

LHS-D3
May 68



**MODEL HEALTH CODES
APPROVED FOR ADOPTION
BY REFERENCE**

New Jersey State
Department of Health
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**PUBLIC HEALTH NUISANCE CODE (1953),
RELATED LAW AND SUGGESTED ORDINANCE .**

Codes for adoption by the municipal governing body:

- Housing Code (1962) • Private Campgrounds Code (1964)

Codes available for adoption by the municipal Board of Health:

- Coin-Operated Dry Cleaning Establishment Code (1962)
- Food and Beverage Vending Machine Code (1961)
- Individual Sewage Disposal System Code (1963)
- Maintenance of Swine Code (1957)
- Retail Food Establishment Code (1965)
- Public Health Nuisance Code (1953)
- Plumbing Code - Revised 1964
- Smoke Control Code (1953)
- Solid Waste Code (1955)
- Swimming Pool Code (1955)
- Water Supply Code (1959)
- Weed Control Code (1953)

**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 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.

**SUGGESTED ORDINANCE PROVIDING FOR THE
ADOPTION OF THE PUBLIC HEALTH NUISANCE
CODE OF NEW JERSEY (1953)**

This suggested ordinance indicating the manner in which the "Public Health Nuisance 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 defining and prohibiting certain matters, things, conditions or acts and each of them as a nuisance, prohibiting certain noises or sounds, requiring the proper heating of apartments, prohibiting lease or rental of certain buildings, prohibiting spitting in or upon public buildings, conveyances or sidewalks, authorizing the inspection of premises by an Enforcing Official, providing for removal or abatement of certain nuisances and recovery of expenses incurred by the Board of Health in removing or abating such nuisances and prescribing penalties for violations.

BE IT ORDAINED BY THE BOARD OF HEALTH OF
IN THE COUNTY OF
AND STATE OF NEW JERSEY:

**PUBLIC HEALTH NUISANCE CODE OF
NEW JERSEY (1953)
APPROVED BY THE NEW JERSEY STATE
DEPARTMENT OF HEALTH, SEPTEMBER 16, 1953**

Section 1. A code defining and prohibiting certain matters, things, conditions or acts and each of them as a nuisance, prohibiting certain noises or sounds, requiring the proper heating of apartments, prohibiting lease or rental of certain buildings, prohibiting spitting in or upon public buildings, conveyances or sidewalks, authorizing the inspection of premises by an Enforcing Official, providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the Board of Health in removing or abating such nuisances 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 "Public Health Nuisance Code of New Jersey (1953)."

Section 3. Three copies of the said "Public Health Nuisance 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.

Section 4. Any person who violates, 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.

**PUBLIC HEALTH NUISANCE CODE OF
NEW JERSEY (1953)**

The Code entitled "Public Health Nuisance Code of New Jersey (1953)" set forth below, was approved September 16, 1953 by the State Department of Health for adoption by reference by local boards 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.

This Public Health Nuisance Code is a general code. More detailed and specific codes in special sanitation fields have been approved for adoption by reference by local boards of health. Specific codes may prove more suitable for local adoption in municipalities having the necessary enforcement facilities. These factors should be considered in adopting the Public Health Nuisance Code of New Jersey (1953).

SECTION I

Definitions as Used in This Code and Ordinance

- 1.1 Enforcing Officials shall mean and include the Health Officer or other official authorized by the Board of Health to enforce this Code and Ordinance.
- 1.2 Person shall mean and include an individual, firm, corporation, association, society, partnership, and their agents or employees.

SECTION II

Nuisances Defined and Prohibited

- 2.1 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:
 - (a) Any matter, thing, condition or act which is or may become detrimental or a menace to the health of the inhabitants of this municipality.
 - (b) 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 this municipality.
 - (c) 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.
 - (d) 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, flyash, 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.
 - (e) The growth, existence or presence of ragweed on any plot of land, lot, highway, right-of-way or any other public or private place.
 - (f) The growth, existence or presence of poison ivy within twenty feet of any property line.
 - (g) The existence or presence of any water or other liquid in which mosquito larvae breed or exist.
 - (h) 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 breed or exist.
 - (i) 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.
- 2.2 It shall be unlawful for any person or persons to commit, maintain or allow any nuisance, as declared and described in this section.

SECTION III

Proper Heating of Apartments

- 3.1 It shall be unlawful for the owner or owners who have agreed to supply heat to any building designed to be occupied or occupied as a residence by more than two families to fail to supply heat from the first day of October in each year to the first day of May of the succeeding year in such manner that the temperature of said building where one or more persons reside shall always be kept at sixty-eight degrees Fahrenheit or above between the hours of six ante meridian and ten post meridian.

SECTION IV

Prohibition of Certain Noises or Sounds

- 4.1 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 municipality or any number thereof.

SECTION V

Prohibited Lease or Rental of Certain Buildings

- 5.1 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:
- (a) is not adequately and properly ventilated, or
 - (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, or
 - (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.

SECTION VI

Spitting Prohibited

- 6.1 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.

SECTION VII

Inspection of Premises

- 7.1 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.

- 7.2 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.

SECTION VIII

Abatement of Nuisances

- 8.1 Whenever a nuisance as declared by Section II of 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.
- 8.2 Whenever a nuisance as declared by Section II of this Code 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.
- 8.3 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 IX

Recovery of Costs by Board of Health

- 9.1 The Board 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 II of this Code 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 X

- 10.1 The provisions of this Code shall be enforced by the Board of Health or its Enforcing Official.



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