

REVISED HEALTH CODE
OF THE
BOROUGH OF
HASBROUCK HEIGHTS
1985
Revised through
December 2023

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(Revised 5/11)
(Revised 3/03)
(Revised 2/94)
(Revised 5/84)

FORWARD

The adoption and publication of this Revised Sanitary Code of the Borough of Hasbrouck Heights, New Jersey, provides Borough officials, and the general public, with a single volume containing the updated code. A loose-leaf format will enable the Board of Health to add and revise sections as appropriate within the same volume. A copy will be available for public use at the office of the Department of Health. Additional copies of the Code will be available for purchase at the same office.

The attention of the public is called to the State statutes and regulations which apply in the field of health, in general, Titles 24 and 26 of the New Jersey Statutes Annotated, the New Jersey State Sanitary Code and the New Jersey Administrative Code. A complete copy of the New Jersey State Sanitary Code is available at the office of the Board of Health for public reference and use.

Certain articles in the sanitary code adopted by the Board of Health in 1947 have been omitted from this revision. For example, the chapter on communicable diseases has been preempted by Chapter 2 of the New Jersey Sanitary Code. Other articles have been consolidated. For example, the articles on food and beverages, frozen food, water supply, ice, restaurants, food vending machines and devices, and other articles pertaining to food and beverages have been consolidated into a chapter on retail food service establishments or have been preempted by Chapter 24 of the New Jersey Sanitary Code. The sections on housing have been omitted. For example, such paragraphs pertaining to painting of apartments, repair of gutters, sidewalls and roofs are preempted by the Multiple Dwelling Act and New Jersey Administrative Code 23:1 and has no place in the health code. Keeping premises clean is preempted by the Hasbrouck Heights Property Maintenance Code.

1. Arrangement of Code: The code consists of 18 chapters which are arranged in alphabetical order, after a first chapter entitled "General Provisions" and a second chapter entitled "Board of Health." Each chapter is divided into sections and in some cases separated by a dash, with the number before the dash referring to the Chapter and the number after the dash referring to the section. Thus section "2-1" is Chapter 2 Section 1.
2. Analysis: Preceding the text of each chapter there is set forth an "Analysis" or table of contents listing the chapter, article and section headings contained therein. This, in many instances, will serve as an index to the contents of the specific chapter.
3. Section Headings: At the head of each section, there appears an appropriate caption which summarizes the contents of each section.
4. Notes: In some cases, references are made in the form of "Notes" to pertinent provisions of the state statutes, state administrative code and case law.

5. General Index: A detailed index keyed to pertinent chapters and sections of the code is being prepared and will be included as a supplement.
6. Loose-leaf Binder: The loose-leaf arrangement permits integrated supplementation as additional ordinances are adopted.

ACKNOWLEDGEMENTS

The Revised Health Code is a result of the combined efforts of the Health Officer, John L. Welch, and the Board Attorney, who edited and indexed, as well as the department personnel who suggested the content of the revisions. Without their efforts, the Code could not have been revised. Marilyn deRussy, Secretary of the Health Department, aided with the proofreading of the manuscripts and typing of all drafts. To each of the participating Borough of Hasbrouck Heights officials and staff of the Board, I extend my thanks for their cooperation and assistance.

Marilyn deRussy
Registrar/Secretary

PREFACE

This volume entitled the “Revised Health Code of the Borough of Hasbrouck Height, New Jersey” is a second revision of the Hasbrouck Heights Board of Health’s ordinances. Since the adoption of the first code in 1947, the need for a revision of the ordinances has become imperative to eliminate the uncertainties of application, obsolescence, conflicts, and confusion in the interpretation of the accumulated and multi-amended ordinances and the effect of new legislation.

This code contains only ordinances of a general and permanent nature and replaces all general and permanent ordinances of the Board of Health of the Borough of Hasbrouck Height adopted prior to November 19, 1985, except those expressly saved from repeal by the Adopting Ordinance.

This volume is presented for the use and benefit of the citizens, officials and employees of the Borough and the Department of Health in the belief that this revision will render the ordinances of the Board of Health more readily accessible, more easily understood and their future enforcement more effective and certain. To accomplish this intended purpose, the Code will be kept up to date by means of an adequate supplemental service.

BOARD OF HEALTH

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Janet Rubino, R.N., Vice President	Marlene Laabs
Kenneth Paduch	David Roche
Jeffrey C. Gaal, D.D.S.	

HEALTH OFFICER

John L. Welch

REGISTRAR OF VITAL STATISTICS

Marilyn deRussy

SECRETARY TO THE BOARD

Marilyn deRussy

BOARD ATTORNEY

Ralph W. Chandless, Jr.

BOARD OF HEALTH

BOROUGH OF HASBROUCK HEIGHTS

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE HEALTH CODE OF THE BOROUGH OF HASBROUCK HEIGHTS, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN.

WHEREAS, the Board of Health of the Borough of Hasbrouck Heights has caused its ordinances of a general and permanent nature to be compiled and revised and the same embodied in a revision and codification thereof known as the “Revised Health Code of the Borough of Hasbrouck Heights, New Jersey (1985)”,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF HEALTH OF THE BOROUGH OF HASBROUCK HEIGHTS

Section 1. The ordinances of the Board of Health of the Borough of Hasbrouck Heights of a general and permanent nature as codified in the following designated chapters of “Revised Health Code of the Borough of Hasbrouck Heights (1985)” as filed in the office of the Department of Health, are hereby adopted and ordained as codified general ordinances of the Board of Health of the Borough of Hasbrouck Heights to be known as the “Revised Health Code of the Borough of Hasbrouck Heights (1985)” and all provisions thereof shall be in force and effect on and after the effective date of this ordinance.

Section 2. The Revised Health Code of the Borough of Hasbrouck Heights New Jersey (1985) as so adopted includes Chapters 1 through 18 inclusive and Rules and Regulations.

Section 3. All ordinances of a general and permanent nature adopted by the Board of Health of the Borough of Hasbrouck Heights prior to November 19, 1985, and not contained in the “Revised Health Code of the Borough of Hasbrouck Heights (1985)” are hereby repealed from and after the effective date of this ordinance except as provided in Section 4 hereof.

Section 4. The repeal provided for in Section 2 of this ordinance shall not affect:

- a. Any offense or act committed or done, or any penalty or liability incurred or any contract or right established or occurring before the effective date of this ordinance.
- b. Any prosecution, action, suit, or other proceeding pending, or any judgment rendered on or prior to the effective date of this ordinance.
- c. Any license right conferred by the Board of Health of the Borough of Hasbrouck Heights.
- d. Any ordinance or resolution promising or guaranteeing the payment of money by or for the Board of Health of the Borough of Hasbrouck Heights.
- e. The annual budget appropriation ordinance or resolution and all ordinances and resolutions appropriating money or transferring funds.

- f. Any pension or tenure right of any officer or employee of the Department of Health of the Borough of Hasbrouck Heights or any pension or benefit of any retired officer or employee.
- g. Any provision of any ordinance or resolution or employment agreement providing the for payment of compensation, salary, or wages, or the method of payment to any Department of Health official officer or employee, or providing for additional compensation with respect hereto, or providing for any other benefit or allowance whether monetary or otherwise.
- h. Any provision of any ordinance or resolution creating any position or office or fixing the duties or responsibilities thereof which is not provided for in the Revised Health Code and which is not in conflict with or inconsistent with the provision of the Revised Health Code.

Ordinance Number _____ entitled “AN ORDINANCE REQUIRING ALL PERSONS ENGAGED IN OR EMPLOYED IN THE BUSINESS OF PREPARING OR PROCESSING FOOD OR DRINK INTENDED FOR HUMAN CONSUMPTION BE IT FOR IMMEDIATE ON OR OFF PREMISED CONSUMPTION, TO OBTAIN A “FOOD HANDLER’S CERTIFICATE” PRESCRIBING AN EDUCATION COURSE THEREFOR REQRIGIN ALL EMPLOYERS TO KEEP ACCURATE RECORDS OF ALL SUCH PERSONS SO EMPLOYED FIXING A FEE FOR THE ISSUANCE OF THE SAID “FOOD HANDLER’S CERTIFICATE” AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF.”

Copies of the “Revised Health Code of the Borough of Hasbrouck Heights” have been filed in the Office of the Department of Health and shall remain there for the use and examination of the public until final action is taken on this ordinance.

Copies of the “Revised Health Code of the Borough of Hasbrouck Heights” shall be and shall remain on file in the Office of the Department of Health and made available to persons desiring to examine same if this is ordinance shall be adopted, and while the same is in effect.

This ordinance shall take effect upon final passage and publication as prescribed by law.

