

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2618-10

AN ORDINANCE
TO AMEND
CHAPTER 319
OF THE CODE
OF THE TOWNSHIP OF MAPLEWOOD
ENTITLED
"NUISANCES, PUBLIC HEALTH"

"Interpretive Statement"

This ordinance will delete Section 1B of Chapter 319 as the provisions are overly broad.

WHEREAS, Section 319-1B states: "Nuisances" shall also be defined as:

any matter, thing, condition or act which is or may become detrimental or a menace to the health of the inhabitants of the Township or 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 the Township; and

WHEREAS, the Courts of the State of New Jersey have held that such provisions set forth "unascertainable standards that encourage arbitrary and discriminatory enforcement and leave citizens at the mercy of enforcers".

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, that:

FIRST: Section 319-1B of the Code of the Township of Maplewood be and is hereby deleted.

SECOND: All other provisions of Section 319 shall remain unchanged.

THIRD: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph,

subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

FOURTH: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FIFTH: Effective Date

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

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on February 2, 2010, and that Committee met again on February 16, 2010, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk