

ORDINANCE NO. 20-23-2019

**AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY TO CREATE CHAPTER 92, "NUISANCES," OF THE CODE
OF THE TOWNSHIP OF KINGWOOD AND TO DELETE CHAPTER 147
"NUISANCES, PUBLIC HEALTH" OF THE CODE OF THE TOWNSHIP OF
KINGWOOD**

WHEREAS, the Township of Kingwood currently has a Code section within the Board of Health Code which purports to regulate nuisances; however, that code section refers to language which is to be annexed to the code section and cannot be located in the Township records; and

WHEREAS, the Township Committee wishes to revise the Code section to update it and also to remove it from the Board of Health section of Code; and

NOW, THEREFORE BE IT RESOLVED that Chapter 92 "Nuisances" shall be created as follows:
§92 Nuisances

§92-1. Definitions.

Wherever the following terms are used in this article, unless otherwise specified, they shall have the following meanings:

PERSON: Includes an individual, firm, corporation, association, society and partnership and any agent, servant or employee of any of the above.

§92-2. Nuisances proscribed.

It shall be unlawful for any person or persons to commit or allow nuisances as hereinafter defined in §92-3.

§92-4. Nuisances enumerated.

The following matters, things, conditions or acts, and each of them, are hereby declared to be a nuisance and injurious to the health, safety, welfare or convenience of the inhabitants of the Township of Kingwood:

- A. Pollution, or the existence of a condition or conditions which cause or threaten pollution, of any waters within the Township of Kingwood in such manner as to cause or threaten injury to any of the inhabitants of the Township of Kingwood in their health, safety, welfare and convenience either in their person or property.
- B. 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, soot, fly ash, dust, fumes, vapors, mists or gases as to cause injury, detriment or annoyance to the inhabitants of the Township of Kingwood or endanger their comfort, repose, health, safety or property.
- C. Spitting upon any public sidewalk or upon any part of the interior of any building or public conveyance.
- D. The making, continuing or causing to be made or continued by any person of any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb or endanger the comfort, repose, health, peace or safety of others. Without intending to limit the generality of § 92-4D, the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section:
 - (1) Radios; televisions; phonographs: the playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of 100 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 - (2) Yelling; shouting; yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.
 - (3) Animals; birds: the keeping of animals or birds which, by causing frequent or long-continued noise, disturb the comfort or repose of any person in the vicinity; but nothing herein contained is intended to apply to a dog pound or kennel licensed.

- (4) Horns: the sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger or to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits for an unreasonable period of time.
- 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, poison oak or poison sumac within 20 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 or to which flies may have access or in which fly larvae or pupae may 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 as or constitutes a breeding place or harborage for insects or rodents in or on any land, premises, building or other place.
- J. Any act, matter, thing or condition which is or may become detrimental or a menace to the health of the inhabitants of the Township of Kingwood or which is or may become an annoyance or interfere with the comfort or general well-being of the inhabitants of the Township of Kingwood.

§ 92-5. Enforcement.

The provisions of this article may be enforced by the police agencies of the Township of Kingwood, the Township Zoning Officer or upon the filing of a complaint in the Municipal Court of the Township of Kingwood by any inhabitant of the Township of Kingwood, either with or without prior notice to the person committing a violation of this article.

§ 92-6. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be liable to a penalty of not more than \$1,000 or imprisonment for not more than 90 days, or both, for each violation. Each day that said violation continues shall be deemed a separate and distinct violation.

BE IT FURTHER RESOLVED that Chapter 147 "Nuisances, Public Health," shall be deleted in its entirety.

Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Committee of the Township of Kingwood held on August 1, 2019, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on September 5, 2019, at 7:00 PM, or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 599 Oak Grove Road in Kingwood Township, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

**TOWNSHIP COMMITTEE OF
TOWNSHIP OF KINGWOOD**

Thomas Ciacciarelli, Mayor

ATTEST: September 5, 2019

**Cynthia L. Keller, RMC
Township Clerk**

INTRODUCTION: August 1, 2019
PUBLICATION: August 8, 2019
FINAL ADOPTION: September 5, 2019
PUBLICATION BY TITLE ONLY: September 12, 2019

ROLL CALL VOTE	MOVED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
R. Dodds						
M. Synchron						
T. Ciacciarelli						

I, **Cynthia L. Keller**, Clerk of the Township of Kingwood, County of Hunterdon and State of New Jersey do hereby certify the foregoing to be a true copy of **Ordinance No. 20-23-2019** adopted by the Kingwood Township Committee on September 5, 2019.

**Cynthia L. Keller, RMC
Township Clerk**

