

ORDINANCE AUTHORIZING THE CITY OF VINELAND HEALTH OFFICER OR HIS/HER DESIGNEE TO SEEK A SEARCH WARRANT REGARDING ANY NUISANCE AFFECTING HEALTH FROM ANY COURT WITH JURISDICTION TO ISSUE THE SAME IN ACCORDANCE WITH N.J.S.A. 26:3-59.

WHEREAS, the City of Vineland Department of Health (VDOH) and Health Officer have reported findings of illegally imported, potentially adulterated and/or misbranded food as defined in N.J.S.A. 24:5-17 being brought and sold within the City which is dangerous to the health and safety of those who may consume it; and

WHEREAS, the VDOH and Health Officer have also found the sale of food that has been prepared in uninspected kitchens and facilities in violation of federal, state and local laws and ordinances which is dangerous to the health and safety of those who may consume it; and

WHEREAS, the City Council acting as the governing body and the Vineland Board of Health and in accordance with N.J.S.A. 26:3-45 finds food products that have been illegally prepared, illegally imported, potentially adulterated and/or misbranded and offered to the public for consummation are nuisances as defined in N.J.S.A. 24:5:17 ; and

WHEREAS, City Council as the governing body and as the Board of Health find in order to protect the public health, safety and welfare, and in accordance with N.J.S.A. 26:3-64, it is necessary to authorize any police officer or officer or agent of the Vineland Board of Health, including the Health Officer or his/her designee, upon information and belief that there is a nuisance affecting health, to seek from the Superior Court or the Vineland Municipal Court a warrant to search for and seize any nuisance affecting health in any dwelling, house, store or other building.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Ordinance 2008-60, as amended, Chapter 62 of the Code of the City of Vineland entitled Department of Health is hereby amended with the establishment of Article VI entitled Public Health Nuisance as follows:

Article VI Public Health Nuisance

Section 62-29 Declaration of Public Health Nuisance

A. It is hereby declared that the following are considered a public health nuisance:

1. The sale or distribution of potentially adulterated food as defined in 24 NJST Subt.1 Ch. 5, Art. 2.
2. The misbranding of food as defined in 24 NJ ST Subt.1, Ch. 5 Art. 3.
3. The sale or distribution of food cooked in a kitchen or facility that is uninspected and unapproved by the City of Vineland Health Department.
4. The sale or distribution of food in violation of N.J.A.C. 8:24-1et seq.
5. Any nuisance affecting health or any person sick of any contagious or infectious disease, or any condition of contagion or infection which may have been caused by anyone recently sick of any such disease in any dwelling house or other place.
6. Any noxious gas or vapor, water in which mosquito larvae breed or cause of ill health or disease on private property
7. Nothing herein shall limit the power of the City of Vineland Board of Health by and through the Vineland Health Department to abate nuisances in accordance with N.J.S.A. 2:3-47

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B. Abatement of Public Health Nuisance

1. The Health Officer, his/her designee or a registered Environmental Health officer may notify the owner or persons of the existence of said nuisance to remove and abate any nuisance as if sent by the Board of Health.
2. Notice of the existence of the public health nuisance shall be given personally with a duplicate left with any tenants or occupants as well as posting on the premises.
3. The owner shall abate the nuisance within the time prescribed by the Health Officer or his/her designee.

C. Enforcement

1. Should the owner fail to abate the nuisance within the time prescribed on the Notice, the Board of Health shall direct the abatement of the nuisance after a hearing in a summary manner with written directions to the Health Officer or his/her designee who shall cause the nuisance to be abated
2. The Board of Health may recover the cost of abatement in a civil action from any person who shall have caused or allowed the nuisance to exist from any owner, tenant or occupant of the premises or may institute an action in the Superior Court for injunctive relief
3. The Health Officer or his/her designee or officer or agent of the Vineland Board of Health, upon information and belief that there is in any dwelling store, or any building of any kind any nuisance affecting health or any person sick of any contagious or infectious disease, or any condition of contagion or infection which may have been caused by anyone recently sick of any such disease may request and receive a warrant to search for such nuisance from the Superior Court of New Jersey or the Vineland Municipal Court in accordance with N.J.S.A. 26:3-59

BE IT FURTHER ORDAINED that the balance of Ordinance 2008-60, Chapter 62 of the Code of the City of Vineland not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

Approved by the Mayor:

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President of Council

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Mayor

ATTEST:

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City Clerk