

ORDINANCE NO. 2015-6

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER,
SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 3
ENTITLED "POLICE REGULATIONS" OF THE CODE OF THE BOROUGH OF ELMER**

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that certain amendments to Chapter 3 entitled "Police Regulations" are necessary; and

WHEREAS, in all other respects Chapter 3 entitled "Police Regulations" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

Chapter 3-16 entitled "Weeds, Brush and Debris" shall be deleted in its entirety, the remaining Sections renumbered.

Section 2.

Chapter 3-18.1 entitled "Peace and Good Order", subsection (c) entitled "Animals" shall be deleted in its entirety.

Subsection (d) entitled "Public Nuisances" shall be amended to read as follows:

~~d.c.~~ *Public Nuisances. (obstruction in Streets; Noxious Trades, ~~Unfit Buildings~~)*

Any encroachments or any encumbrances in or upon any street, snow on sidewalks included, road or sidewalk or any public place in the Borough, the pursuing of any trade noxious to the public health or offensive to the senses; ~~any building, buildings or parts of buildings, walls or other structures deemed unsafe and the keeping and maintaining of anything whatsoever in or upon any lot or building that would be injurious to the health or morals of any person or persons or hazardous as a fire menace~~ is hereby declared to be a public nuisance, and upon complaint, the Mayor may appoint a committee from Council or direct the Police Chief or Zoning and/or Housing Officer or any other officer of the Borough to make investigation and by resolution of Council order the nuisance abated in such manner and within such time as set forth in the resolution.

Section 3.

Chapter 3-21 entitled "Abandoned Vehicles" shall be amended to read as follows:

3-21.1 Purpose.

It is hereby determined and declared that the placing, abandonment, leaving, keeping or storage out of doors of any motor vehicle not currently in use for transportation and not licensed for the current license year or any other unused machinery or equipment on public ~~or private~~ lands or right-of-way in the Borough is contrary and inimical to the public welfare in that such articles so placed, abandoned, left, kept or stored, attract or may attract persons of tender years who, being so attracted, may play in and about them and be injured in so doing and in that such articles so placed, abandoned, left, kept or stored out of doors, exposed to the elements, deteriorate, and in themselves are unsightly and, deteriorating, become more unsightly and are detrimental to, and depreciate the value of properties in the neighborhood where they are located and in the Borough as a whole.

3-21.2 Prohibition.

No person shall place, abandon or leave, keep or store, or suffer or permit the placing, abandoning, leaving, or keeping or storage of any article described in subsection 3-21.1 of this section out-of-doors upon any public ~~or private land~~ property in the Borough or between the right-of-way side line of any public thorough-fare therein. Nothing herein contained shall be deemed to prohibit the placing, keeping or storage of any such articles in an enclosed garage, barn or other building, nor apply to an automobile or farm equipment dealer licensed by the State of New Jersey.

3-21.3 Presumption of Ownership.

If any article described in subsection 3-21.1 of this section shall be left, placed, kept or stored on ~~private~~ public lands for fifteen (15) days or more, it shall be presumed that the owner or tenant in possession of said land left, placed, kept or stored it there or permitted or suffered it to be placed, left, kept or stored there.

3-21.4 Notice of Violation.

Whenever it shall appear to any member of the Police Department of the Borough that subsection 3-27.2 of this section is violated and that the land on which the violation exists is ~~privately~~ publicly owned, he shall, in writing, notify the owner of the property, or the owner or tenant in possession of the adjoining lands on which the violation exists to abate the violation by removing the article or articles constituting the violation from the Borough ~~or into an enclosed garage, barn or other building~~ within ten (10) days of the service of the notice, which notice shall be served upon such owner or tenant, ~~if he resides in the Borough, personally,~~ or by leaving it at his usual place of abode with some member of his household over the age of fourteen (14) years ~~but if such owner or tenant shall reside outside the Borough the notice shall be served upon him~~ or by registered or certified mail addressed to him at his usual residence if ascertainable, otherwise by notice published in the newspaper in which the legal notices of the Borough may be published and the owner or legal tenant shall so abate the violation within the time fixed by the notice.

Section 4.

Section 3-21.5 entitled "Determination of Police Department; Removal of Articles." shall be deleted in its entirety, the remaining Sections renumbered.

Section 5.

Section 3-21.6 entitled "Disposition of Unclaimed Articles." shall be deleted in its entirety, the remaining Sections renumbered.

Section 6.

Repealer.

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

Section 7.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 8.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

BOROUGH OF ELMER

BY: _____
Joseph Stemberger, Mayor

ATTEST:

Beverly S. Richards, Borough Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, held on February 11, 2015. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Council to be held in the Borough Hall, 120 South Main Street, Elmer, New Jersey 08318, on March 11, 2015 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at Borough Hall, 120 South Main Street, in the Borough, to the members of the general public who shall request the same.

Beverly S. Richards
Borough Clerk

NOTICE OF ADOPTION

OF

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SALEM COUNTY, STATE OF NEW JERSEY, AMENDING CHAPTER 3
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The foregoing named Ordinance was duly adopted at a regular meeting of the Mayor and Borough Council of the Borough of Elmer on March 11, 2015.

Beverly S. Richards, Clerk
Borough of Elmer