

Chapter 115

NUISANCES

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[HISTORY: Adopted by the Board of Health of the Township of West Windsor 11-1-1974; readopted by the Township Council 4-19-1999 by Ord. No. 99-07; amended in its entirety 12-22-2014 by Ord. No. 2014-22. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Animals - See Ch. 40.

Noise - See Ch. 113.

Brush, grass and weeds - See Ch. 48.

Sewers - See Ch. 133.

Outdoor burning - See Ch. 55.

Solid waste - See Ch. 148.

Retail food establishments - See Ch. 96.

§ 115-1. Purpose.

The purpose of this chapter is to protect and promote the public health through the control, abatement and prevention of nuisances of public health significance. Alleged infractions of the provisions and standards set forth will be investigated by an enforcing official in each case presented. Wherever there is a question as to the significance of an alleged infraction or the factual existence of an alleged infraction, the prudent judgment of the Health Officer will prevail in the determination of a violation.

§ 115-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDON - To desert, ignore, or fail to maintain a property in a safe, habitable condition.[Added 9-12-2016 by Ord. No. 2016-21]

ACCUMULATION - The gathering together and increasing in amount of items over a period of time.[Added 9-12-2016 by Ord. No. 2016-21]

BOARD OF HEALTH -The Township Council of the Township of West Windsor.

DWELLING - Shall be defined as specified in the New Jersey Uniform Construction Code, N.J.A.C. 5:23-1 et seq.; Regulations for the Maintenance of Hotels and Multiple Dwellings, N.J.A.C. 5:10-1 et seq.;

Regulations Governing Rooming and Boarding Houses, N.J.A.C. 5:27-1 et seq.; or the New Jersey State Housing Code, N.J.A.C. 5:28-1 et seq., as may be the case.[Added 9-12-2016 by Ord. No. 2016-21)

ENFORCING OFFICIAL - The Health Officer or other official authorized by the Township to enforce this chapter.

INSECTS - Insects that have public health significance for disease transmission.[Added 9-12-2016 by Ord. No. 2016-21)

JUNK AND DEBRIS - Includes but is not limited any object which has outlived its usefulness in its original form (notwithstanding the fact that the object may have scrap value or could be reconditioned with substantial repair) where such object, due to its present condition and/or visibility, may reasonably be construed to be unsightly, dangerous, or creating a condition that is detrimental or potentially detrimental to the health and/or safety of the residents of West Windsor Township. As used herein the phrase "junk and debris" does not include inoperable vehicles.[Added 9-12-2016 by Ord. No. 2016-21)

NOXIOUS WEEDS - Any plant designated by a federal, state, or county government as injurious to public health, agriculture, recreation, wildlife or property. A noxious weed may be native or nonnative, invasive or noninvasive and may also be commonly defined as a plant that grows out of place and is competitive, persistent, and pernicious.[Added 9-12-2016 by Ord. No. 2016-21)

PERSON - An individual, firm, corporation, association, society or partnership and its agents or employees.

PUBLIC HEALTH CONCERN - Any matter, conditions, or things that cause worry, solicitude, or anxiety for the health, safety and welfare of the public due to their dangerous or unsanitary nature.[Added 9-12-2016 by Ord. No. 2016-21)

PUBLIC RESTROOM - A room equipped with toilet facilities unarguably intended for public use in all public facilities and in establishments where commercial activity takes place.[Added 9-12-2016 by Ord. No. 2016-21)

RODENTS- Rodents that have public health significance for disease transmission.[Added 9-12-2016 by Ord. No. 2016-21)

STREET LINE – The dividing line between a lot and street right-of-way

TOWNSHIP -The Township of West Windsor, County of Mercer, State of New Jersey.

TRACTOR TRAILER - A cab and/or trailer unit.

USABLE MATERIAL PROPERLY STORED - Nonperishable materials stored for new construction or other items, which are used within 30 days, and are not part of a continuing practice of accumulating items on a property, and which are stored elevated off the ground and maintained in such a manner that does not provide a potential habitat for insects or rodents. Usable materials properly stored on commercial properties are nonperishable materials stored in compliance with West Windsor Township Land Use Regulations and in a manner that does not provide a potential habitat for insects or rodents.[Added 9-12-2016 by Ord. No. 2016-21)

VERMIN -An animal or insect of public health significance for disease transmission.[Added 9-12-2016 by Ord. No. 2016-21)

§ 115-3. Nuisances identified.

- A. Matters, things, conditions or acts which after proper investigation by the Health Officer or other enforcing official are deemed to be injurious, detrimental or a menace to the public health or are deemed to be an annoyance or interfere with the comfort or well-being of the inhabitants of the Township are hereby declared to be nuisances and shall include the following:

- (1) Pollution or the existence of a condition or conditions which cause or threaten pollution of any waters of the Township.
- (2) The escape into the open air from any stack, vent, chimney or any entrance to the open air of quantities of smoke, fly ash, dust, fumes, vapors, mists or gases as to cause or threaten injury or detriment or endanger the health or safety of the inhabitants of the Township.
- (3) The open burning of any material, including but not limited to brush, weeds, grass, leaves, vegetative cuttings, discarded building materials, chemicals, agricultural waste products or any other material except as otherwise permitted by ordinance or state law.
- (4) The growth, existence or presence of ragweed of 12 inches in height or greater, or in such a quantity so as to create a public health concern, on any plot of land, lot, highway, street, sidewalk, right-of-way or any other public or private place within 200 feet of an occupied dwelling.
- (5) The growth, existence or presence of poison ivy, poison oak or poison sumac within 20 feet of any property line of a residential or commercial property, highway, street, sidewalk, or right-of-way.
- (6) The growth, existence or presence of any brush, weeds, or noxious growth, 12 inches in height or greater, in such a quantity so as to create a public health concern, dead and dying trees or limbs on any land within 100 feet of a dwelling or within 50 feet of a residential property line. Conservation easements, environmentally constrained areas, established greenbelts and woodlands are exempted from this provision. Property owners are responsible to maintain the property and right-of-way abutting the property, up to and including the gutter line, free from overgrown brush, weeds and noxious growth. **[Amended 9-12-2016 by Ord. No. 2016-21]**
- (7) The presence on any plot of land, highway, street, right-of-way or any other public or private place of any refuse, rubbish, garbage, trash, junk, filth or debris, or unused accumulated materials, whether putrescible or nonputrescible, and including but not limited to paper, wood, glass, cloth, metal, liquid wastes, chemicals, dead animals, manure, vegetative cuttings and building and industrial wastes, animal waste, stone, concrete, plastic, ashes, tires, appliances, furniture, equipment, and electronics, but excluding usable materials properly stored. The practice of composting shall not fall within the meaning of this subsection, provided that such compost pile, mound or area is maintained on one's own private property and is properly maintained so as not to present offensive odors, the breeding of flies or any other public health nuisance. Refuse disposed of in compliance with the standards established in Chapter 148 of West Windsor Township Code is exempt for this subsection. **[Amended 9-12-2016 by Ord. No. 2016-21]**
- (8) A minimum three-foot-wide area measured from the edge of the sidewalk, street line or property line shall be maintained to not exceed twelve (12) inches in height. This buffer shall not apply to property lines that directly border designated open green space, public parks, or preserved conservation areas, provided no public sidewalk is present along that boundary. This height limitation shall not prohibit individual trees, shrubs, hedges or other discrete landscape plantings, provided that such plantings are maintained so as not to obstruct pedestrian passage, interfere with the use of the sidewalk, or impair required sight distance. All landscapes shall be maintained outside the three- foot buffer area from the sidewalk, Street line, or property line provided that it does not otherwise violate the sidewalk obstruction, noxious weed, or property maintenance, or sight distance requirements of this Code or Chapter 170.
- (9) Depositing, dumping, accumulating, maintaining or otherwise allowing any matter or thing which serves as food for insects, rodents, or other animals, or to which they may have access or which serves or constitutes a breeding place or harborage for insects, rodents or other animals

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of a public health significance in or on any land, premises, building or other place.

~~(9)~~(10) The existence or presence of any water or other liquid in which mosquito eggs, larvae or pupae exist or of any condition which allows water to lie, pond, stand or otherwise accumulate so as to provide a breeding environment for mosquitoes. The meaning of this subsection shall not apply to ponds where fish are adequately maintained so as to preclude the breeding of mosquitoes.

~~(10)~~(11) The keeping of any animal or animals in such a manner as to cause or present a source of foulness, odors or breeding of insects, rodents or other vermin.

~~(11)~~(12) The existence or maintenance of any condition which may reasonably constitute a safety hazard, an attractive nuisance or otherwise present a threat to the safety and well-being of the inhabitants of the Township or of the public at large, including the following:

- (a) Any vacant building which is not adequately sealed, boarded up or otherwise secured so as to preclude the entry of inquisitive minors.
- (b) Any excavation, depression, hole, shaft, abandoned or unused well or other abandoned subsurface structure or object which is of such depth or dimension so as to present a hazard in terms of one falling into or being entrapped therein. This includes but is not limited to abandoned or dilapidated well pits, cisterns, dry wells, septic tanks, pump tanks, seepage pits, cesspools, or storage tanks. **[Amended 9-12-2016 by Ord. No. 2016-21]**
- (c) Any discarded refrigerator, cabinet, automobile or other piece of equipment, machinery, device or material which may offer or present an enclosure and a hazardous attraction to children.
- (d) Any dead or dying trees or limbs in such proximity to a dwelling, building, street, sidewalk, pathway, right-of-way, thoroughfare, driveway, park, playground or other frequented area where the falling of the tree or part thereof would endanger life, threaten injury or damage property.
- (e) Any trees, plants, bushes, vines, or other vegetation which cover, lay upon or overhang any pedestrian or bicycle passageway such as a sidewalk, street, alley, or other public way or which grows in such a manner as to obstruct or impede the full use of the passageway. This provision shall not apply to materials which have been gathered for municipal yard waste collection in accordance with the standards established by Chapter 150, Article VI.
- (f) Any open, uncovered or otherwise unsecured dumpster, trash container, recycling container or similar receptacle which contains waste materials that can be dispersed by wind or other means or which may serve as an attractant to animals or insects. **[Amended 9-12-2016 by Ord. No. 2016-21]**

~~(12)~~(13) The willful abandonment of any domestic animal within the boundaries of the Township.

~~(13)~~(14) The maintenance of a public restroom in poor repair or unsanitary condition. Toilet facilities provided for public use shall be maintained in a clean condition and good repair. Restrooms shall be provided with toilet tissue, trash receptacles, hot and cold running water, hand soap, and paper towels or a hand-dryer device.

~~(14)~~(15) The discharge or ponding of sewage on the surface of the ground or into waterways of the Township or potable water wells.

- B. It shall be unlawful for any person or persons to commit, maintain or allow any nuisance as declared and described in this section.