Marilyn deRussy
Secretary to the Board

Introduced:
Published:

Adopted:
Published:

OUTLINE OF CHAPTERS AND ARTICLES

Chapter 1. GENERAL PROVISIONS. § 1-1 to 1-12

Article

1. Designation
2. Conflict of laws
3. General rules of construction
4. Definitions
5. References to chapters, articles and sections
6. Analyses, section headings, source references, and notes not part of revised health code
7. Effect of repeal of certain ordinances
8. Severability §
9. Rules and regulations §
10. Amendments §
11. Resolutions to suspend §
12. Posting of premises §

Chapter 2. BOARD OF HEALTH. § 2-1 to 2-12

1. Organizations
2. Quorum, meetings, powers
3. Appointments
4. President of the board
5. Vice-President of the board
6. Secretary of the board
7. Health officer
8. Registrar of vital statistics
9. Counsel
10. Sanitary inspectors
11. Other officers
12. Right to make inspections

Chapter 3. AIR POLLUTION CONTROL. § 3-1 to 3-16

1. Title and Policy. § 3-1 to 3-2
2. Definitions. § 3-3
3. Prohibition of Air Pollution, Open Buring and Smoke. § 3-4 to 3-6
4. Standards and Regulations. § 3-7 to 3-9
5. Control and Prohibition of Air Pollution from Asbestos Surface Coatings. § 3-10 to 3-11
6. Inspections, Right of Entry and Warning. § 3-12 to 3-14
7. Penalties. § 3-15
8. Construction and Severability. § 3-16

Chapter 4. ANIMALS § 4-1 to 4-10

1. Farm Animals. § 4-1
2. Fowl. § 4-2
3. Keeping of Small Animals. § 4-3 to 4-7
4. Bees. § 4-8
5. Prohibition against the feeding of wild or stray animals. § 4-9 to 4-10

Chapter 5. CHILDCARE § 5-1 to 5-22

1. Childcare Facilities. § 5-1 to 5-2
2. Health and Safety Standard. § 5-3 to 5-22

Chapter 6. FEES AND FEE SCHEDULE. § 6-1 to 6-5

1. Licensing year
2. Special terms
3. License fees
4. No specific fee fixed
5. Other fees

Chapter 7. FOOD HANDLER'S COURSE OF INSTRUCTION AND
CERTIFICATION REQUIREMENTS § 7-1 TO 7-8

1. Definitions
2. Food handlers certificate
3. Food handlers certificate required
4. Transfer of certificate
5. Fees and renewals
6. Suspension or revocation of certificate
7. Records
8. Violations and penalties

Chapter 7A. FOOD ESTABLISHMENT CODE § 7A-1 to 7A -4

1. Statutory authority and reference to the State Sanitary Code
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Chapter 8. LICENSES OR PERMITS § 8-1 to 8-20

1. Applications, Insurance, Display. § 8-1 to 8-6
2. Suspension or Revocation of License or Permit
 - Subarticle A. Suspension of License. § 8-7 to 8-11
 - Subarticle B. Revocation of License. § 8-12 to 8-17
 - Subarticle C. Informal Hearings. § 8-18
 - Subarticle D. Formal Hearings. § 8-19
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Chapter 9. MASSAGE THERAPIST § 9-1 to 9-6

1. License Required. § 9-1
2. Definition. § 9-2
3. Requirements for Licensure. § 9-3
4. Exemptions. § 9-4
5. Age Requirements. § 9-5
6. Hours of Operation. § 9-6

Chapter 10. NUISANCES § 10-1

1. Prohibition of Specified Nuisances.

Chapter 11. OCCUPATIONAL HEALTH. § 11-1 TO 11-7

1. Sanitation and housekeeping
2. Humidity and air movement
3. Illumination
4. Overcrowding
5. Personal and protective clothing and equipment
6. Inspections and examinations, interference with officers
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Chapter 11A. PERSONAL GROOMING ESTABLISHMENTS § 11A-1 to 11A-5

1. License Required
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5. Suspension

Chapter 12. PUBLIC PLACES AND PUBLIC LAVATORIES. § 12-1 to 12-3

1. Public Places. § 12-1
2. Public Lavatories. § 12-2
3. Toilet Facilities in Restaurants and Eating Places. § 12-3

Chapter 13. RETAIL FOOD SERVICE ESTABLISHMENTS § 13-1 to 13-11

1. Licenses and Permits for Retail Food Service Establishments. § 13-1 to 13-4
2. Equipment and Floor Standards. § 13-5 to 13-6
3. Plan Review for New or Remodeled Retail Food Establishments. § 13-7 to 13-9
4. Rules and Regulations. § 13-10 to 13-11

Chapter 14. SEPTIC TANKS, CESSPOOLS, PRIVIES, AND PORTABLE TOILETS § 14-1 to 14-8

1. Septic Tanks, Cesspools Privies. § 14-1 to 14-2
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3. General Provisions. § 14-6 to 14-8

Chapter 15. SWIMMING POOLS AND WHIRLPOOLS § 15-1 to 15-16

1. Definitions. § 15-1
2. Administration. § 15-2 to 15-15
3. Rules and Regulations. § 15-16

Chapter 16. TANNING SALONS § 16-1 to 16-2

1. License Required. § 16-1
2. Standards Required for Licensure. § 16-2

Chapter 17. HEAT AND HOT WATER. § 17-1 TO 17-3

1. Heat Requirements
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Chapter 18. VIOLATIONS AND PENALTIES. § 18-1 to 18-5

1. Violations and penalties
2. Separate Violation for each day
3. Greater penalty provided by a New Jersey Statue
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5. Unlawful acts prohibited

Chapter 1. GENERAL PROVISIONS

ANALYSIS

Section

- 1-1 Designation
- 1-2 Conflict of laws
- 1-3 General rules of construction
- 1-4 Definitions
- 1-5 References to chapters, articles, and section
- 1-6 Analyses, section headings, source references, and notes not part of Revised Health Code
- 1-7 Effect of repeal of certain ordinances
- 1-8 Severability
- 1-9 Rules and regulations
- 1-10 Amendments
- 1-11 Resolutions to suspend
- 1-12 Posting of premises

1-1 Designation.

This Ordinance and all Ordinances supplementary hereto and amendatory hereof may be cited as the “Revised Health Code” or the “Revised Health Code of Hasbrouck Heights (1985)”.

1-2 Conflict of laws.

In case of conflict with any provision of the New Jersey State Sanitary Code or any other State or Federal law or regulation, the more restrictive provision shall prevail. The higher standard shall be enforced in order to promote and protect the health and safety of the inhabitants of the Borough of Hasbrouck Heights.

1-3 General rules of construction.

In the construction of this Code or any amendments hereof or any supplements hereto, words and phrases shall be read and construed:

- (a) Within their context and, unless inconsistent with the manifest intent of the Board, as expressed herein.
- (b) Unless another or different meaning is expressly indicated, such words or phrases shall be given the meaning expressed herein or if no such meaning be given their generally accepted meaning according to the approved usage of the language, shall be applied.
- (c) Technical, trade or commercial words and phrases, and words and phrases having a special or accepted meaning in the law, shall be construed in accordance with such technical, trade, commercial or special and accepted meaning.
- (d) Unless otherwise indicated by the context, the definition herein contained shall apply to the terms used in the other definitions.

- (e) Unless otherwise indicated by the context, the singular shall include the plural and one gender shall include the other gender.

1-4 Definitions.

In addition to the definitions included in some of the following chapters of this Code, the following definitions shall apply in the interpretation and enforcement of this Code:

- (a) “Board” shall mean the Board of Health of the Borough of Hasbrouck Heights, New Jersey.
- (b) “Borough” shall mean the Borough of Hasbrouck Heights, New Jersey.
- (c) “Cleaning” shall mean the thorough removal of contaminating material or materials.
- (d) “Code” shall mean the Revised Health Code of the Borough of Hasbrouck Heights unless some other code is expressly indicated.
- (e) “Department” shall mean the Department of Health of the Borough of Hasbrouck Heights, New Jersey.
- (f) “Food” shall include any article used for food or beverage for people of animals, and every ingredient therein, including without limitation all confectionery, condiments, flavorings and other components of any such article.
- (g) “Garbage” shall mean the accumulation of animal or vegetable matter, or both, liquid or otherwise, that tends to decay.
- (h) “License” or “Permit” shall mean a duly authorized license or permit granted by the Board and issued in accordance with this code, the regulations of the Board of applicable state statutes or regulations.
- (i) “Member” shall mean one of the persons who shall constitute the Board of Health of the Borough of Hasbrouck Heights.
- (j) “Nuisance” shall mean any condition which is dangerous to human life or health or which renders air, water, soil, or any type of food hazardous or injurious to human life or health, including but not limited to those things so designated in this code.
- (k) “Person” shall mean any person, association, partnership, trust, or corporation, or any one or more of them, or any combination of any of them.
- (l) “Public Place” shall mean a place which is visited by many persons and is usually accessible to the neighboring public and in which the public has an interest as affecting the safety, health, morals, and welfare of the community.
- (m) “Retail Food service Establishment” shall mean any fixed or mobile restaurant: coffee shop; cafeteria; short-order café; luncheonette; grill; tea room; sandwich shop; soda fountain; tavern; bar cocktail lounge, night club; roadside stand; industrial feeding establishment; private, public or non-profit organization or institution serving food; catering kitchen;

commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or similar place in which food or drink is prepared for retail sale or for service on the premises or elsewhere; and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge; except that agricultural markets, covered dish suppers or similar type of church or non-profit type institution meal service shall meet the special provisions of Chapter 24 of the New Jersey State Sanitary Code.

- (n) “Rules and Regulations” shall mean those rules and regulations prescribing or directing action or forbearance which are required to be followed by this code.
- (o) “Small Animals” shall include cats, dogs, guinea pigs, cut chewing rabbits, domestic rodents and any other small animal kept or raised as pets or for other non-commercial purposes, provided however that the term “small animals” shall not apply if they total in the aggregate less than two (2) of the same species, except for dogs or cats under the age of six (6) months or other small animals young enough to require the care of the mother animal.
- (p) “State Department” shall mean the New Jersey State Department of Health.
- (q) “State Health Code” shall mean the New Jersey State Sanitary Code promulgated by the New Jersey State Department of Health, which has the force and effect of law and is enforceable by the State Department of Health, the local boards of health, local police authorities, and other enforcement agencies.

