

ORDINANCE NO.2

AN ORDINANCE ESTABLISHING A PUBLIC HEALTH NUISANCE CODE.

BE IT ORDAINED BY MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1, CREATED AND OPERATING UNDER N.J.R.S. 26:3-83 ET SEQ. , AND THE SEVERAL ACTS AMENDATORY THEREOF AND SUPPLEMENTARY THERETO AND COMPRISED OF THE BOARDS OF HEALTH OF THE BOROUGHES OF ALLENHURST, BRIELLE, DEAL, FAIR HAVEN, HIGHLANDS, INTERLAKEN, KEANSBURG, LITTLE SILVER, LOCH ARBOUR, MONMOUTH BEACH, RED BANK, RUMSON, SEA BRIGHT, SEA GIRT, SHREWSBURY, SPRING LAKE, SPRING LAKE HEIGHTS, TINTON FALLS, AND WEST LONG BRANCH, AND THE TOWNSHIPS OF MIDDLETOWN, OCEAN, AND WALL, EACH AND ALL IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, THAT:

Section 1. A code establishing a public health nuisance code is hereby adopted pursuant to Revised Statutes 26:3-69.1 to 69.6 and Revised Statutes 26:3-92 and 26:3-93. A copy of the said Code is annexed hereto and made a part hereof without the inclusion of the text thereof herein set forth.

Section 2. The said Code hereby established and adopted by this Ordinance is commonly known as the “New Jersey Public’ Health Nuisance Code (1953)”.

Section 3. Three copies of the said “New Jersey Public Health Nuisance Code (1953)” have been placed on file in the office of the Health Officer and Secretary of this Regional Health Commission upon the introduction of this Ordinance and will remain on file there until final action is taken on this Ordinance for the use and examination of the public.

Section 4. The said Regional Commission, and its agents, or employees, including but not limited to, its Health Officer, shall have the right of entry, at any reasonable hour, into and upon any public, or private building or premises for the purpose of enforcing the provisions of such Code and of this Ordinance, or determining whether such provisions or the rules and regulations of this Regional Commission are being complied with and obeyed. No person shall oppose such entry, or hinder, or interfere with this Regional commission or any of its agents, or employees, or Health Officer, all as aforesaid, in the performance of their duties.

Section 5. This Ordinance may be enforced by and in the name of this Regional Health Commission by proceedings instituted and prosecuted in a court having jurisdiction of such proceedings in the Region.

Section 6. Any person who violates any provision of this Ordinance or Code established and adopted herein, shall, upon conviction thereof, be liable to a penalty of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) for each violation, and each day a particular violation continues shall constitute a separate offense. Upon refusal or neglect, upon and after conviction, to pay the amount of said penalty or fine, the person so convicted shall be subject to be committed to the County Jail for a period not exceeding ninety (90) days, all in the discretion of the Municipal Magistrate or other officer before whom the complaint shall be brought.

Section 7. In the event that any violation of this Code shall also be a violation of a New Jersey State Law, for which a greater penalty is provided than that contained in the aforesaid Code and this Ordinance, the Municipal Magistrate, before whom the complaint is brought, based upon such violation, shall in his discretion, have the right impose, in the place and in lieu of any penalty provided for herein, that is so provided for in the New Jersey State Law which has been so violated.

Section 8. Every act in such Code or this Ordinance designated as being unlawful is hereby prohibited and every act herein expressly prohibited, is hereby designated as being unlawful.

Section 9. All Ordinances, Codes or parts of same inconsistent with any of the provisions of this Ordinance and the Code hereby established and adopted hereunder are hereby repealed to extent of such inconsistency.

Section 10. 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 11. This Ordinance and the Code herein established and adopted shall take effect thirty (30) days after the date of the first publication hereof.

Original Adoption: July 27, 1983