

TOWN OF BOONTON

BOARD OF HEALTH

ORDINANCE NO. 2026 - 1

AN ORDINANCE AMENDING THE CODE OF THE BOARD OF HEALTH OF THE TOWN OF BOONTON AND AMENDING VARIOUS EXISTING PUBLIC HEALTH ORDINANCES

BE IT ORDAINED by the Board of Health of the Town of Boonton, in the County of Morris and State of New Jersey, as follows:

Section 1. The Revised General Ordinances of the Town of Boonton Board of Health, Article III, Construction, Operation and Maintenance of Retail Food Establishments and Wholesale Food Establishments, Chapter 303, subsections 303-15 thru 303-18, shall be amended and such amendments shall include new Subsection 303-19, Retail Food Establishments; Risk Categories; Fees established, which amendments shall read, in their entirety, as follows:

Article III Construction, Operation and Maintenance of Retail Food Establishments and Wholesale Food Establishments

§ 303-15 **Establishment of code.**

§ 303-16 **Title of code.**

§ 303-17 **Public record.**

§ 303-18 **Amendments and additions.**

§ 303-19 **Retail Food Establishments; Risk Categories; Fees established.**

§ 303-15 **Establishment of code.**

A code regulating the construction, operation and maintenance of retail food establishments and fixing penalties is hereby established pursuant to Chapter 24 of the New Jersey State Sanitary Code, NJAC 8:24. A copy of the code is annexed hereto and made a part hereof without the inclusion of the text herein.

§ 303-16 **Title of code.**

The code established and adopted by this chapter is described and commonly known as "Chapter 24 of the New Jersey State Sanitary Code". and is titled "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines," which was adopted as new rules on January 2, 2007, as [R. 2006 d. 430](#). This rule repealed the previous version of Chapter 24.

§ 303-17 **Public record.**

Three copies of Chapter 24 of the New Jersey State Sanitary Code adopted January 2, 2007 have been placed on file in the office of the Secretary of the Board of Health for the use and examination by the public.

§303-18 Amendments and additions

A.

Extermination.

(1)

All establishments covered by this section shall be required to obtain the services of a state-licensed and/or state-registered pest control expert at least once a month to insure against the existence of rodents, insects and other vermin, except that any establishment selling or otherwise dispensing only prepackaged foods shall be required to obtain such services once every three months or more frequently as may be deemed necessary by the Health Officer or his/her designee.

(2)

Only such state-licensed and/or state-registered extermination experts shall be allowed to treat food establishments and use pesticides, insecticides, rodent bait or other poisons on site.

(3)

No aerosol cans of insecticides shall be stored on site at retail food establishments.

B.

Vehicles. All vehicles used for the transportation of food and/or drink must be properly designed to ensure against spoilage and/or contamination. All hazardous foods must be transported at either above 135°F or below 41°F while contained in any such vehicle.

C.

Retail food establishment licenses.

(1)

No person shall, within the Town of Boonton, operate or allow to be operated a retail food establishment, mobile retail food establishment, and/or prepackaged food establishment as defined herein without first having obtained an appropriate license or licenses from the Board of Health in such form or forms as promulgated by the Board of Health

(2)

The description and duration of each such license and fees for same **are as articulated in §303-19 and fees** shall **also** be as set forth in Article XIV of this chapter.

(3)

Penalty for any violation of this article shall be as set forth in § 303-5 of this chapter.

D.

Public posting of evaluation placard.

Every establishment must post the most current evaluation placard in one of the following prominent locations clearly visible to the patron:

(1)

The main entrance door from four feet to six feet off the ground or floor.

(2)

A front window within five feet of the main entrance.

(3)

A display case mounted on the outside wall within five feet of the main entrance.

(4)

If there is no direct entrance to the street, the Health Department shall determine an appropriate posting location in prominent public viewing.

E. Certified Food Protection Manager

(1)

The certified food protection manager requirements set forth in N.J.A.C. 8:24-2.1 for Risk 3 establishments shall also apply to every risk 2 and risk 4 establishments. A certified food protection manager shall be defined in this chapter as an on-site supervisory employee of a risk 2, 3 or 4 retail food establishment, responsible for overseeing food preparation, food safety procedures, sanitation, service and staff.