In accordance with statute 26:3-29.1 seq., the following New Jersey State Codes are adopted by reference to the extent not inconsistent with the specific provisions of this code to

- a. The Public Health Nuisance Code
- b. The Swimming Pool Code of the Department of Health of the State of New Jersey

1-5 References to chapters, articles and sections.

All references in the Revised Health Code to chapters, articles or sections are to chapters, articles or sections of the Revised Health Code. Such references to chapters or articles shall be construed to refer to all the sections within the chapters or articles of which such references are made, unless otherwise expressly provided.

1-6 Analyses, section headings, source references, and notes are not part of Revised Health Code.

In the construction of the Revised Health Code or any part thereof, no analysis of any chapter or part thereof, no cross-reference or cross-reference note, no indication of a source by parenthetical material

after a section, no note, no footnote, and no section heading, shall be deemed to be part of the Revised Health Code.

1-7 Effect of repeal of certain ordinances.

Whenever an ordinance that repeals an earlier ordinance or part thereof is itself repealed, such repeal shall not revive the former ordinance or part thereof unless specific provision is made therefore.

1-8 Severability.

In the event that any section, paragraph, subdivision, clause or provision of this Code shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged invalid, and the remainder of the Code shall be deemed valid, effective and in full force and effect.

1-9 Rules and regulations.

The Board may, from time to time, adopt such rules and regulations as by law it is permitted, authorized, or empowered to so adopt and which shall, in its judgment, aid in the proper understanding and general enforcement of this Code.

1-10 Amendments.

The Board shall and may, from time to time, amend, supplement, or implement this Code by other provisions amendatory thereof or supplementary thereto.

1-11 Resolutions to suspend.

The Board may, from time to time, by general resolution, suspend or declare inoperative any provisions of this Code, which, in their judgment, are not for the time being required for the protection of the health of the residents of the Borough of Hasbrouck Heights.

1-12 Posting on premises.

Whenever the Health Officer determines that a retail food service establishment or other public or private premise contains a health hazard or is in violation of this Code or of applicable State or Federal statutes, Codes or rules so that a public health hazard is present or a public health emergency may result, in addition to actual notice of the hazard or violation to the owner or operator, the Health Officer may post the premises with a notice to the public indicating the health hazard or violation and the date. The posted notice shall not be removed except by the Health Officer after an inspection has shown the hazard has been eliminated or the violation removed.

CHAPTER 2. BOARD OF HEALTH (6/86 Amendment)

ANALYSIS

Section

- 2-1 Organization.
- 2-2 Quorum, meetings, powers.
- 2-3 Appointments.
- 2-4 President of the Board.
- 2-5 Vice-President of the Board.
- 2-6 Secretary of the Board.
- 2-7 Health Officer.
- 2-8 Registrar of Vital Statistics.
- 2-9 Counsel.
- 2-10 Registered Environmental Health Specialists.
- 2-11 Other officers.
- 2-12 Right to make inspections.

2-1 Organization.

The Board shall organize annually on the first day of January in each year or as soon thereafter as may be feasible, at which time it shall elect, by a majority vote of all the members of the Board and from its members, a President and a Vice-President.

2-2 Quorum, meetings, powers.

A majority of the whole number of the Board shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. Its regular meetings shall be held every month except July and August in the Municipal Building, 248 Hamilton Avenue, Hasbrouck Heights, New Jersey at 7:00 p.m. on the second Wednesday which is not a legal holiday, or on such date as may be decided upon at the organization meeting. The Board shall determine and establish the rules of its own proceedings, and shall pass, promulgate, or adopt such rules, regulations, orders ordinances, by-laws and resolutions pertaining to the purposes and objectives of the Board as may be necessary to properly carry out the provisions of applicable state laws governing the powers and duties of local Board of Health. The President shall have the power to call special meetings of the Board when necessary and in case of this neglect or refusal to do so it shall be lawful for any three members of such Board to call any special meetings by written or printed notice to each member served personally or left at their places of residence at least 48 hours previous to the time appointed for such meeting. All meetings shall be in conformance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(6/86 Amendment)

2-3 Appointments.

The President shall appoint, subject to confirmation by a majority of all Board members, a Secretary, a Health Officer, one or more Registered Environmental Health Specialists, a Registrar of Vital Statistics, and such other officers and employees as the President may from time to time deem necessary, all of whom shall hold their respective offices until December 31 of the calendar year of their appointment and until their respective successors are appointed and shall qualify, except that the Registrar of Vital Statistics shall be appointed in accordance with the provisions of N.J.S.A. 26:8-13.

2-4 President of the Board.

The President shall be the Chief Executive Officer of the Board. He President shall preside at all meetings of the Board, and have all such other powers as may, by law or by the provisions of this Code, be vested in such officer. During the intervals between regular meetings, the President shall represent the Board in all executive and judicial matters. The President shall also have the power to appoint, with the consent of the Board, such other officers as may from time to time, be required to be appointed and provision for whose appointment is not otherwise made in the Code.

2-5 Vice-President of the Board.

The Vice-President, in the absence, disability or disqualification of the President, shall serve in the place of said President with all the aforesaid powers and duties of the President.

2-6 Secretary of the Board.

The Secretary shall keep the minutes of all the proceedings of the Board, shall conduct all the official correspondence of the Board, maintain proper copies of the same, tabulate, and complete all reports required by any superior authority, local, state or national, and make such other reports as may be required or directed by the Board. The Secretary shall procure all books, stationery and other supplies as may be required by the Board and shall keep adequate records of all applications for permits and the action of the board, if any, thereon, and all such other pertinent information as may be necessary for a complete record of each such matter. The Secretary shall be the Chief Administrative Officer of the Board.

2-7 Health Officer.

The Health Officer shall be the general agent of the Board of Health in the enforcement of the Revised Health Code and other ordinances of the Board and the sanitary laws of the State. The Health

Officer shall act within such additional authority as may be conferred on a licensed Health Officer by the State or the Board consistent with such state license and in accordance with his contract with the Board.

2-8 Registrar of Vital Statistics.

The Registrar of Vital Statistics shall keep such records of that office as required by the Bureau of Vital Statistics of the State of New Jersey and N.J.S.A. 26:8-29. The Registrar of Vital Statistics shall additionally perform such duties as may be directed by the Statutes and regulations of the State of New Jersey, the provisions of this Code or as they may, from time to time, be directed by the Board. The Registrar of Vital Statistics shall file with the Secretary of the Board a monthly report on the vital statistics collected by the Registrar of Vital Statistics, which report shall consist of a review and analysis of the data collected.

2-9 Counsel.

The Counsel, when appointed, shall be the legal advisor of the Board and shall, when required, attend its meetings. The Counsel shall, when ordered to do so by the Board, represent it in all litigation to which it may be a party and perform all such other legal services as may, from time to time, be required of Counsel by the Board.

2-10 Registered Environmental Health Specialists (REHS).

The Registered Environmental Health Specialists, when appointed, shall assist the Health Officer in the performance of the duties of the Health Officer under the direction and supervision of the Health Officer or in the absence of the Health Officer. The REHS shall possess a valid license from the State and shall perform such duties as may additionally be directed by the Statutes or regulations of the State of New Jersey, the provisions of this Code or as they may from time to time be directed by the Board. Each REHS shall make a written report at each regular meeting of the Board.

2-11 Other Officers.

The Board may appoint such other officers or assistants or deputies to the officers named herein as it may deem necessary and appropriate and as it may otherwise be authorized to do so by law.

2-12 Right to make inspections.

All officers and employees of the Board, shall, by virtue of their respective appointments, be vested with the power and authority to make any and all inspections or examinations that are required to be made by local Board of Health under the Statutes of this State, or that are required by any code, ordinance, regulations or order of the Board. They shall report to the Health Officer any violations

occurring in the interim between meetings of the Board an all persons are hereby forbidden to interfere with or obstruct such inspections or examinations.

Chapter 3. AIR POLLUTION CONTROL

ANALYSIS

Article 1. TITLE AND POLILCY

Section

- 3-1 Title
- 3-2 Policy statement

Article 2. DEFINITIONS.

Section

- 3-3 Definitions

Article 3. PROHIBITION OF AIR POLLUTION, OPEN BURNING AND SMOKE

Section

- 3-4 Prohibition of air pollution
- 3-5 Prohibition of open burning
- 3-6 Prohibition of smoke from combustion of fuel

Article 4. STANDARDS AND REGULATIONS

Section

- 3-7 Standards for the emission of solid particles
- 3-8 Regulation of stack and chimneys
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Article 5. CONTROL AND PROHIBITION OF AIR POLLUTION FROM ASBESTOS SURFACE COATINGS

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Article 8. CONSTRUCTION AND SEVERABILITY

Section

3-16 Construction and severability

Article 1. TITLE AND POLICY

3-1 Title

This chapter shall be known and cited as the Air Pollution Control Code of the Borough of Hasbrouck Heights.

3-2 Policy Statement

Air pollution is a menace to the health, welfare, and comfort of the residents of the Borough of Hasbrouck Heights and a cause of substantial damage to property. For the purpose of preventing and reducing atmospheric pollution, it is hereby declared to be the policy of the Borough of Hasbrouck Heights to minimize air pollution as herein defined and to establish standards governing the installation, maintenance and operation of equipment and appurtenances relating to combustion, which is a source or potential source of air pollution.

Article 2. DEFINITIONS

3-3 Definitions

The following terms wherever used herein or referred to in this Chapter shall have their respective meanings assigned to them unless a different meaning clearly appears from the context.

Air Contaminant – Solid particles, liquid particles, vapors, or gases which are discharged into the outdoor atmosphere.

Air Pollution – The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are or tend to be injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property.

