures consisting of a kitchen sink, bathtub or shower, lavatory and flush toilet connected to the potable water supply, or
 - d) does not have facilities for the discharge of all household liquid wastes into a public sewerage system approved by the State Department of Health, or into a private sewerage system approved by the Enforcing Official.
- e)

Section VI

Spitting Prohibited

6.1 It shall be unlawful for any person to spit upon any public sidewalk or upon any part of the interior or exterior of any public building or public conveyance.

Section VII

Inspection of Premises

7.1 All places and premises in this municipality shall be subject to inspection by the Board of Health or the Enforcing Official if the Board or that Official has reason to believe that any Section of this Code is being violated.

7.2 It shall be unlawful for any person to hinder, obstruct, delay, resist or prevent the Board of Health or the Enforcing Official from having full access to any place or premises upon which a violation of this code is believed to exist.

Section VIII

Abatement of Nuisances

8.1 Whenever a nuisance as declared by Section II of this Code is found on any plot of 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 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.

8.2 Whenever a nuisance as declared by Section II of this Code is found on any public property or on 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 as shall be specified therein. If such person fails to comply with such notice within the time specified therein, the Board of Health 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.

8.3 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 Board of Health shall proceed to abate the nuisance or may cause it to be removed or abated in a summary manner by such means as said Board shall deem proper.

Section IX

9.1 The Board of Health may institute an action at law to recover costs incurred by it in the removal or abatement of any nuisance as declared by Section II of this Code 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.

9.2 Any person who violates or neglects to comply with any provision of this ordinance or code established herein or notice issued pursuant thereto, shall upon conviction thereof, be liable to a penalty of not less than five dollars (\$5.00) nor more than one hundred dollars (\$2,000.00) for each violation.

Section X

10.1 The provisions of this Code shall be enforced by the Board of Health or its Enforcing Official.

Section 2. Repealed

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

Section 3. Severability

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4.

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

Paula Machala
 Paula Machala, Board President

Constance M. Del Rocco
 Constance M. Del Rocco, Secretary

INTRODUCTION: April 10, 2017

Motion	Second	Name	Yeas	Nays	Abstain	Absent
X		Bongiovi	X			
		Ciufo				X
		Lella	X			
		Machala	X			
		Mastice				X
	X	Nair	X			

PUBLIC HEARING AND ADOPTION: May 10, 2017

Motion	Second	Name	Yeas	Nays	Abstain	Absent
		Bongiovi				X
		Ciufo	X			
X		Lella	X			
		Machala	X			
	X	Mastice	X			
		Nair	X			