

ORDINANCE NO. 22-07

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, MORE SPECIFICALLY CHAPTER II, ADMINISTRATION, MORE PARTICULARLY SECTION 2-16, “DIVISION OF HEALTH, HOUSING AND PROPERTY,” AND MORE SPECIFICALLY CHAPTER XI, PROPERTY MAINTENANCE, MORE PARTICULARLY SECTION 11-6, “ADMINISTRATIVE PROVISIONS.”

WHEREAS, pursuant to *N.J.S.A.* 40:48-1 and *N.J.S.A.* 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such ordinances, regulations, rules and by-laws not contrary to the laws of this State and/or of the United States, as it may deem necessary and proper for the good of government, order, and protection of person and property and for the preservation of the public health, safety and welfare of the municipality and its inhabitants and, as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any other law; and,

WHEREAS, the Mayor and Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey (the “Borough”) have considered the process of providing trash removal throughout the Borough through the services of private providers and the Ordinances providing for the orderly, safe and healthy removal of trash throughout the Borough; and,

WHEREAS, the Mayor and Borough Council deem it necessary and appropriate to enact legislation to protect the health, safety and security of residents and citizens during trash removal and conduct trash removal in an orderly, safe and healthy manner; and,

WHEREAS, the Borough therefore wishes to amend, revise and supplement the Borough Code of the Borough of North Plainfield as it relates to Chapter II, Administration, more

particularly Section 2-16, currently titled “Division of Health, Housing and Property;” and, as to Chapter XI, Property Maintenance, more specifically Section 11-6, “Administrative Provisions.”

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield is hereby amended, revised and supplemented as to Chapter II, Administration, more particularly Section 2-16, currently titled “Division of Health, Housing and Property;” and, as to Chapter XI, Property Maintenance, more specifically Section 11-6, “Administrative Provisions,” as follows:

Deletions shown by ~~striketrough~~; additions shown by underline

Borough Code § 2-16.1, Divisions Created, is hereby amended as follows:

(b) Division of Health. Within the Division, there shall be a Division of Health, which shall have and exercise all regulatory and appointive powers of a local Board of Health, though the Council shall still serve, where applicable, as the local Board of Health. The Division shall also:

1. Administer and enforce the local health ordinances; through the Public Officer, Health Officer or Code Enforcement Officer or their respective designees;

Borough Code § 2-16.1, Divisions Created, is hereby amended as follows:

(c) Division of Housing. Within the Division there shall be a Division of Housing, which shall contain the following:

1. Office of Inspection. The Office of Inspection shall, by and through the Zoning Officer, Public Officer, Health Officer or Code Enforcement Officer or their respective designees, inspect to insure compliance with and enforce all land use ordinances and regulations, inspect to compliance with and enforce, to the extent permitted by law, any State — municipal cooperative housing and/or building programs.

Borough Code § 11-6.1, Public Officer, is hereby amended as follows:

The person charged with the responsibility of enforcement of this Code shall also be known as the Property Maintenance Officer, Public Officer or Code Enforcement Officer or their respective designees. This Officer, under the direction of the Department of Administration, shall have authority as necessary in the interest of the public health, safety and general welfare, to implement the provisions of the Borough Code, including, but not

limited to Borough Code 2-16.1, et seq., Borough Code § 11-1.1, et seq. Borough Code § 14-1.1, et seq. and Borough Code § 26-1.1, et seq.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

3. This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: August 15, 2022
PASSED: August 15, 2022
PUBLISHED: August 19, 2022
ADOPTED: September 12, 2022

ROLL CALL: AYES: Corzo, Given, McIntyre, Merrill, Miller, Schaefer, Stabile
NAYS: None
ABSTAIN: None
ABSENT: None

APPROVED BY THE MAYOR: Yes XXX No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on September 12, 2022

Lawrence LaRonde, Mayor

Date signed: September 12, 2022

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Frank A. "Skip" Stabile, Jr., Council President

Date signed: _____, 2022

Date signed: 12 September 2022