Asbestos – Actinolite, amosite, anthophyllite, chrysolite, crocidolite or tremolite.

Direct Health Exchanger – Equipment in which heat from the combustion of fuel is transferred to a substance being heated so that the latter is contacted by the products of combustion and may contribute to the total effluent.

Economic Poisons – Those chemicals used as insecticides, rodenticides, fungicides, herbicides, nematocides or defoliant.

Friable Material – Any material which can be crumbled, pulverized, or reduced to powder by hand pressure.

Fuel – Solid, liquid, or gaseous materials used to produce useful heat by burning.

Garbage – Waste animal or vegetable matter from houses, kitchens, restaurants, hotels, produce markets or any other source, or food of any kind to be thrown away.

Incinerator – Any device, apparatus, equipment, or structure used for destroying, reducing or salvaging by fire any material or substance including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap; or a facility for cremating human or animal remains.

Indirect Heating Exchanger – Equipment in which heat from the combustion of fuel is transferred by conduction through a heat conducting material to a substance being heated, so that the latter is not contacted by and adds nothing to the products of combustion.

Internal Cross-Sectional Dimension – Any maximum linear perpendicular distance from an inside wall of a stack or chimney to the inside of an opposite wall such as the diameter of a circular cross-section or the length or width of a rectangular cross-section.

Liquid Particles – Particles which have volume but are not of rigid shape and which, upon collection, tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

Manufacturing Process – Any action, operation or treatment embracing chemical, industrial, manufacturing or processing factors, methods or forms including but not limited to furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors,

regenerators, separators, filters, reboilers, columns, classifiers, screen quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers, or absorbers.

Motor Vehicles – Any vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

Odor – The property of a substance which affects the sense of smell.

Opacity – The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as the percentage to which the light is obstructed.

Open Burning – Any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney of an incinerator.

Operator – Any person who has care, custody or control of a building or premises, or a portion thereof, whether with or without knowledge of the owner thereof.

Outdoor atmosphere – Air space outside buildings, stacks, or exterior ducts.

Owner – Any person who alone or jointly, or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge or control of any dwelling or dwelling unit, as owner or agent of the owner, or as fiduciary including but not limited to executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate; or as a mortgagee in possession regardless of how such possession was obtained. Any person who is lessee subletting or reassigning any part or all of any dwelling unit shall be deemed to be a co-owner with the lessor and shall have a joint responsibility over the portion of the premises sublet or assigned by said lessee.

Particles – Any material, except uncombined water, which exists in finely divided form as liquid particles or solid particles at standard conditions.

Person – The word “person” means and shall include corporations, companies, associations, societies, firms, partnerships, and joint stock companies, as well as individuals and shall also include all political subdivisions of this State or any agencies or instrumentalities thereof.

Plant Life – Vegetation including but not limited to trees, tree branches, leaves, yard trimmings, shrubbery, grass, weeds, and crops.

Refuse – Rubbish, garbage, trade waste and plant life.

Ringlemann Smoke Chart – *Ringlemann's Scale for Grading the Density of Smoke*, as published by the United States Bureau of Mines, or any chart, recorder, indicator or device which is approved by the New Jersey Department of Environmental Protection as the equivalent of said Ringlemann's Scale or for the measurement of smoke density.

Rubbish – Waste solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, papers, ashes, furniture, tin cans, glass, crockery, masonry, and other similar materials.

Salvage Operation – Any operation or activity from which is salvaged or reclaimed any product or materials including, but not limited to metals, chemicals, or shipping containers.

Smoke – Small gas borne, or air borne, particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

Solid Particles – Particles of rigid shape and definite volume.

Source Operation – Any manufacturing process or any identifiable part thereof emitting an air contaminant into the outdoor atmosphere through one or more stacks or chimneys.

Stack or Chimney – A flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

Standard Conditions – Shall be 70 degrees Fahrenheit and one atmosphere pressure (14.7 psia or 760 mm Hg).

Trade Waste – All waste solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders, and other forms of solid or liquid waste material.

Visible Smoke – Smoke which obscures light to a degree readily discernible by visual observation.

Article 3. PROHIBITION OF AIR POLLUTION, OPEN BURNING AND SMOKE

3-4 Prohibition of air pollution.

No person or owner of property, or person or persons having possession or control thereof, shall cause, suffer, allow, or permit to be emitted into the open-air substances in such quantities as shall result in air

pollution. The provisions of this section shall not apply to the use of economic poisons which are registered by the federal government or the State of New Jersey.\

3-5 Prohibition of open burning.

- (a) No person shall cause, suffer, allow, or permit a salvage operation by open burning.
- (b) No person shall cause, suffer, allow, or permit the disposal of rubbish, garbage or trade waste, or buildings or structures, by open burning.
- (c) No person shall cause, suffer, allow, or permit the disposal of any type of plant life by open burning.
- (d) The provisions of this section shall not apply to:
 - (1) Variances approved and issued by the New Jersey Department of Environmental Protection in accordance with subchapter 2.5 of the New Jersey Administrative Code.
 - (2) Open burning of refuse for training or research exercises when conducted at a permanent facility or training center designed to be used solely for such purposes on a continuing basis.

3-6 Prohibition of smoke from combustion of fuel.

- (a) No person shall cause, suffer, allow or permit visible smoke to be emitted into the outdoor air from combustion of fuel in any stationary indirect heat exchanger except as provided in this section.
- (b) No person shall cause, suffer, allow or permit smoke the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart, or greater than 20 percent opacity, exclusive of water vapor, to be emitted into the outdoor air from the combustion of fuel in any stationary indirect heat exchanger having a rated hourly capacity of 200 million BTU or greater gross heat input, and discharging through a stack or chimney having all internal cross-sectional dimensions of 60 inches or greater.
- (c) The provisions of this section shall not apply to smoke which is visible for a period of not longer than three minutes in any consecutive 30-minute period.
- (d) The provisions of this section shall not apply to direct heat exchangers or manufacturing processes or any other vehicle while operating on the public highway.
- (e) Any person responsible for the construction, installation, alteration or use of an indirect heat exchanger shall, when requested by the Health Officer, provide the facilities and necessary equipment for determining the density or opacity of smoke being discharged into the open air.

Article 4. STANDARDS AND REGULATIONS.

3-7 Standards for the emission of solid particles.

- (a) No person shall cause, suffer, allow, or permit particles to be emitted from any stack or chimney into the outdoor air the shade or appearance of which is greater than 20 percent opacity, exclusive of water vapor.
- (b) The provisions of this section shall not apply:
 - (1) To particles the shade or appearance of which is greater than 20 percent opacity, exclusive of water vapor, for a period of not longer than three minutes in any consecutive 30-minute period.
 - (2) To source operations issued a variance by the New Jersey Department of Environmental Protection in accordance with 7:27-6.5 of the New Jersey Administrative Code.
 - (3) To indirect heat exchangers.
 - (4) To incinerators.

3-8 Regulation of stack and chimneys.

- (a) Except as herein provided, persons burning solid or liquid fuel whose products of combustion are discharged into the open air from a stack or chimney shall submit to the Health Officer information for each stack or chimney relating to place, type of fuel burned, heat content in fuel burned, quantity of fuel burned per hour and year or per hour or year, description of combustion equipment, usual period of operation, height and size of outlet, and description of air pollution control equipment, and such other pertinent information as may be requested on forms provided for that purpose by the Health Officer. The application forms shall also require the submission of the name, address and telephone number of the person or persons responsible for day-to-day operation and, also of the person or persons responsible for maintenance of any such equipment. Any change in the name, address or telephone number of such person or persons shall be reported within ten (10) days of the occurrence of such change to the Health Officer.
- (b) Such information shall be submitted to the Health Officer within ninety (90) days after either new installations are placed into service or existing installations are altered. Nothing herein shall be construed as relieving any person from the requirements of the Building Code of the Borough of Hasbrouck Heights. Additional reports concerning these items may be requested by the Health Officer.

- (c) The provisions of this Section shall not apply to equipment designed or used for heat input rate of not more than one million British Thermal Units (BTU) per hour unless the equipment is designed for or using #5, #5, or #6 fuel oil or coal.

3-9 Regulation or operation and installation of incinerators.

- (a) No person shall operate or permit the operation of an incinerator in the Borough of Hasbrouck Heights without securing the necessary permits and operating certificates from the State Department of Environmental Protection.

Article 5. CONTROL AND PROHIBITION OF AIR POLLUTION FROM ASBESTOS SURFACE COATINGS.

3-10 Control and prohibition of air pollution from asbestos surface coatings.

No person shall cause, suffer, allow, or permit surface coating by spraying on any building, structure, facility, installation or internal or external portion thereof, asbestos or friable material containing in excess of 0.25% (by weight) asbestos.

3-11 Tests.

- (a) Any person responsible for the manufacture, application or use of any coating, which the Health Officer, or any agent thereof, has reason to believe contains asbestos, shall, when requested by the Health Officer, conduct such tests as are necessary in the opinion of the Health Officer to determine the presence, the amount and the kinds of asbestos in the coating. Such tests shall be conducted in a manner approved by the Health Officer and shall be done at the expense of the person responsible.
- (b) The Health Officer may waive the testing requirements of sub-section (a) of this Section upon receipt of a materials specifications report from the material manufacturer certifying that the asbestos content of the surface coating for which testing is required complies with the provisions of this Section.

Article 6. INSPECTIONS, RIGHT OF ENTRY AND WARRANTS.

3-12 Inspections.

