

PROPOSED BOARD OF HEALTH CODE ADOPTION ORDINANCE

for

PART III OF THE CODE OF THE TOWNSHIP OF STILLWATER, NEW JERSEY

December 2023

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624
(800) 836-8834
www.generalcode.com

**TOWNSHIP OF STILLWATER
BOARD OF HEALTH
COUNTY OF SUSSEX, NEW JERSEY**

ORDNANCE NO. 2024-10

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE
BOARD OF HEALTH ORDINANCES OF THE TOWNSHIP OF STILLWATER,
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

Be it ordained and enacted by the Board of Health of the Township of Stillwater, County of Sussex, State of New Jersey, as follows:

§ 420-1. Code adopted; existing ordinances continued.

Pursuant to N.J.S.A. 40:49-4, the Board of Health ordinances of the Township of Stillwater of a general and permanent nature adopted by the Board of Health of the Township of Stillwater, as revised and codified and consisting of Chapters 420 through 467, are hereby approved, adopted, ordained and enacted as "Part III of the Code of the Township of Stillwater," hereinafter known and referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the Board of Health ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such Board of Health ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace Chapters 420 through 467 of the 2005 Code of the Township of Stillwater, as amended and supplemented.

§ 420-2. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Township Clerk and/or the Board of Health Secretary and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Secretary of the Board of Health of the Township of Stillwater, as provided by law, and such certified copy shall remain on file in the office of the Board of Health Secretary and/or Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to Part III of the Code, when adopted in such form as to indicate the intent of the Board of Health to make them a part thereof, shall be deemed to be incorporated into Part III of such Code so that reference to the "Code of the Township of Stillwater" shall be understood and intended to include such additions and amendments.

§ 420-3. Notice; publication.

The Secretary of the Board of Health or the Clerk of the Township of Stillwater shall cause notice of the passage of this ordinance be given in the manner required by law. The notice of passage of this ordinance coupled with the filing of the Code in the office of Secretary of the Board of Health or the Clerk of the Township of Stillwater as provided in § 420-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 420-4. Severability.

Each section of this ordinance and Part III of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 420-5. Repealer.

- A. Board of Health ordinances or parts of ordinances inconsistent with the provisions contained in Part III of the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Board of Health of the Township of Stillwater which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following Board of Health ordinances have been excluded from the Code and specifically repealed:
 - (1) Former Chapter 452, Plumbing, of the 2005 Code.
 - (2) Former Chapter 467, Water Supply, of the 2005 Code.

§ 420-6. Ordinances saved from repeal.

The adoption of Part III of this Code and the repeal of ordinances provided for in § 420-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any Board of Health ordinance adopted subsequent to December 5, 2017.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Board of Health or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Board of Health.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Board of Health.

§ 420-7. Changes in previously adopted ordinances.

- A. In preparing the revision and codification of the Board of Health ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Board of Health that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Board of Health Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the Board of Health ordinances as they have been renumbered and appear in the Code.)
- C. Nomenclature changes. Throughout Part III of the Code, the following titles have been updated as follows:
 - (1) References to "Road Department" are amended to read "Department of Public Works."
 - (2) References to "Map Filing Law (N.J.S.A. 46:23-9.9 et seq.)" are amended to read "Map Filing Law (N.J.S.A. 46:23-9.9 et seq.)."

§ 420-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of Part III of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be

inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 420-9. Altering or tampering with Code; violations and penalties.

It shall be unlawful for anyone to change, alter or tamper with Part III of the Code in any manner which will cause the laws of the Board of Health of the Township of Stillwater to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to a fine of not less than \$5 nor more than \$500.

§ 420-10. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

TOWNSHIP COMMITTEE

STILLWATER TOWNSHIP

ATTEST:

Valerie Ingles, Township Clerk

Lisa Chammings, Mayor

Introduced: May 21, 2024

Adopted: June 18, 2024