

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #05-20

**AMENDING CHAPTER 3 ENTITLED “POLICE REGULATIONS”
OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town of Guttenberg (the “Town”) is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, the Town finds that it is in the best interest of the health, safety, and welfare of its residents to establish and create a Nuisance section under Police regulations; and

WHEREAS, the Town wishes to enact legislation which will govern nuisances in the Town of Guttenberg.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey, that Chapter 3 entitled Police Regulations is hereby amended to include a new Section 3-25 entitled “Nuisance” of the Code of the Town of Guttenberg shall hereby be established as follows:

§ 3-25 Nuisance.

§ 3-25.1 Creating or maintaining nuisance prohibited.

No person, either by himself, his agent or in association with others, shall create or maintain a nuisance within the Town of Guttenberg.

§ 3-25.2 Declaration of nuisances.

To render or maintain either impure or unwholesome the air, the soil, the public highway, any structure, any food, drink or medicine; or to sell or lease that which has been rendered impure or unwholesome; or to needlessly put in jeopardy human life, health or physical comfort in any manner whatsoever; or to aid in so doing, is hereby declared to be a nuisance within the Town of Guttenberg.

§ 3-25.3 Handling of reports of nuisances; notices to abate.

When any nuisance shall be brought to the attention of the Guttenberg Police Department, Guttenberg Code Enforcement Officer(s) and Health Inspector(s)/Investigator(s), they shall be careful in the inspection; and, if satisfied that the nuisance exists in violation of this article, they may issue a summons, arrest the person or persons responsible for creating or maintaining it or they shall serve upon them a notice signed by them directing the party responsible to abate the nuisance.

§ 3-25.4 Posting of notice.

Whenever the owner or owners reside in another state, the notice shall be posted on the premises to remove and abate the nuisance within the specified time from the date thereof.

§ 3-25.5 Failure to comply.

If the owner or other proper persons who have been notified shall neglect or refuse to take proper steps to abate the nuisance within the time specified, proceedings shall be taken to recover the penalty provided for the violation of said section.

§ 3-25.6 Correction by Town.

If the owner fails to abate the nuisance or notice cannot be served or the owner located, this Board shall abate such nuisance as may exist and the expense thereof shall be a lien on the property, levied the same as taxes or assessments.

§ 3-25.7 Inspectors to display identification; interference with inspections prohibited.

The Inspectors, whenever requested or ordered to examine or inspect premises as required by the laws of this state and this Board, must show their badges of authority. Any persons are hereby forbidden to interfere with or obstruct in any way such inspection, examination or execution.

§ 3-25.8 Violation and Penalties.

Any person, firm, corporation, partnership or other entity violating any provisions of this section or any rules and regulations promulgated by the Town pursuant hereto shall be punished by one (1) or more of the following: a fine not exceeding two thousand (\$2,000.00) dollars; imprisonment for a term not exceeding ninety (90) days; and/or a period of community service not exceeding ninety (90) days, in the discretion of the Judge before whom such conviction shall be heard. Each and every violation and nonconformance with this chapter on each day that any provision of this section shall have been violated shall be construed as a separate and distinct violation hereof.

SECTION TWO

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

SECTION THREE

Repealer. 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 FOUR

The Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

Summary of Ordinance

The purpose of this ordinance is to amend Chapter 3 and create a new section 3-25 entitled “Nuisance,” which shall prohibit any person from creating a nuisance in association with others or create or maintain a nuisance in the Town of Guttenberg.

/S/ Alberto Cabrera

Introduction: 1.27.20

Adoption: 2.24.20