- (a) Emergency inspections may be authorized without a warrant if the Health Officer has reason to believe that a condition exists which poses an immediate threat to life, health or safety. Such procedure shall only take place where the time taken to apply for and secure the issuance of a warrant would render ineffective the immediate action necessary to abate the condition.

- (b) Emergency inspections may also be authorized by the Governor in times of air pollution emergencies in accordance with N.J.S.A. 26:2C-26 et seq.

3-13 Right of entry

Where the Health Officer or his agent is refused entry or access or is otherwise impeded or prevented by the owner, occupant, or operator from conducting an inspection of the premises, such person shall be in violation of this Code and subject to the penalties hereunder.

3-14 Search warrant or access warrant.

The Health Officer may, upon affidavit, apply to the Judge of the Hasbrouck Heights Municipal Court for a search warrant setting forth factually the actual conditions and circumstances that indicate that violations of the Code may exist on the premises. If the Judge of the Hasbrouck Heights Municipal Court is satisfied as to the matter set forth in said affidavit, the Judge shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation may exist.

Article 7. PENALTIES.

3-15 Penalties.

- (a) Any person who shall violate any of the provisions of this Code, or who shall fail to comply therewith or with any of the requirements, shall be punishable by a fine not to exceed \$500 or imprisonment for a term not to exceed ninety (90) days, or both, for each violation. Each day that such violation shall continue shall constitute a separate offense.
- (b) The violation of any section or subsection of this Code shall constitute a separate and distinct offense independent of this violation of any other section or subsection, or of any order issued pursuant to this Code.

Article 8. CONSTRUCTION AND SEVERABILITY.

3-16 Construction and severability.

- (a) This Chapter is to be liberally construed to effectuate the purpose herein described. Nothing herein is to be construed as repealing or abridging the emergency powers of any agency of government except to the extent expressly set forth herein.
- (b) This Chapter is promulgated and adopted in accordance with Section 26:2C-8 of P.L. 1954, C 212 (Title 26:2C-1 to 2C-23), amended by P.L. 1962, C 215; P.L. 1967, c 105; and P.L. 1967, C106 and nothing contained herein or any action taken hereunder is to be interpreted as being in conflict with the New Jersey Air Pollution Control Act and the New Jersey Administrative Code.

Chapter 4. ANIMALS.

ANALYSIS.

Article 1. FARM ANIMALS

Section

4-1 Keeping or slaughtering of farm animals prohibited.

Article 2. FOWL

Section

4-2 Keeping or slaughtering fowl prohibited.

Article 3. KEEPING OF SMALL ANIMALS

Section

4-3 Keeping of animals other than cats and dogs.

4-4 Limiting the number of cats and dogs.

4-5 Contagious diseases.

4-6 Animals to be confined.

4-7 Rabies quarantine.

Article 4. BEES

Section

4-8 Keeping of bees prohibited.

Article 5. PROHIBITION AGAINST THE FEEDING OF WILD OR STRAY ANIMALS

Section

4-9 Definitions.

4-10 Feeding Prohibited.

(7/17 Supplement)
(6/09 Supplement)
(5/19 Supplement)

Article 1. FARM ANIMALS

4-1 Keeping or slaughtering of farm animals prohibited.

No person, firm or corporation shall raise, keep, harbor, or slaughter any farm animal, including but not limited to cattle, horses, goats, sheep or pigs within the Borough of Hasbrouck Heights.

Article 2. FOWL

4-2 Keeping or slaughtering of fowl prohibited.

No person, firm or corporation shall raise, keep, harbor, or slaughter any fowl, including but not limited to chickens, ducks, geese, pigeons or turkeys, with the Borough of Hasbrouck Heights.

Article 3. KEEPING OF SMALL ANIMALS IS PROHIBITED

4-3 Keeping of cats and dogs.

All persons, firms and corporations shall be prohibited from keeping all animals except cats and dogs.

4-4 Limiting the number of cats and dogs.

All persons, firms and corporations shall be limited to a total of four of the above-named animals except for such dogs or cats under the age at which licensing is required.

4-5 Contagious diseases.

No persons shall knowingly keep any small animals affected with skin mange, coccidiosis, parasitic worms, or other diseases contagious to other animals or human beings, and any such animal so affected shall immediately be destroyed and the carcass cremated forthwith. The provisions of this Article shall not apply to any small animal under regular professional treatment by a duly licensed veterinarian, but all said provisions shall fully apply when such treatment shall be discontinued without a full cure having been affected or when such veterinarian shall certify that, in his opinion, such cure cannot be affected. Any hutch, pen, coop, or enclosure wherein such affected animal is found, and all adjoining hutches, pens, coops or enclosures, shall be destroyed or thoroughly disinfected in an approved fashion.

4-6 Animals to be confined.

No person shall allow any dog to run at large in Hasbrouck Heights and the same shall, always, be confined to the premises or in a suitable enclosure.

4-7 Rabies Quarantine

The Board shall require the owner or person in charge of any animal which has attacked or bitten any person, to confine such animal at the expense of the owner or the person in charge of such animal, for a least ten days after the bit or attack. The animal shall not be released until proof of a licensed veterinarian's examination of said animal is furnished to the Health Officer who shall countersign the release certificate immediately following the ten-day quarantine period.

4-8 Keeping of bees prohibited.

No person, firm or corporation shall raise, keep or harbor any bees for commercial or non-commercial purposes within the Borough.

Article 5. PROHIBITION AGAINST THE FEEDING OF WILD OR STRAY ANIMALS

4-9 Definitions.

For the purpose of this Article:

- A. "Wild Animal" shall include but not be limited to pigeons, waterfowl, raccoons, skunks, or groundhogs.
- B. "Stray Animal" shall include any dog or cat that is not owned and maintained by a resident or guest of a resident of Hasbrouck Heights, and which is not intended to be kept on the property of that resident.

4-10 Feeding Prohibited.

- A. No person shall place food intended or suitable for consumption by a wild animal or stray animal on any property, public or private, in the Borough of Hasbrouck Heights.
- B. This prohibition shall not apply to enclosed, elevated bird feeders.

CHAPTER 5. CHILDCARE

NOTE: Childcare facilities enrolling more than five children between two and five years of age are licensed and regulated by the State Department of Human Services, Division of Youth and Family Services (D.Y.F.S.)

Article 1. CHILDCARE FACILITIES.

ANALYSIS

Section

- 5-1 Definitions.
- 5-2 Childcare facilities enrolling five or more children between 2 weeks and 16 years of age.

Article 2. HEALTH AND SAFETY STANDARDS.

Section

- 5-3 Number of staff.
- 5-4 Equipment.
- 5-5 Sleeping equipment.
- 5-6 Food service and sanitation.
- 5-7 Swimming and wading.
- 5-8 Child information records and reports.
- 5-9 Health of personnel; reports.
- 5-10 Emergency medical care: immunization status, statement; medication; health surveillance measures.
- 5-11 Telephone service.
- 5-12 Space requirements – maximum capacity.
- 5-13 Diapering.
- 5-14 Location of center; stairs, walkways, ramps, and porches.
- 5-15 Heating.
- 5-16 Light, ventilation, and screening.
- 5-17 Water supply.
- 5-18 Toilets and wash basins.
- 5-19 Sewage disposal.
- 5-20 Garbage and refuse.
- 5-21 Maintenance of premises.
- 5-22 Building, plumbing and fire code compliance.

Section 1. CHILDCARE FACILITIES

- 5-1 Definitions.

- (a) The phrase “childcare facilities” shall include every private childcare center, infant care center, day nursery, nursery school, hobby, art, music center, boarding school, private elementary school, school of residence for the developmentally disabled, cooperative group, play group, or other

establishment of similar character for the are of schooling of children in which any tuition, fee, board or other form of compensation is charged or which is publicly funded, whether or not tuition fees, board or other form of compensation nis charged, except these childcare centers subject to licensure by the State Department of Human Services, Division of Youth and Family Services, pursuant to the State’s Childcare Licensing Law (N.J.S.A. 18A-70-1 to 9) and regulations promulgated thereunder.

- (b) Daycare homes are facilities operated by one or more individuals and not licensed by the State of New Jersey in which children are placed for temporary care on a daily basis either during or outside of school hours. They shall not provide care for more than twelve children at any one time.

5-2 Childcare facilities enrolling five or more children between the age of two weeks and sixteen years.

Childcare facilities enrolling five or more children between two weeks and sixteen years of age and not regulated by N.Y.F.S. shall be regulated by this chapter.

5-3 Number of staff.

- (a) There must be at least two staff members present in any facility when more than one child is present or on any trip or outing outside the facility.
- (b) The ratio of staff members to children in any facility shall conform to the following minimum standards:
 - (1) Under the age of six weeks, one staff member per child.
 - (2) From the age of six weeks to three years, one staff member for every four children.
 - (3) From the age of three years to six years, one staff member for every six children.
 - (4) From the age of six years to ten years, one staff member for every ten children.
 - (5) Over the age of ten years, one staff member for every ten children.

5-4 Equipment.

A facility shall provide play equipment, materials, and furniture, which shall be safe, clean, in good repair, and free of lead paint hazards.

5-5 Sleeping equipment.

- (a) Infants less than twelve months shall sleep in cribs or beds with side rails and firm mattresses. Children twelve months of age or older shall sleep in cribs, beds, or cots as appropriate. Each crib, bed or cot shall have a washable, waterproof covering and appropriate bedding.

- (b) Each child five years or younger who is enrolled for five or more continuous hours shall be provided with sleeping equipment.
- (c) Between launderings, all bedding shall be for the exclusive use of the same child.
- (d) All bedding shall be kept clean.

5-6 Food Service and Sanitation.

- (a) A childcare facility shall establish and implement a written policy for its nutrition and food service programs.
- (b) When a facility provides formula for the child who is on regular or special infant formula commercially prepared, pre-bottled, ready-to-feed units shall be provided unless provided by the parent as specified in this section.
- (c) When a parent chooses to provide formula or food, the facility shall assure that the food, formula, bottles, nipples and containers comply with the following requirements:
 - (1) Food or formula shall be prepared at the child's home and placed in a labeled assembled bottle prior to being brought to the center.
 - (2) Potentially hazardous foods shall be kept properly refrigerated, below 45° F.
- (d) Infant formula left in a bottle at the end of a feeding shall be discarded.
- (e) Facilities, equipment, and procedures used for the preparation, storage, and service of food, whether on or off the premises, shall comply with the applicable provisions of Chapter 24 of the New Jersey State Sanitary Code. Facilities, equipment, and sanitation procedures required shall depend on the amount and type of food service operation.
- (f) In facilities with twelve children or less, high quality domestic equipment and utensils may be acceptable, provided that they are designed and of such material and workmanship as to be easily cleanable and in good repair. Disposable utensils, places, and the like, shall be used unless an automatic dishwasher or 3-compartment sink is available.
- (g) The cooking equipment shall be provided with mechanical ventilation and adequately vented to the outside atmosphere.
- (h) In facilities with thirteen or more children or in facilities with an institutional setting, commercial food service equipment will be required. Minimum equipment for utensil cleaning and sanitizing procedures must include a 3-compartment sink or an automatic dishwasher with a sanitizing (pumped rinse of 165° F for 30 seconds) and drying cycle and a 2-compartment sink provided with hot and cold running water.

5-7 Swimming and wading.

A childcare facility shall not allow swimming or wading except in municipal pools licensed by the Borough of Hasbrouck Heights.

5-8 Child information records and reports.

- (a) A center shall have a child information card completed and on file for each child currently enrolled.
- (b) A center shall maintain an accurate record of daily attendance for children enrolled.
- (c) A center shall report an accident or illness, occurring while a child is in care, which results in hospitalization or death. A report shall be submitted to the Health Officer within five days of such an event.

5-9 Health of personnel; report.

- (a) A center shall have on file a report, signed by a licensed physician, for each staff member and each volunteer who has contact with children four hours or more per week for more than two consecutive weeks. This report shall declare, to the best of the physician's knowledge, the physical capability of the staff member to perform the duties required. The report shall be signed no more than six months prior to, or 30 days after, the start of employment and every year thereafter.
- (b) A center shall have on file evidence that each staff member and each volunteer who has contact with children four hours or more per week for more than two consecutive weeks is free from communicable tuberculosis, verified within one year prior to employment and every year thereafter. Each staff member shall have a valid Mantoux PPD tuberculin test as required by the State Department of Health.

5-10 Emergency medical care; immunization status; statement; medication; health surveillance measures.

- (a) At the time of initial attendance, a center shall obtain and keep on file written permission, signed by the parent, to seek emergency medical care.
- (b) A Center shall obtain and keep on file, within thirty days of a child's initial attendance, information as to a child's immunization status and one of the following statements:
 - (1) A signed statement on the state of the child's health based on an evaluation by a licensed physician made within the preceding 12 months and every two years thereafter. Restrictions, if any, on activities shall be stated by a licensed physician.

- (2) A written statement from the parent or guardian that the child has completed, or has an appointment to take part in, a health care program which shall include health observations, physical assessments, and screening tests, when such a health program is available and has been approved by the Department. The result of this health screening program shall be on file in the center following such as assessment and shall be updated every two years.
 - (3) A child whose parents object to physical examination, immunizations, or medical treatment on religious grounds may be admitted if the parent provided the center with a signed statement that the child is in good health and that the parent assumes responsibility for the child's state of health while at a center, with the understanding that the parent be notified immediately when anything unforeseen in the regard occurs.
- (c) When a center administers medication, the following provisions shall apply:
- (1) Medication, including aspirin, dietary supplements, prescription, or individual special medical procedures, shall be given or applied only with prior written permission from the parent. Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions and name and strength of the medication, and shall be given in accordance with those instructions.
 - (2) A caregiver shall maintain a record as to the time and the amount of any medication given or applied.
 - (3) The medication shall be in the original container, stored according to the instructions, and clearly labeled for the specific child. The caregiver shall keep the medication out of the reach of children in a locked cabinet and shall return the medication to the parent or destroy it when no longer needed.
- (d) Health surveillance measures include the following:
- (1) A center shall be responsible for reporting to the parent observed changes in the child's health or any accidents that may have happened to the child.
 - (2) A child too ill to remain in the group shall be placed in a separate area where he or she may be comfortably cared for and supervised until he or she can be taken home or suitably cared for elsewhere. Items and facilities, including cots, bedding, utensils, toys, toilets, and lavatories, used by the ill child shall not be used by any other person until those items and facilities have been thoroughly cleaned. The parents shall be contacted when these measures are required.

5-11 Telephone service.

A telephone shall be available and accessible in the building during the hours that the center is in operation. Pay telephone shall not be considered as meeting this requirement. Emergency telephone numbers, including fire, police, poison control center, and ambulance, shall be conspicuously posted immediately adjacent to the telephone.

5-12 Space requirements – maximum capacity.

Maximum capacity of a facility shall be determined by the following minimum space standards (calculations not to include hallways, bathrooms, storage areas, kitchens, reception rooms, or office area):

- (a) Indoor space for infants and children under 2 years of age shall be at least 50 sq. ft. per infant.
- (b) Indoor space for children 2 to 16 years old shall be at least 35 sq. ft. per child.
- (c) Outdoor play areas shall be provided if children are to be in attendance for five or more continuous hours a day. The play area shall be at least 1200 sq. ft. in size and shall provide a safe environment for play (e.g. no water or traffic hazards; fences provided if necessary).

5-13 Diapering.

- (a) A center shall provide diapers. Diapers shall be disposable and furnished by a commercial diaper service.
- (b) Diapering shall be done in the child's own crib, or in a designated diapering area or station.
- (c) A diapering area, and all supplies and equipment, shall be maintained in a safe and sanitary manner.
- (d) The hands of a caregiver shall be washed before and after each diapering, using soap and running water. A hand sink shall be conveniently located in a diapering area.
- (e) A washcloth or towel, or both, used in diapering shall not be used subsequently on another part of the body or for another purpose or on another child until laundered.
- (f) Diapers shall be changed when soiled or wet.

5-14 Location of center; stairs, walkways, ramps, and porches.

- (a) A center shall be located on land that provided good natural drainage or that is properly drained.
- (b) Porches and walkways that are elevated shall have barriers to prevent falls.
- (c) Stairs, walkways, ramps, and porches shall be maintained in a safe condition relative to the accumulation of water, ice or snow, and shall have non-slip surfaces.

5-15 Heating

Heating equipment shall be capable of maintaining a temperature of not less than 70° F at a height 2 feet above the floor.

5-16 Light, ventilation, and screening.

- (a) The total ventilation area in every habitable room, as provided by openable windows, shall be not less than 4-1/2% of the floor area, unless central air conditioning is provided.
- (b) Artificial light or natural light, or both, shall be capable of providing a minimum illumination of 40 footcandles over the entire room at a height of 3 feet from the floor.
- (c) During any flying insect season, a window used for ventilation shall be supplied with screening of not less than 16 mesh, which shall be kept in good repair.

5-17 Water Supply.

- (a) Sinks, lavatories, drinking fountains, and other water outlets shall be supplied with safe water, sufficient in quantity and pressure to meet conditions of peak demand. Hot water temperatures shall not exceed 120° F at outlets accessible to children.
- (b) The water system shall comply with the requirements of the Department of Environmental Protection. Plumbing shall be designed, constructed, installed, and maintained to prevent cross-connections.

5-18 Toilets and wash basins.

A center shall provide one toilet and one wash basin for the first fifteen (15) children and one additional toilet and wash basin for each additional 1 to 15 children, except that a center operating with children present for five or more continuous hours a day shall provide one toilet and one wash basin for the first ten children and one additional toilet and wash basin for each additional 1 to 10 children.

5-19 Sewage disposal.

Sewage and other water-carried wastes shall be disposed of through the municipal sewer system.

5-20 Garbage and refuse.

- (a) A center shall store garbage in flyproof and watertight containers with tight-fitting covers. A garbage can shall be provided with a waterproof liner or be thoroughly cleaned after each emptying.
- (b) A center shall have garbage and refuse removal at intervals of at least once a week so as not to create a menace to health.

5-21 Maintenance of premises.

- (a) The premises shall be maintained in a clean and safe condition and shall be free from standing water.
- (b) The premises shall be maintained to eliminate and prevent rodent and insect harborage.
- (c) Roofs, exterior walls, doors, skylights, and windows shall be weather-tight and water-tight and shall be kept in sound condition and good repair.
- (d) Floors, interior walls, and ceilings shall be sound and in good repair, and maintained in a clean condition.
- (e) All plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition. Each water heater shall be equipped with a thermostatic temperature control and a pressure relief valve, both of which shall be in good working condition.
- (f) All water closet compartments, bathrooms, and kitchen floor surfaces shall be constructed and maintained so as to be reasonable impervious to water and to permit the floor to be easily kept in a clean condition.

5-22 Building, plumbing and fire code compliance.

Every facility shall comply with all applicable building, plumbing, and fire safety code requirements, and nothing herein contained, or a less restrictive nature shall be deemed to relieve the obligation to so comply.

Chapter 6. FEES AND FEE SCHEDULE

(5/11 Amendment and Supplement)

ANALYSIS

Section

- 6-1 Licensing year.
- 6-2 Special terms.
- 6-3 License Fees.
- 6-4 No specific fee fixed.
- 6-5 Other fees.

- 6-1 Licensing year.

All licenses issued under this Code shall have a term of one year and, except as otherwise specifically provided for, the term shall be from January 1 until the following December 31. All the fees required to be paid, or paid under the terms hereof, are intended to be the licensing year fees but, when paid, shall cover only the balance of the licensing year during which the same are so paid or payable, except that new licensing fees paid during the month of December shall cover that month and the following licensing year. There shall be charged a late fee in the amount of 25% of the fixed fee for each calendar month the fee is late; however, nothing contained herein shall be construed to extend the time in which fees are payable construed to compel the issuance of a license or the renewal thereof the fee for which is unpaid.

- 6-2 Special terms.

- A. All food licenses and all milk licenses issued under this Code shall be for a term of one year commencing on July 1st and ending the following June 30th.
- B. All mobile vendors' licenses issued under this Code shall be for a term of six months commencing on January 1 and ending the following June 30, and commencing on July 1 and ending the following December 31.
- C. All personal grooming establishment licenses issued under this Code shall be for a term of one year commencing on July 1 and ending on June 30.

The term of any new license hereunder commencing on a date other than a commencement date fixed herein shall end of the next following ending date fixed herein and all the requirements pertaining to renewals shall thereafter apply.

6-3 License fees.

(1) Groceries, Supermarkets, Retail food warehouses	\$1,000.00
(2) Delicatessens	\$250.00
(3) Bakeries	\$250.00
(4) Butchers	\$250.00
(5) Produce Markets	\$250.00
(6) Convenience stores	\$250.00
(7) Establishments such as drug stores and liquor stores that sell pre-packaged, non-potentially hazardous foods as a supplement to the primary business.	\$75.00
(8) Establishments such as drug stores and liquor stores that sell pre-packaged, potentially hazardous foods (milk, ice cream) as a supplement to the primary business.	\$100.00
(9) Milk trucks	\$75.00
(10) Ice Cream trucks	\$250.00
(11) Mobile vendors (per semi-annual license)	\$250.00
(12) Itinerant Caters	\$200.00
(13) Restaurants according to seating capacity	
1-50 persons	\$250.00
51-100 persons	\$300.00
101-150 persons	\$375.00
151-200 persons	\$475.00
201 persons and over	\$575.00
(14) Religious, civic, and non-profit organizations (examples, spaghetti dinners, pancake breakfasts, etc. per event)	\$25.00
(15) Special event food permit (examples, July 4 th fireworks, Christmas Parade, etc.)	\$100.00
(16) Seasonal food operators (examples, athletic field concession stand, Little League, etc.)	\$100.00
(17) Food establishments not otherwise listed	\$125.00
(17A) Additional fee upon late filing of Retail Food Establishment License under Chapter 7A	\$500.00
(18) Vending machines	
(a) Gumball machines – first slot	\$20.00
Each additional slot	\$10.00
(b) Soda, snack, coffee, and other non-potentially hazardous food	

First machine	\$50.00
Each additional machine within the same establishment	\$25.00
(c) Sandwiches, milk, ice cream or other potentially hazardous food	
First machine	\$75.00
Each additional machine within the same establishment	\$25.00
(19) Food Handlers Course required under Chapters 7 and 7A and certification of successful completion (refundable if the applicant fails to successfully complete the course), per applicant.	\$25.00
(20) Massage therapist	\$100.00
(21) Tanning salons	\$100.00
(22) Take-out establishments	\$150.00
(23) Schools	\$75.00
(24) Fraternal organizations	\$150.00
(25) Personal grooming establishments (based upon the number of personal grooming Stations upon the premises in regular use as may be reasonably determined by The Health Officer during inspection):	
(a) Establishments having 4 or fewer stations	\$100.00
(b) Establishments having between 5 and 10 stations	\$150.00
(c) Establishments having between 11 and 15 stations	\$200.00
(d) Establishments having 16 or more stations	\$250.00
(26) Food Truck Event	\$100.00

6-4 No specific fee fixed.

Whenever in this Code a license or permit is required and no specific fee is established for such license or permit, the fee therefore shall be \$25.00, payable on application for such license or permit pursuant to Section 6-1 of this Code.

6-3 Other fees.

There shall be also charged the following fees:

(a) Certified Copy, each	\$15.00
(b) Certified Correction, each	\$15.00
(c) Search if the year of the event is unknown	\$1.00
(d) Fee for hearing and second reinspection of food service establishment determined To be unsatisfactory upon periodic reinspection pursuant to Section 13-3.1 hereof	\$250.00

(e) Fee for hearing and third reinspection of food service establishment determined To be unsatisfactory upon periodic reinspection pursuant to Section 13-3.1 hereof	\$500.00
(f) Fee for reinspection of an establishment after Board of Health closure	\$500.00
(g) Repealed by Ordinance No 64 on November 5, 2009	
(h) Annual permit fee for a public swimming pool	\$300.00
(i) Annual inspection of sidewalk cafes required under Section 225-4D (licensing By the Borough Clerk) and Section 275-22F7 (conditional use approved by Planning Board) of the Borough Code	\$50.00
(j) Plan review of new, altered or extended facilities subject to inspection and/or licensing By this Board under this Code, the Borough Code or the New Jersey State Sanitary Code	\$100.00
(k) Fee for administration of Flu Vaccine to a qualified recipient	\$20.00
(l) Fee for administration of Pneumonia Vaccine to a qualified recipient	\$25.00
(m) Fee for an inspection required as the result of an apparently legitimate complaint From a responsible party (per hour or any part thereof)	\$35.00
(n) Issuance of a Marriage License	as provided in State Statute
(o) Fee upon the service of the “Notice of Bite and Confinement of Animal” as required under section 4-7 of the code in respect to unlicensed dogs.	\$500.00

(5/11 Amendment and Supplement)
(11/11 Amendment and Supplement)
(12/11 Amendment and Supplement)
(4/19 Amendment and Supplement)
(5/19 Amendment and Supplement)
(3/24 Amendment and Supplement)

Chapter 7. FOOD HANDLER’S COURSE OF INSTRUCTION
AND CERTIFICATION REQUIREMENTS

(5/87 supplement)

PREAMBLE

This section requires all Food Service Managers engaged in or employed in the business of preparing or processing food or drink intended for human consumption to obtain a “Food Handler’s Certificate” after completing the required educational course therefor. All employers shall keep accurate records of all such persons employed. A fee shall be fixed for the issuance of a certificate and penalties imposed for the violation thereof.

ANALYSIS

- 7-1 Definitions.
- 7-2 Food Handler’s Certificate.
- 7-3 Food Handler’s Certificate Required.
- 7-4 Food Handler's Transfer of Certificate.
- 7-5 Fees and Renewals.
- 7-6 Suspension or Revocation of Certificate.
- 7-7 Records.
- 7-8 Violations and Penalties.

7-1 Definitions.

- a) The term “Food Handler’s Certificate” shall mean a permit or license issued or granted to any person in connection with preparation or sale of food products.
- b) The term “food” shall be construed to include any food or beverage intended for human consumption.
- c) “Food Service Manager” shall mean any person charged with the responsibility of supervising food service personnel on the premises of a food establishment. Such Food Service Managers shall consist of, but not be limited to, chefs, delicatessen managers, night shift food manager, supervisor and/or operator.

7-2 Food Handler’s Certificate.

The Food Handler’s Certificate required by this ordinance shall be issued upon satisfactory completion of a course of instruction in food protection, sanitation, personal hygiene, bacteria and food

poisoning, dishwashing procedures, and other related food handler's requirements. The Course of instruction shall be under the supervision or direction of the Hasbrouck Heights Health Officer. The Certificate shall be issued for a term of two years.

7-3 Food Handler's Certificate Required.

- a) No Food Service Manager or Food Preparation Supervisor shall engage in or be employed in the business of preparing, handling or processing food intended for human consumption for a period in excess of thirty (30) days without making written application to the Board of Health of the Borough of Hasbrouck Heights, New Jersey for the Food Handler's Certificate and also fully complying with all requirements therefor as prescribed in this Section of the Code.
- b) It shall be the responsibility of the employer to see that his employees obtain valid Food Handler's Certificates.
- c) Current bona fide Food Handler's Certificates from an approved health authority of another municipality or health district in the State of New Jersey may be accepted by the Hasbrouck Heights Board of Health in lieu of the Certificate herein required providing:
 - 1) The certificate was issued pursuant to a course of instruction substantially similar to the specifications in Section 7-2 of this ordinance.
 - 2) The holder appears in person for instruction and written examination prepared and administered by the Health Officer or his duly authorized agent.
- d) All personnel Food Service Managers, Assistant Managers, Owners and all other personnel employed as food preparation supervisors shall obtain a Food Service Management Sanitation Certificate.

7-4 Transfer of Certificate.

A Food Handler's Certificate is not transferable. No person to whom such Certificate is issued or granted shall give, loan, transfer or permit the same to be used by any other person, for any purpose whatsoever.

7-5 ***Repealed by Ordinance on December 14, 2011.***

7-6 Suspension or Revocation of Certificate.

For good cause shown and on five day's written notice to any person holding a Food Handler's Certificate, the Board of Health of the Borough of Hasbrouck Heights, New Jersey, may suspend or revoke any such Certificate issued or granted pursuant to this ordinance Good cause shall include but not be limited to the following:

- a) The violation of any of the provisions of this ordinance or Chapter 24 of the New Jersey State Sanitary Code.
- b) A knowing misrepresentation of a material fact on the application form.