(2)

The designated certified food protection managers must show their proficiency of the required food safety information through obtaining a food safety certificate. Certified food protection managers shall accomplish this by passing a food safety certification course and examination administered by an accredited certifying program recognized by the Conference for Food Protection. Certified food protection managers shall maintain the currency of the food safety certificate by following the accredited certifying program's requirements for renewal.

(3)

No later than 180 days after the effective date of this chapter, every risk 2, 3 and 4 retail food establishment shall have at least one certified food service manager physically on the premises of the establishment whenever the establishment is open for business.

(4)

Proof of the certified food protection managers' current certifications must be on the premises of the retail food establishment at all times. The certifications must be presented immediately upon the request of the Health Department.

§303-19 Retail Food Establishment Licenses; Risk Categories; Fees established.

There shall be a license issued pursuant to this chapter which shall expire annually on December 31 of each year, and the fee therefor shall not be prorated from the date of issuance. Applications for renewal thereof shall be submitted, together with the required fee, prior to December 15 of each year. A late fee in the amount of \$50.00 is required for any license not renewed before February 1st. Retail food establishment licenses and associated fees shall be defined as follows:

A.

Risk Type 1 food establishment.

(1)

"Risk Type 1 food establishment" means any retail food establishment that:

(a)

Serves or sells only pre-packaged, non-potentially hazardous foods;

(b)

Prepares only non-potentially hazardous foods; or

(c)

Heats only commercially processed, potentially hazardous foods for hot holding and does not cool potentially hazardous foods. Such retail establishments may include, but are not limited to, convenience store operations, hot dog carts, and coffee shops.

(2)

Annual fee: \$100.

B.

Risk Type 2 food establishment.

(1)

"Risk Type 2 food establishment" means any retail food establishment that has a limited menu and:

(a)

Prepares, cooks, and serves most products immediately;

(b)

Exercises hot and cold holding of potentially hazardous foods after preparation or cooking; or

(c)

Limits the complex preparation of potentially hazardous foods, including the cooking, cooling, and reheating for hot holding, to two or fewer items. Such retail establishments may include, but are not limited to, retail food store operations, schools that do not serve a highly susceptible population, and quick service operations, depending on the menu and preparation procedures.

(2)

Annual fee: \$200.

C.

Risk Type 3 food establishment.

(1)

"Risk Type 3 food establishment" means any retail food establishment that:

(a)

Has an extensive menu which requires the handling of raw ingredients and is involved in the complex preparation of menu items that includes the cooking, cooling, and reheating of at least three or more potentially hazardous foods; or

(b)

Prepares and serves potentially hazardous foods, including the extensive handling of raw ingredients, and whose primary service population is a highly susceptible population. Such establishments may include, but are not limited to, full-service restaurants, diners, commissaries, and catering operations; or hospitals, nursing homes, and preschools preparing and serving potentially hazardous foods.

(2)

Annual fee: \$400.

D.

Risk Type 4 food establishment.

(1)

"Risk Type 4 food establishment" means a retail food establishment that conducts specialized processes such as smoking, curing, canning, bottling, acidification designed to control pathogen proliferation, or any reduced-oxygen packaging intended for extended shelf life where such activities may require the assistance of a trained food technologist. Such establishments include those establishments conducting specialized processing at retail.

(2)

Annual fee: \$400.

E.

Mobile food and drink.

(1)

"Mobile food and drink" means any person who sells, or offers, solicits or displays for sale, or disposes of or delivers or purveys any box lunches, sandwiches, coffee, tea, ice cream, ice cream product, water ices, frozen water products or frozen confectionery products or other food or nonalcoholic beverages suitable for immediate consumption, in or from any cart, bicycle, trailer, wagon, automobile or other vehicle of any kind, including hand-carried portable containers. Mobile food and drink shall be stationary in an area only for such period of time as is necessary to complete sales transactions with customers, not to exceed 30 minutes at any given area, specific location or address on any given day.

(2)

Annual fee: \$50.

F.

Temporary retail food establishment.

(1)

"Temporary retail food establishment" means any food establishment which operates at a fixed location for a temporary period of time, not to exceed seven contiguous days, in connection with a fair, carnival, circus, public exhibition or similar organizational meetings.

(2)

Fee per event: \$50.

G.

Vending machine.

(1)

"Vending machine" means any self-service device which, upon insertion of a coin, paper currency, token, card, key or by any other means, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation.

