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# PUBLIC HEALTH AND SANITATION CODES

*Subject to adoption by reference by local Boards  
of health in accordance with R. S. 26:3-69.1 to 69.6  
and not enforceable until so adopted.*

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## Weed Control Code of New Jersey [1953]



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# DO NOT CIRCULATE

New Jersey (State) Department of Health,  
Trenton 7, N. J.

# PUBLIC HEALTH AND SANITATION CODES ADOPTION BY REFERENCE ACT

Chapter 188 P. L. 1950 (R. S. 26:3-69.1 to 69.6)

## 26:3-69.1 Definitions

As used in this act, unless the context otherwise requires:

(1) "Local board of health" shall mean a county or municipal board of health, or the board of health of any regional local or special health district, having power to regulate, by ordinance, public health or sanitation.

(2) "Code" means printed code regulations or set of regulations, standards or set of standards concerning, affecting or relating to the subject matter of any such ordinance of substantially uniform character, approved by the State Department of Health.

(3) "Related document" means any printed document or part thereof adopted by reference in a code directly, or by successive adoptions by reference through other printed documents.

(4) "Printed" includes lithographing and any other method of duplicating.

## 26:3-69.2 Adopting certain codes and related documents by reference

Any local board of health may enact, amend or supplement ordinances establishing, amending or supplementing a code or any parts thereof by reference to such code in any such ordinance and without inclusion of the text thereof in such ordinance if the code to be adopted and any related documents are printed in book form and a copy of such printed code and related documents so marked as to indicate plainly what portion thereof, if less than the whole, is intended to be adopted, is annexed to such ordinance and if such code and related documents or such portion thereof as is intended to be adopted is so described in said ordinance as to identify them and there is indicated in said description the common or trade name, if any, of such code and related documents and it is stated in the ordinance that

three copies of said code and said related documents, similarly marked, have been placed on file in the office of the secretary, clerk or other similar officer of said local board of health, upon the introduction of said ordinance and will remain on file there until final action is taken on said ordinance, for the use and examination of the public.

## 26:3-69.3 Publication of adopted codes or related documents unnecessary

It shall not be necessary to publish any such code or related documents, so to be adopted, as part of any such ordinance notwithstanding that printed copies thereof are annexed thereto, either before or after the final passage of such ordinance, if said printed copies are filed as aforesaid.

## 26:3-69.4 Copies of adopted code and related ordinances to remain on file

In event that any such ordinance is adopted, the said copies of said code and related documents shall remain on file in said office, so long as said ordinance is in effect, and three copies shall be placed on file and shall remain on file in the office of any board, body or officer having in charge the enforcement of said ordinance, for the use and examination of the public so long as said ordinance is in effect and printed copies of said ordinance and said code and related documents shall be made available to citizens on request and for which a nominal fee may be charged.

## 26:3-69.5 Copy of adopted code and related documents construed as part of ordinance

For the purpose of proof of any such ordinance or receipt thereof in evidence in all courts and places, such copy of such code and related documents, so marked and annexed to such ordinance, shall be construed to be part of said

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ordinance, as fully as though it had been set forth at length therein.  
26:3-69.6 Short title

This act may be cited as the Public Health and Sanitation Codes Adoption by Reference Act.

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## SUGGESTED ORDINANCE PROVIDING FOR THE ADOPTION OF THE "WEED CONTROL CODE OF NEW JERSEY (1953)"

*This suggested ordinance indicating the manner in which the "Weed Control Code of New Jersey (1953)" may be adopted should be reviewed by counsel for the local board of health for possible changes that he or the board may desire to make.*

AN ORDINANCE establishing a code declaring ragweed and poison ivy to be a nuisance, providing for removal or abatement thereof and recovery of expenses incurred by the board of health in removing or abating such nuisance and prescribing penalties for violations.  
BE IT ORDAINED BY THE BOARD OF HEALTH OF .....  
IN THE COUNTY OF .....  
AND STATE OF NEW JERSEY:

Section 1. A code declaring ragweed and poison ivy to be a nuisance, providing for removal or abatement thereof and recovery of expenses incurred by the board of health in removing or abating such nuisance and prescribing penalties for violations is hereby established pursuant to Chapter 188, Laws of 1950. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

Section 2. The said code established and adopted by this ordinance is described and commonly known as the "Weed Control Code of New Jersey (1953)".

Section 3. Three copies of the said "Weed Control Code of New Jersey (1953)" have been placed on file in the

office of the (Health Officer) (secretary) (clerk) (or other similar officer) of this local board of health upon the introduction of this ordinance and will remain on file there for the use and examination of the public so long as said ordinance is in effect.

Section 4. Any person who violates or fails, 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 two dollars (\$2.00) nor more than one hundred dollars (\$100.00) for each violation.

Section 5. All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance and the code established hereunder are hereby repealed to the extent of such inconsistency.

Section 6. 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 7. This ordinance and the code herein established shall take effect 30 days after first publication.

# WEED CONTROL CODE OF NEW JERSEY (1953)

*The Code entitled "Weed Control Code of New Jersey (1953)" set forth below, was approved June 1, 1953 by the State Department of Health for adoption by reference by any local board of health. It may be adopted without alteration, or if so desired, any numbered section or paragraph may be deleted therefrom, but no substitute section or paragraph may be added as part of the Code being adopted by reference under Chapter 188, P. L. 1950 (R. S. 26:69.1 to 69.6)*

*It is recommended that this Code be adopted in full.*

## SECTION 1

Ragweed and Poison Ivy declared to be a nuisance and their existence or growth prohibited.

- 1.1 The growth, existence or presence of ragweed or poison ivy on any plot of land, lot, street, highway, right-of-way or any other public or private place is hereby declared to be a nuisance and detrimental to public health.
- 1.2 No owner, tenant or occupant of any plot of land, lot, street, highway, right-of-way or any other public or private place, shall cause, allow or permit ragweed or poison ivy to grow or exist thereon.  
Removal or abatement of Nuisance by Board of Health.

## SECTION 2

- 2.1 Whenever a nuisance as declared by 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 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.
- 2.2 Whenever a nuisance as declared by this Code is found on any public

property or 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 premise or place.

- 2.3 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 3

Recovery of abatement or removal costs by board of health.

- 3.1 The board of health may institute an action at law to recover costs incurred by it in the removal or abatement of ragweed or poison ivy 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.

## SECTION 4

- 4.1 The provisions of this Code shall be enforced by the board of health, its agents or employees.