



JERSEY SHORE REGIONAL HEALTH COMMISSION

ORDINANCE NO. 2025- 1

AN ORDINANCE SUPPLEMENTING CHAPTER 3, "PUBLIC HEALTH NUISANCES," TO PROVIDE THAT MEMBER MUNICIPALITIES' PUBLIC HEALTH NUISANCE ORDINANCES SHALL PREEMPT COMMISSION ORDINANCES

WHEREAS, the Jersey Shore Regional Health Commission (the "Commission") is a duly constituted regional health commission organized pursuant to N.J.S.A. 26:3-83 *et seq.*, vested with the powers and duties to protect the public health within its member municipalities; and

WHEREAS, the Commission has established an Administrative Code; and

WHEREAS, Chapter 3 of the Administrative Code is entitled Public Health Nuisances;
and

WHEREAS, N.J.S.A. 26:3-45 grants the Commission the specific authority to pass, alter, or amend ordinances to define and prohibit nuisances in public and private places within its jurisdiction; and

WHEREAS, Bonfiglio v. Sea Bright, Appellate Docket No. A-2253-23 (2025), the New Jersey Appellate Division held that the Commission's Public Health Nuisance Code prohibited the enforcement of local municipal ordinances on the same topic; and

WHEREAS, Commission finds that it is its intent that member municipalities shall have primary control over local public health nuisances; and

WHEREAS, Commission further finds that its Public Health Nuisance Code shall only apply when a local member municipality has determined not to regulate any specific public health nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Jersey Shore Regional Health Commission, as follows:

SECTION 1. The Ordinances of the Jersey Shore Regional Health Commission shall be supplemented by establishing Section 3-1.3, entitled "Preemptive Effect of Municipal Public Health Nuisance Codes," which shall read:

§ 3-1.3 Preemptive Effect of Municipal Public Health Nuisance Codes



§ 3-1.3(a) Purpose. The purpose of this section is to confirm the intent of the Jersey Shore Regional Health Commission, consistent with and in light of the Appellate Division decision in Bonfiglio v. Sea Bright, that where a local member municipality has adopted an ordinance addressing public health nuisances, the municipal ordinance shall govern and preempt any provision of the Commission's public nuisance code. This Ordinance is adopted to provide clear notice to member municipalities, regulated parties, and the public that the Commission will defer to and give effect to applicable local municipal public health nuisance ordinances in the event of any conflict or inconsistency, and that the Commission will not enforce Commission provisions on which public health nuisance a member municipality has so regulated. By adopting section, the Commission intends to promote legal conformity, avoid conflicting standards among its member municipalities, and ensure that enforcement responsibilities and regulatory authority operate in a manner consistent with the referenced appellate guidance.

§ 3-1.3(b) Sections I through X (excluding Section 2.1 as referenced in Ordinance 3-1.2) of the Public Health Nuisance Code shall not apply in any municipality which has adopted any local ordinance regulating in any manner whatsoever any public health nuisance contained therein. This specifically includes, but is not limited to, Section IV, "Prohibition of Certain Noises or Sounds."

§ 3-1.3(c) Section IV, "Prohibition of Certain Noises or Sounds," of the Public Health Nuisance Code shall not apply in any municipality which has adopted any noise control, anti-noise, noise nuisance, or any other form of ordinance that regulates noise. In all such cases, the municipal ordinance, regardless of the source of the authority for same, shall supersede the Public Health Nuisance Code.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Commission hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 3. REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.



SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its final passage, approval, and publication as required by law.

Ordinance introduced on: October 28, 2025

First publication on: November 1, 2025

Public Hearing and Final Adoption: December 16, 2025

Second Publication on: December 20, 2025