(2)

Annual fee:

(a)

Pre-packaged only: \$20.

(b)

Gumball: \$5.

(c)

All others: \$40.

H.

Nonprofit food establishment.

(1)

"Nonprofit" means any food establishment which has been provided with a federal Internal Revenue Service tax exemption number and prepares or handles food and drink and serves to the general public; and any school food establishment operated by employees of the Board of Education.

(2)

Annual fee: \$0.

I.

Farmer's Market; Seasonal Event

(1)

(a)

"Farmer's market" is a public and recurring assembly of food vendors that includes farmers or their representatives who are selling food grown, raised and/or harvested or prepared, produced and/or packaged from the food grown, raised or harvested by the farmer directly to consumers. To comply with New Jersey health regulations, prepared foods must be prepared in licensed, inspected kitchens, meet all other requirements of N.J.A.C. 8:24 and comply with the provisions set forth in this chapter. Farmers must be highlighted or central to the event, but the organizer may invite any number of other food or non-food vendors to participate in the event.

(b)

"Seasonal Event" is a public and recurring assembly of food vendors conducted as a series of events at the same address, for the same purpose or cause, and by the same organizer within the annual license period.

(2)

Farmer's market and seasonal event vendor's license required; fees; expiration.

(a)

Those farmers, their representatives and other food vendors approved by the farmer's market or seasonal event organizers who sell food or beverages in any form for human consumption, may not participate, sell, carry on, conduct or operate within the farmer's market or seasonal event without first obtaining a farmer's market or seasonal event vendor's license from the Health Officer or his/her designee.

(b)

The annual license fee for a farmer's market or seasonal event vendor's license shall be \$50. The licensing fees set forth in this chapter shall be waived for those farmer's market vendors who sell only fresh, whole, uncut produce or those food vendors who are bona fide civic, veteran, religious and/or nonprofit organizations.

(c)

The farmer's market and seasonal event vendors' licenses granted by the Health Officer shall expire on the 31st day of December of each year.

(d)

The farmer's market and seasonal event vendor's license shall authorize a vendor to participate and operate at that specific farmer's market or seasonal event that is conducted at the same location and by the same organizer within the annual license period.

(3)

Application for a farmer's market vendor's license or seasonal event vendor's license shall be submitted on forms furnished by the Health Officer or his/her designee. The application shall be accompanied by:

(a)

The license fee in cash, check or money order.

(b)

The vendor's business/organization name, address, phone number, email address and name of contact person.

(c)

All required documentation specified on the license application and any additional information needed to verify compliance with N.J.A.C. 8:24 and the provisions of this chapter.

(d)

Approval from the event organizer confirming the vendor is authorized to participate at the event.

(4)

Issuance of farmer's market vendor's license or seasonal event vendor's license; contents; expiration.

(a)

The farmer's market vendor's license or seasonal event vendor's license shall be granted by the Health Officer or his/her designee upon completing all licensing requirements set forth in this chapter.

(b)

The license certificate shall state:

[1]

Type of license.

[2]

Date of issuance.

[3]

Name of licensee.

[4]

Purpose for which issued.

[5]

Address/location of vendor's operation.

[6]

Date of expiration.

(c)

The term of the license shall be for a maximum of one calendar year commencing on January 1 or the first day a vendor is in attendance at the event and expiring December 31.

(d)

The farmer's market vendor license or seasonal event vendor's license shall only be valid for a single, multi-date event conducted at the same address/location and by the same sponsoring organization.

(5)

License not transferable; display of license and inspection placard.

(a)

A farmer's market vendor's license or seasonal event vendor's license issued under this chapter shall not be transferable to any other person, organization, group, business or corporate body and is not valid at any other address/location or for any other events conducted by a different organizer or sponsor.

(b)

The issued farmers market vendor's license or seasonal event vendor's license shall be conspicuously displayed at all times by the vendors at the vendor's assigned location within the market.

(c)

The health inspection placard shall be conspicuously displayed at all times by the vendors at the vendor's assigned location within the market or event.

(6)

Maintenance of licensee's assigned space; disclosure of source of produce, food, and beverages.

(a)

The vendor licensee shall keep their assigned location neat, clean and sanitary at all times. Garbage and refuse must be properly contained and removed from the premises daily.

