

**BOROUGH OF CHATHAM BOARD OF HEALTH
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 21-01**

AN ORDINANCE OF THE BOARD OF HEALTH OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING SECTION 278-6 OF THE CODE OF THE BOROUGH OF CHATHAM, "NUISANCES PROHIBITED," REGARDING POISONOUS PLANTS

WHEREAS, the Board of Health of the Borough of Chatham has previously enacted sanitary regulations governing the abatement of specific nuisances, which are codified in Section 278-6 of the Code of the Borough of Chatham, including the nuisance caused by poisonous plants, including poison ivy; and,

WHEREAS, the Board of Health wishes to strike the appropriate balance between ensuring that nuisances are abated on private property when such nuisances may be injurious to the public's health, safety and welfare, but without causing an undue burden on property owners; and,

WHEREAS, Section 278-6 prohibits poison ivy, ragweed or any other poisonous plant from existing or growing upon any public or private property within 50 feet of any public sidewalk, public street, party line or building; and,

WHEREAS, the Board of Health wishes to reduce that distance to 20 feet, which is the approximate distance that a poison ivy's root system will grow if permitted and as such the Board of Health believes strikes the appropriate balance between the public's health, safety and welfare and private property rights; and,

WHEREAS, the Board of Health finds and declares that it is in the best interest of the residents of the Borough of Chatham to take this action.

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

Section 1: Chapter 278 of the of the Code of the Borough of Chatham, entitled "Sanitary Regulations," is hereby amended as follows [additions by underline, deletions by ~~striketrough~~]:

§ 278-6 Nuisances Prohibited.

A. The following specific acts, conditions and things are each and all of them declared to constitute public health nuisances and are prohibited:

(1) through (14) UNCHANGED

((15) Plants. Permitting poison ivy, ~~ragweed~~ or any other poisonous plant; ~~to exist or to grow~~ upon any public or private property that is located within ~~50~~ twenty (20) feet of any public sidewalk, public street, or party property line or building; ~~or permitting any ragweed or other noxious or harmful weed to grow upon any property, either public or private.~~

(16) UNCHANGED

- B. In addition to the preceding subsections, whatever is detrimental to health or whatever is potentially injurious or dangerous to health is hereby declared to be a health nuisance.

Section 2:

All other provisions of Chapter 276 of the Code of the Borough of Chatham shall remain unchanged.

Section 3:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 4:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6:

Codification. This Ordinance shall be a part of the Code of the Borough of Chatham as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk and the Borough Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Borough of Chatham in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 7:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Introduced: 11-11-2021

Adopted: 12-9-2021

ATTEST:

**BOARD OF HEALTH,
BOROUGH OF CHATHAM**

By: _____
Board Secretary

By: _____
President