

**LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2018-04

AN ORDINANCE PROHIBITING NUISANCES

WHEREAS, the Township Committee of the Township of Lafayette, New Jersey, deems it to be in the best interest and general welfare of the citizens and residents of this Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, harm, inconvenience, annoyance or discomfort to others in the legitimate enjoyment of their rights of person or property; and

WHEREAS, the Township Committee finds it is both appropriate and furthers the health, safety and general welfare of those who live and work in Lafayette Township to have laws in place that allow Township Officials and other authorized persons to restrict and prohibit certain actions and conditions as defined herein and commonly referred to as nuisances.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lafayette, County of Sussex, State of New Jersey:

Section 1. **Title.** This chapter shall be known as the "Lafayette Township Nuisance Ordinance of 2018."

Section 2. **Definitions.** For the purposes of this chapter, the following terms shall have the meanings listed below.

(1) *Law Enforcement Officer.* This term means any officer of the New Jersey State Police or Sussex County Sheriff's Office.

(2) *Nuisance.* A nuisance exists when a person through action or omission creates or permits any condition or thing to exist, which either:

- a) Injures or endangers the comfort, repose, health or safety of others;
- b) Creates or allows to be created noxious odors or other odors that are offensive to the senses;
- c) Allows 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 comfort, repose, health or safety;
- d) Allows or permits any condition which provides harborage for rats, mice, and other vermin;
- e) Allows trees, branches or limbs originating from ones' property to remain on any public sidewalk so as to create an inconvenience or danger to pedestrians or others using the sidewalk;
- f) Results in the unlawful interference or obstruction of any public or private street, alley, highway, sidewalk, stream, ditch or drainage, or renders the use of same dangerous;
- g) Results in conduct that would constitute maintaining a nuisance under *N.J.S.A. 2C:33-12*;
- h) Renders other persons insecure in life or the use of property; or essentially interferes with the quiet enjoyment of life and property, or tends to depreciate the value of the property of others.

(3) *"Township Official"*. This term means any person employed by the Township, either full or part time, or who works for the Township on an independent basis and whose job duties include the enforcement of any ordinance, regulation, code or statute or

making inspection to ensure compliance with any ordinance, regulation, code or statute. This includes, but is not limited to, the zoning officer/official.

Section 3. **Prohibition:** It shall be unlawful for any person to cause, permit, maintain or allow the creation of a nuisance.

Section 4. **Commercial Nuisance.** In addition to the nuisances as defined in Section 2 and prohibited in Section 3 of this Act, no person shall intentionally or willfully engage in conduct which interferes with, obstructs or otherwise unlawfully disrupts the lawful activities of any commercial or retail establishment or place of business located in the Township of Lafayette.

Section 5. **Enforcement:** Upon becoming aware of a nuisance as defined in this Ordinance, any Township Official or Law Enforcement Officer is authorized to issue a summons against the owner or occupant of the property where the nuisance is emanating, or if not fixed, to the person responsible for the nuisance.

Section 6. **Violations and Penalties:** In the event a person or entity is convicted for a violation of this Ordinance the violator shall be subject to a fine set within the range as specified below and depending on the offense as determined by the municipal court judge:

(1) For a first offense: The minimum fine shall be \$100 for each violation with a maximum fine of \$300 for each violation;

(2) For a second offence: The minimum fine shall be \$100 for each violation with a maximum fine of \$500 for each violation;

(3) For a third and subsequent offense: The minimum fine shall be \$100 for each violation with a maximum fine of \$1,000 for each violation.

(4) In addition to fines provided for in paragraphs (1) through (3) above, the court may impose an additional fine for each day the violation is not cured commencing on the court date. The amount of these daily fines shall be the determined consistent with the amounts authorized in (1) through (3) above.

(5) For purposes of this Section 6, a subsequent offense shall mean a subsequent violation occurring at the same property but not necessarily for the same condition. If one year should pass without a violation occurring on a property as determined by a conviction in court, any violation after that one year period shall be considered a first offense.

(6) For any violation that is uncured after a conviction it shall be deemed a continuing violation of the original summons and a daily fine may be imposed without the necessity of issuing a further summons.

Section 7. **Abatement By Township:** As an additional and cumulative enforcement right to the procedures and remedies set forth in Sections 5-6 of this Act, the Township, or persons authorized by the Township, may, in the event of any violations of this Act, enter upon the offending premises and remove, repair or alter any nuisance, hazard or dangerous structure or condition on such property, or otherwise abate any identified nuisance. Further, the Township may collect the costs of such removal or abatement, together with any penalty and costs as granted in summary proceedings, from the owner of the property or premises.

Section 8. **Injunctive Relief.** The Township may by means of a complaint filed in the New Jersey Superior Court, Chancery Division or other appropriate Division of this Court, obtain injunctive relief in order to compel the owner or occupant of a structure or premises from where the nuisance is emanating or originating, or the owner or operator of any equipment, device or machinery which is the source of the nuisance, to abate and cease the nuisance.

Section 9. **Severability.** All Ordinances and parts of Ordinances inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. If any section, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance shall be

held to be invalid by any court, such decision shall not invalidate any remaining portion of this Ordinance.

Section 10. **Codification.** This Ordinance may be renumbered for codification purposes.

Section 11. **Effective Date.** This Ordinance shall take effect upon passage and publication as soon as practicable and in the manner provided by law.

NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Lafayette Township Committee at a meeting held on March 20, 2018 and after publication and a public hearing was finally adopted by the Lafayette Township Committee at a meeting held on April 3, 2018.

Mayor:

Municipal Clerk: