

## ORDINANCE 16 - 18

### **AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MOUNT ARLINGTON TO REINSTATE AND ADD A NEW CHAPTER 200, NUISANCES**

**WHEREAS**, the Borough of Mt. Arlington Board of Health Department reviewed the Borough Code and determined that in order to protect its residents, and for the general safety of the community, that an ordinance regulating Nuisances should be reinstated and added to the Borough Code; and

**WHEREAS**, Former Chapter 200, Nuisances, Public Health, previously codified herein and amended 7-8-2002 by Ord. No. 02-23; 7-11-06 by Ord. No. BH 2006-01 and 9-11-2007 by Ord. No. BH 2007-3 was deleted in its entirety 11-12-2013 by Ord. No. 11-13 by previous direction from Board of Health but listed as reserved; and

**WHEREAS**, the Mayor and Council for the Borough of Mount Arlington reviewed the Borough Code and desires to amend and supplement the Borough code by reinstating and adding a new Chapter 200, Nuisances; and

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris and State of New Jersey that the Borough code be amended and supplemented to reinstate and add a new Chapter 200, Nuisances.

**SECTION 1.** Chapter 200, Nuisances is set forth in its entirety as follows:

#### **§ 200-1. Definitions.**

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

#### **ENFORCING OFFICIAL**

The Health Officer or other official authorized by the Board of Health to enforce this code and chapter.

#### **PERSON**

An individual, firm, corporation, association, society, partnership and their agents or employees.

#### **§ 200-2. Declaration of Nuisances; Prohibition.**

A. 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:

(1) 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.

(2) 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, fly ash, 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.

(3) The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or any other public or private place.

(4) The growth, existence or presence of poison ivy within twenty (20) feet of any property line.

(5) The existence or presence of any water or other liquid in which mosquito larvae breed or exist.

(6) 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 exist.

(7) 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 on any land, premises, building or other place.

(8) The blockage, in any manner, of any public street or any streets delineated upon a duly recorded final subdivision plat after any residential occupancy has occurred in houses fronting upon such street, even though the public improvements for said street may not have been accepted by the Borough.

(9) Excremental matter. Permitting any human excrement or material containing human excrement to remain or flow upon any place other than into an approved disposal system.

(10) Laundry waste. Permitting laundry wastes from any location or source to remain or flow upon any place other than into an approved disposal system.

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

#### **§ 200-3. Noises.**

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 Borough or any member thereof.

#### **§ 200-4. Requirements for Rental of Residences.**

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 owner, which building:

A. Is not adequately and properly ventilated;

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;

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.

**§ 200-5. Spitting Prohibited.**

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.

**§ 200-6. Inspection of Premises.**

A. 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.

B. 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.

**§ 200-7. Abatement.**

A. Nuisances on private premises.

(1) Whenever a nuisance, as declared by §200-2 of this chapter, 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 (5) days from the date of service thereof. A duplicate of the notice shall be left with one (1) or more of the tenants or occupants of the premises or place.

(2) 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.

B. Whenever a nuisance, as declared by §200-2 of this chapter, 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.

C. 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.

**§ 200-8. Recovery of Costs.**

The Board of Health may institute an action at law to recover fees and costs incurred by it in the removal or abatement of any nuisance 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.

**§ 200-9. Enforcement.**

The provisions of this chapter shall be enforced by the Board of Health or its enforcing official.

**§ 200-10. Violations and Penalties.**

In lieu of the abatement remedies referred to in §200-7 of this chapter, any individual, partnership or corporation continuing to maintain a nuisance as defined in §200-2 of this chapter after notice to abate has been given or violating any other provisions of this chapter shall be subject to a fine not exceeding two thousand dollars (\$2,000.00) nor less than one hundred dollars (\$100.00). This penalty provision is adopted in accordance with N.J.S.A. 26:3-70.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law.

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on October 2, 2018 and will be further considered after a Public Hearing held on November 7, 2018 at the Municipal Building at 7:00 P.M.

INTRODUCED:

PUBLISHED:

ATTEST:



Linda DeSantis, RMC, Borough Clerk

BOROUGH OF MOUNT ARLINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY



Michael Stanzilis, Mayor