(b)

Those vendors who are representing themselves to be farmers and growers and selling local, fresh, produce and ingredients must conspicuously display signage for public view that discloses the source from which the vendor obtained all produce, eggs, honey, bulk beverages and juices, smoked, cured or raw meats and the primary ingredients of soups, quiches and baked goods. The signage must be clearly legible in English with lettering in a larger font size of no less than 1/4 inch.

J.

Transfer of license.

Licenses issued pursuant to this chapter shall not be transferrable, nor shall they be construed as authorizing the licensee or licensees to carry on the business at any place other than that specified in the license itself.

K.

Revocation of license.

Licenses issued pursuant to this chapter may be revoked by the Board of Health for any good or sufficient reason, provided that due notice thereof shall be given to the licensee, and a hearing held before the Board of Health, at which time an opportunity shall be afforded the licensee to show cause why the license should not be revoked.

Section 2. The Revised General Ordinances of the Town of Boonton Board of Health, "Food and Beverage Vending Machine Code", subsections 303-19 thru 303-21 are hereby repealed and shall be amended to read, in their entirety, as follows:

Article IV (Reserved)

§ 303-20 (Reserved)

§ 303-21 (Reserved)

Section 3. The Revised General Ordinances of the Town of Boonton Board of Health, Article XIII, Miscellaneous Health and Sanitary Regulations, subsections 303-59 thru 303-62 are hereby repealed and shall be amended to read, in their entirety, as follows:

Article XIII Miscellaneous Health and Sanitary Regulations

§ 303-59 Disposal of human excrement

§ 303-60 Reserved

§ 303-61 Reserved

§ 303-62 Reserved

§ 303-59 **Disposal of human excrement.**

A.

Open deposits prohibited. No person shall deposit or permit to be deposited or to remain on the surface of the ground, or in any open ditch or in any open hole, open pit, or open bed, any human excrement or material containing human excrement.

B.

Disposal giving access to water supplies prohibited. No person shall dispose of or place any human excrement or any material containing human excrement where it can gain access to the source of any public water supply or to any well or spring used as a private potable water supply.

C.

Exceptions, sewage and industrial waste treatment plants. The provisions of this section shall not apply to the effluent from any sewage treatment plants or industrial waste treatment plants installed in accordance with legal requirements and operated in accordance with the rules and regulations of the New Jersey State Department of Health.

§ 303-60 Reserved

§ 303-61 Reserved

§ 303-62 Reserved

Section 4. The Revised General Ordinances of the Town of Boonton Board of Health, Article XIV, "Fees Established", subsection 303-63 is hereby amended to read, in its entirety, as follows:

Article XIV

§ 303-63 Fees established.

The following fees shall be required for the following licenses, permits or inspections. Any such license or permit shall expire on December 31 of each year.

Body Art Establishment License	\$200.00
Tattoo and Permanent Cosmetics	\$100.00
Body Piercing	\$50.00
Late Fee for License renewal	\$50.00
Farmer's Market/Seasonal Event	\$50.00
Massage Therapy Establishment License	\$500.00
Late fee for Massage Establishment license renewal	\$100.00
Public Recreational Bathing Licenses	
Public bathing beach	\$100.00
Public hot tub or spa	\$50.00
Public swimming pool	\$75.00
Public wading pool	\$50.00
Late fee for License renewal seasonal/year-round	\$50.00
Retail Food Establishment Licenses	
Itinerant food vendors, (Mobile)	\$50.00
Retail Food Establishments	
Risk 1	\$100.00
Risk 2	\$200.00
Risk 3	\$400.00
Risk 4	\$400.00
Late fee for license renewals	\$50.00
Temporary retail food	
Valid for one event for a maximum of seven (7) contiguous days	\$50.00
Vending machine, Prepackaged Food and beverage	\$20.00

Vending machine, Gumball

\$5.00

Section 5. The Revised General Ordinances of the Town of Boonton Board of Health, Article XVII, "Body Art Establishments", subsections 303-86 thru 303-99 are hereby repealed and replaced to read, in its entirety, as follows:

Article XVII Body Art Establishments

§ 303-86 Scope.

§ 303-87 Adoption of Code.

§ 303-88 Title

§ 303-89 Reinspection Fees

§ 303-90 Body Art Establishment Licenses; License Fees; Late Fees

§ 303-91 Violations and Penalties

§ 303-92 Prohibited Activities

§ 303-86 Scope.

