

Introduced: 01/03/2023
Public Hearing: 01/24/2023
Adopted: 01/24/2023

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 01-2023**

AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON COUNTY, NEW JERSEY REPEALING AND REPLACING TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.32, BOARD OF HEALTH, OF THE TOWNSHIP CODE OF ORDINANCES

WHEREAS, the Township of Tewksbury (the "Township") has an established local board of health pursuant to the provisions of N.J.S.A. 26:3-10; and

WHEREAS, the Township is of the opinion that it would be better served if the constitution of the local board of health was amended to have the responsibilities and duties of the board be assumed by the Township Committee; and

WHEREAS, pursuant to N.J.S.A. 26: 1-1, the local board of health is defined as "the board of health of any municipality or the boards, body or officers in such municipality lawfully exercising any of the powers of a local board of health under the laws governing such municipality;" and

WHEREAS, under the Township form of government pursuant to N.J.S.A. 40A:63-1, *et seq.*, the governing body has the authority to operate as a local board of health and exercise the powers of the local board of health pursuant to N.J.S.A. 26:3-1, *et seq.*; and

WHEREAS, the Township Committee finds and declares that it is in best interests of the Township and its residents to amend the constitution of the Board of Health, dissolving same as an autonomous body, with the Township Committee assuming the duties and responsibilities of a local board of health.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Title 2, Administration and Personnel, Chapter 2.32, Board of Health, of the Township Code of Ordinances is hereby repealed and replaced in its entirety as follows:

2.32.010 – Established.

Pursuant to the authority granted pursuant to N.J.S.A. 40A:63-1. *et seq.*, and the provisions of N.J.S.A. 26:3-1, *et seq.*, there shall be a local board of health in the Township of Tewksbury, which shall consist of the members of the Township Committee.

2.32.020- Members-appointment and term.

The terms of office of the members of the local board of health shall coincide with those of the members of the Township Committee, and the termination of membership of any person serving on the Township Committee for any reason shall automatically terminate his or her membership on the local board of health. It is the intent and purpose that at any given time the membership of the Township Committee and the local board of health shall be identical.

2.32.030 – Organization, meetings.

The local board of health shall meet as often as it deems necessary, which meetings shall be held at the same place and day as the Township Committee, preceding the regular Township Committee meeting Orders of business, agenda, conduct of meetings, procedure, decorum, and any and all matters pertaining to the functions of the local board of health may be determined by resolution of the board. All meetings shall comply with the applicable provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6, *et seq.*

2.32.040 – Powers and duties.

The local board of health shall have and exercise all the powers of a local board as provided by N.J.S.A. 26:3-1, *et seq.* It shall have and exercise the power to adopt certain health codes and related documents, and the power to prescribe penalties for the violation of any provision of a health ordinance or code. All existing ordinances, health codes and regulations adopted by the Township Board of Health at the time of the adoption of this Ordinance shall remain in full force and effect.

SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on January 3, 2023 and adopted on January 24, 2023.

Jennifer Ader
Municipal Clerk