

ORDINANCE NO. HO-16-03

**BOROUGH OF NORTH PLAINFIELD BOARD OF HEALTH
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD DEPARTMENT OF HEALTH, MOST NOTABLY CHAPTER XXVI, "BOARD OF HEALTH."

WHEREAS, N.J.S.A. 26:3-64 provides the Borough of North Plainfield Board of Health with the authority to enact and amend health ordinances and make and alter necessary rules and regulations to abate nuisances; and,

WHEREAS, Article XXVI, Section 26-1.1 of the Borough Code establishes the Borough's Board of Health consisting of the seven (7) members of the Borough Council; and,

WHEREAS, N.J.S.A. 26:3-66 provides the procedure for enactment of ordinances by the Borough's Board of Health; and,

WHEREAS, certain amendments, revisions and supplements to the current North Plainfield Borough Code are necessary in order to adhere to and be consistent with N.J.S.A. 26:3-70, et seq. and N.J.A.C. 8:1-1, et seq.; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield, Chapter XXVI, entitled "Board of Health," is hereby amended, revised and/or supplemented as to the following sections:

1. Amend Section 26-2.11, Enforcement; Recovery of Costs, as follows:

26-2.11 Enforcement; Recovery of Costs.

b. Nuisances; Recovery of Costs. The Board of Health may institute a civil action to recover 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 in writing, fails to abate the

nuisance within such time as shall be specified therein, but not less than five (5) calendar 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. If the owner resides out of State, out of the County of Somerset or cannot be so notified speedily, such notice shall be left at that place or premises with a tenant or occupant thereof or posted on the premises, and mailed via Certified Mail to the in-county registered agent, to the extent that one exists under Chapter 11, Section 13 of the Code of the Borough of North Plainfield, and such action shall be considered proper notification to the owner, tenant, ~~or~~ occupant, or agent thereof.

***Additions in text indicated by underline; deletions by ~~strikeouts~~.**

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

3. This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Board, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

Date of Introduction: September 26, 2016

Date of Passage: September 26, 2016

Date of Publication: September 30, 2016

Date of Adoption: October 11, 2016

Roll Call

Ayes: Merrill, Miller, Righetti, Schaefer, Singleterry, La Ronde
Nays: None
Abstain: None
Absent: Stabile

BOARD OF HEALTH OF THE
BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Secretary, Board of Health
Borough of North Plainfield

Lawrence La Ronde
Chairman, Board of Health

Approved by the Mayor:

Yes XXX No

Hon. Michael Giordano, Jr., Mayor

The above is a true copy of the Ordinance adopted by the Board of Health of the Borough of North Plainfield adopted at a regular meeting on 11 October 2016.

BOARD OF HEALTH OF THE
BOROUGH OF NORTH PLAINFIELD

By:

Richard K. Phoenix, RMC
Board of Health Secretary