This article shall govern all businesses that offer tattooing, permanent cosmetics, and ear and body piercing to the public with the exception of a physician who is authorized by the State Board of Medical Examiners to practice medicine, pursuant to N.J.S.A. 45:9-6 et seq. Under the authority of N.J.S.A. 26:1A-9, the provisions of this article are enforceable by the New Jersey State Department of Health and the Town of Boonton Health Department.

§ 303-87 Adoption of Code.

A code regulating body art establishments and fixing penalties is hereby established pursuant to N.J.S.A. 26:3-69.1 et seq. A copy of the code is annexed to this article and made part of it without the inclusion of text. A copy of this code may be found on file in the Town of Boonton Health Department.

§ 303-88 Title.

The code established and adopted by this article is described and commonly known as the "New Jersey State Sanitary Code, Chapter 8, Body Art Procedures, N.J.A.C. 8:27-1 et seq."

§ 303-89 Reinspection fees.

Should a Body Art establishment be found to be in violation of N.J.A.C. 8:27-1.1 et seq. or other provisions of this chapter and the Health Department determines that a re-inspection is necessary, a re-inspection fee shall be an amount equal to the annual license fee for that establishment and shall be required to be paid by the operator for every re-inspection performed until the violation(s) have been corrected. The fee shall be paid within 10 days of the notification of the said re-inspection requirement.

§ 303-90 Body Art Establishment Licenses; License Fees; Late Fees

There shall be a license issued pursuant to this chapter which shall expire annually on December 31 of each year, and the fee therefor shall not be prorated from the date of issuance. Applications for renewal thereof shall be submitted, together with the required fee, prior to December 15 of each year. A late fee in the amount of \$50.00 is required for any license not renewed before February 1st.

§ 303-91 Violations and penalties.

Unless another penalty is specifically provided elsewhere in the Code or in law of the state or federal government, any person who violates any provision of this article, any other chapter of this Code or any

other ordinance of the Town of Boonton shall, upon conviction, be punishable by a fine of no less than \$250 nor more than \$1,000 for each violation. Each day that such violation continues shall be deemed a separate offense.

§ 303-92 Prohibited activities.

Temporary body art establishments shall be prohibited.

Section 6. The Revised General Ordinances of the Town of Boonton Board of Health, shall be amended to include new Article XVIII, "Public Recreational Bathing", subsections 303-93 thru 303-96 to read, in its entirety, as follows:

Article XVIII

Public Recreational Bathing

§ 303-93 Public Recreational Bathing; Adoption of Standards

The Town of Boonton Board of Health hereby adopts in its entirety the provisions of N.J.S.A. 26:1A-7 et seq. and the provisions of the New Jersey Administrative Code, N.J.A.C. 8:26-1.1 through 8:26-8.11 and the amendments and supplements thereto.

§ 303-94 License required; Late Fee; noncompliance.

Licenses issued pursuant to this chapter shall expire annually on December 31 of each year, and the fee therefor shall not be prorated from the date of issuance. Applications for renewal shall be submitted, together with the required fee, prior to December 15th of each year for year-round facilities, and by May 15th for seasonal facilities. A late fee in the amount of \$50.00 is required for any license not renewed before February 1st for year-round facilities and by July 1st for seasonal facilities.

§ 303-95 License Fees

A.

Public recreational bathing license.

(1)

Public bathing beach: \$100.

(2)

Public hot tub or spa: \$50.

(3)

Public swimming pool: \$75.

(4)

Public wading pool: \$50.

§ 303-96 Reinspection Fees

The fee for the reinspection of any public recreational bathing facility which is necessitated by a conditional or unsatisfactory rating shall be an amount equal to the annual license fee for that establishment. The establishment shall be subject to the reinspection fee for each reinspection performed until the establishment

is returned to a satisfactory rating. The fee shall be paid within 10 days of the notification of the said re-inspection requirement.

Section 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 8. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

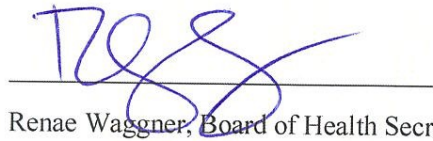
Section 9. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

This Ordinance shall take effect as of April 21, 2026

Adopted:



Kelli Sheils, Board of Heath President



Renae Waggoner, Board of Health Secretary