

**Township of Lawrence
County of Mercer**

Ordinance No. 2130-12

**AN ORDINANCE AMENDING CHAPTER 14
OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE
ENTITLED "NUISANCES"**

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 14 of the Lawrence Township Administrative Code entitled "Nuisances" be and is hereby amended as follows:

NUISANCES

- 14.1. **Scope**
- 14.2. **Definitions**
- 14.3. **Nuisances defined and prohibited**
- 14.4. **Inspection of premises**
- 14.5. **Abatement of nuisances**
- 14.6. **Recovery of municipality's cost of abatement**
- 14.7. **Enforcement**
- 14.8. **Penalties**
- 14.9. **Repealer**
- 14.10. **Constitutionality**

Sec. 14.1 Scope

An ordinance defining and prohibiting certain matters, things, conditions or acts and each of them as a nuisance, authorizing the inspection of premises by an enforcing official, providing for removal or abatement of certain nuisances and recovery of expenses incurred by the division of health in removing or abating such nuisances, and prescribing penalties for violations.

Sec. 14.2 Definitions

The following definitions shall apply in the interpretation and enforcement of this ordinance:

(a) Enforcing officials shall mean and include the health officer or other official authorized by the board of health to enforce this ordinance.

(b) Person shall mean and include an individual, firm, corporation, association, society, partnership, and their agents or employees.

Sec. 14.3 Nuisances defined and prohibited

(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 which causes or threatens pollution of any waters in this municipality in such a 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 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, presence or existence 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 other animal or vegetable matter which may attract flies and to which they may have access, or in which fly larvae or pupae breed or 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, buildings or other place.

(8) The artificial discharge by pumping of water, directly or indirectly, and whether in conjunction with other fluid substances or not, onto the surface of public rights-of-way in this municipality except only (a) with respect to water runoff from the watering of grass, and shrubbery and the washing of vehicles and windows and other similar and necessary uses of water for ordinary domestic and commercial cleansing purposes, (b) with respect to the pumping of flooded cellars and crawl-spaces and as may otherwise be deemed necessary to alleviate emergency conditions by fire, police, civil defense and other public safety agencies, and (c) with respect to such other pumping as, in the opinion of the municipal engineer, is necessary to relieve a serious and permanent water condition and where there are no technologically feasible alternatives, such as curb connections to an existing storm water system having necessary capacity or construction of operable on-site dry wells having adequate capacity; provided, however, in every such instance, that the municipal engineer also determines that such pumping will not result in excessive ponding within or upon public ways in the course of flow to the nearest drainage ditch or natural stream.

[(9) Any matter, thing, condition or act which is or may become detrimental or a menace to the health of the inhabitants of this municipality.]

[(10) Any matter, thing, condition or act which is or may become an annoyance, or interfere with the comfort or general well-being of the inhabitants of the municipality.]

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

Sec. 14.4 Inspection of premises

(a) All places and premises in this municipality shall be subject to inspection by the division of health or the enforcing official if the division or that official has reason to believe that any section of this chapter is being violated.

(b) It shall be unlawful for any person to hinder, obstruct, delay, resist or prevent the division of health or the enforcing official from having full access to any place or premises upon which a violation of this chapter is believed to exist.

Sec. 14.5 Abatement of nuisances

(a) Whenever a nuisance, as declared by section 14.3 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 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 the 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 section 14.3 is found on any public property or on any highway or 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 division 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 division 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 the division shall deem proper.

Sec. 14.6 Recovery of municipality's cost of abatement

The division 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 14.3, 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, shall fail to remove and abate the same within the time specified in such notice.

Sec. 14.7 Enforcement

The provisions of this chapter shall be enforced by the division of health or its enforcing official.

Sec. 14.8 Penalties

Any person who violates, or neglects to comply with any provision of this chapter established herein or notice issued pursuant thereto, shall, upon conviction thereof, be liable for a penalty of not less than fifty dollars (\$50.00) nor more than one thousand dollars (~~\$1,000.00~~)[~~\$2,000.00~~] for each violation.

Sec. 14.9 Repealer

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

Sec. 14.10 Constitutionality

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

Additions are underlined

Deletions are bracketed

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Adopted: August 21, 2012

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Ms. Lewis	X						X
Dr. Maffei	X						
Mr. Powers	X						
Mr. Puliti	X					X	
Mayor Kownacki	X						