At the written request of the holder of a certificate, the Board of Health shall hold a hearing to determine whether good cause exists for the revocation of such certificate.

7-7 Records.

All employees shall, at all times, keep and maintain accurate records of the name and address of each employee, date of employment, date of issuance of said Food Handler's Certificate and the number thereof, which records shall be available at all times for inspection by the Board or any of its authorized agents or representatives.

7-8 Violation and Penalties.

Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be subjected to a penalty of not more than \$1,000.00 for each offense or imprisonment not to exceed ninety (90) days or both at the discretion of the courts.

(5/87 Supplement)

(2/92 Amendment and Supplement)

(3/95 Amendment)

(12/11 Amendment and Supplement)

Chapter 7A. FOOD ESTABLISHMENT CODE

(3/03 supplement)

(3/04 supplement)

ANALYSIS

Section

7A-1 Statutory Authority and Reference to the State Sanitary Code.

7A-2 License Required.

7A-3 Self-inspection and Report thereof Required.

7A-4 Violations and Penalties.

7A-1 Statutory Authority and Reference to the State Sanitary Code.

This Chapter, regulating retail food handling establishments, providing for the inspection of such establishments, and fixing penalties for violations, is enacted pursuant to N.J.S.A. 26.3-69.1 et seq. This Chapter is in addition to the New Jersey Sanitary Code, Chapter 24, entitled "Construction, Operation and Maintenance of Retail Food Establishments" which is hereby enacted in and for the Borough of Hasbrouck Heights by reference. Three (3) copies of the said State of New Jersey Sanitary Code, Chapter 24, have been placed on file in the office of the Secretary of the Board of Health of the Borough of Hasbrouck Heights and will remain on file there for the use and examination of the public.

7A-2 License required.

(A) No retail food establishment including but not limited to restaurants, diners, mobile vendors and any other establishments selling or serving food to the public in the Borough of Hasbrouck Heights shall be granted a Retail Food Establishment License unless the owner, manager or employee in charge of other employees serving food on each particular shift has successfully completed a course prescribed by the Hasbrouck Heights Board of Health pertaining to health, education, sanitation, personal hygiene, foodborne illness, dishwashing and sanitizing procedures, micro-organisms, insects and rodents, and other health related matters. There are two (2) such courses: A Food Manager's Certification Course and a 3-hour Food Handler's Course. The owner, manager, or employee in charge of other employees serving food on each particular shift must possess a current certificate of satisfactory completion of the course which must be available in the establishment at all times. The owner, manager, and employees in charge of other employees serving food on a particular shift shall have completed the minimum of a 3-hour Food Handler's Course. The certificate of satisfactory completion of the 3-hour Food Handler's Course shall be effective for two (2) years from the date of its issuance and shall be a prerequisite to any license being issued to such a retail food establishment after the appropriate fee has been paid.

(B.1) Commencing July 1, 2003, or such later date as may be fixed by the Hasbrouck Heights Board of Health, each owner, manager, or employee in charge of other employees serving food on each particular shift shall complete the above referred to first available 3-hour Food Handler's Course prior to the Board of Health issuing an annual license to the retail food establishment. In addition, before a license shall be issued, the retail food establishment shall pay the appropriate fee in accordance with Chapter 6 of the Hasbrouck Heights Sanitary Code.

(B.2) Commencing July 1, 2003, or such later date as may be fixed by the Hasbrouck Heights Board of Health, each owner, or key management personnel actively involved in the daily operation of a retail food establishment in which food is prepared is required to take the first available Food Manager's Certification Course, and employees in charge of other employees serving food on each particular shift have complete the first available 3-hour Food Handler's Course.

(C) If there is no owner, manager, or employee in charge of other employees serving food to others on each particular shift who has satisfactorily completed the Food Manager's Certification Course or 3-hour Food Handler's Course in accordance with this Chapter, then the retail food establishment shall be deemed in violation of the Chapter.

(D.1) Any retail food establishment which, upon inspection, receives an "Unsatisfactory" rating shall immediately cease from serving any food or similar products until the licensee has received a "Satisfactory" rating from the Inspector conducting the inspections.

(D.2) Any retail food establishments which receives two (2) conditional satisfactory ratings within any one (1) year period shall have its owner or manager appear at the next meeting of the Hasbrouck Heights Board of Health to show cause why its license shall not be suspended for failing to operate its premises in accordance with Chapter 12 of the New Jersey Sanitary Code. The conditional satisfactory shall be posted on the premises for such time as the Board of Health or the Inspector deems necessary for the preservation of the public health and safety. In addition, its owner or manager must satisfactorily complete the next available Food Manager's Certification Course.

(E) A retail food establishment license issued under the provisions of this Ordinance shall expire annually on June 30 of each year and application for renewal thereof shall be submitted together with the required fee prior to July 1 of each year. In the event that any retail food establishment fails to obtain a license for the new year by July 1, an additional fee in the sum of \$500.00 shall be imposed.

(F) A responsible representative of any non-profit organization which prepares and serves food shall take the 3-hour Food Handler's Course and such organization shall be responsible for the matters set forth above in paragraph (1).

(G) A responsible representative of any nursery school preparing food shall take the 3-hour Food Handler's Course.

7A-3 Self-inspection and report thereof required.

Any retail establishments handling preparing and selling food to the public must fully complete a self-inspection of its facility on a form approved and provided by the Board of Health of the Borough of Hasbrouck Heights. This self-inspection form must be fully complete once every two weeks by a certified food manager or handler and must be signed and dated by the person completing the form. The self-inspection report must be kept on file on the premises and must be made available to the Registered Environmental Health Specialist during any inspection thereof. Any problems, inconsistency with a regulation or other evidence of a possible violation disclosed during the self-inspection or on the report must be corrected immediately if they pose an immediate threat to the public health; other such problems or inconsistencies must be corrected within three days of the self-inspection. If such a correction cannot be completed in the required time, the certified food manager or handler observing the same must report the conditions to the Board of Health.

7A-4 Violations and Penalties.

Any person who violates any provision of, or order promulgated under this Chapter shall be subject to a penalty as provided in Chapter 18 of this Code.

(3/03 Supplement)

(3/04 Supplement)

(10/09 Amendment)

Chapter 8. LICENSES OR PERMITS

ANALYSIS

Article 1. APPLICATIONS, ISSUANCE, DISPLAY

Section

- 8-1 Terms
- 8-2 Applications
- 8-3 Prior Inspections
- 8-4 Validity
- 8-5 Evidence
- 8-6 Display Required

Article 2. SUSPENSION OR REVOCATION OF LICENSE OR PERMIT

Subarticle A. SUSPENSION OF LICENSE

Section

- 8-7 Notice to show cause
- 8-8 Complaint necessary
- 8-9 Termination of suspension
- 8-10 License ineffective during suspension
- 8-11 Reinstatement of suspended licenses

Subarticle B. REVOCATION OF LICENSE

Section

- 8-12 Revocation cause
- 8-13 Revocation hearing
- 8-14 Scheduling of revocation hearing
- 8-15 Notice of revocation hearing
- 8-16 Failure to appear
- 8-17 Permissible action
- 8-18 Subarticle C. INFORMAL HEARING
- 8-19 Subarticle D. FORMAL HEARINGS
- 8-20 Subarticle E. CONDITIONAL LICENSES

Article 1. APPLICATIONS, ISSUANCE, DISPLAY.

- 8-1 Terms

It is intended that the terms “license” or “permit” wherever used herein be synonymous if, in the interpretation of any part hereof, such synonym is required to carry out the manifest intent and purpose of this Code.

8-2 Applications.

All applications for licenses or permits shall be made at the office of the Board during regular office hours and the fees for every license or permit shall be paid in advance at the time of making the application therefor.

8-3 Prior Inspections.

The granting of any license or permit may be withheld at the direction of the Board pending examination, investigation, or inspection of the person who, or the premises which, may be the subject matter of the license or permit under consideration.

8-4 Validity.

All licenses or permits issued under any of the several Chapters of this Code shall be valid only for the balance of the licensing year in which they are issued, unless otherwise herein provided, except a new license or permit issued in December shall be issued for that month and the following year. The licensing year shall run from January 1 until the following December 31. No license or permit shall be transferrable or assignable.

8-5 Evidence.

The Board shall evidence the granting of any license or permit issued, by furnishing to the licensee or permittee, a suitable card, sign, placard, disc, plate or other writing which shall convey information concerning the nature of such license or permit, the serial number of the same, name of the person to whom the same has been issued, the year in which the same is so issued, the premises or vehicle so licensed, if that be material or required, and such other information as the Board may deem pertinent.

8-6 Display Required.

Every license or permit issued by the Board shall be displayed in a conspicuous place in the establishment, premises or other place for which the same is issued, and shall likewise be so displayed on every vehicle or conveyance so licensed for the period that the same license or permit shall be in force, unless the Board shall otherwise prescribe.

Article 2. SUSPENSION OR REVOCATION OR LICENSE OR PERMIT.

Subarticle A. SUSPENSION OF LICENSE

8-7 Notice to show cause.

Every license or permit issued hereunder may, at any time during the term for which the same is so issued, be suspended by the Board or, in an emergency, by its Health Officer, pending a hearing, to be granted the holder thereof, pursuant to a notice to show cause why the said license or permit should not be suspended further or revoked by the Board.

8-8 Complaint necessary.

No such license or permit shall be suspended unless the Health Officer shall file, with the Board, a complaint or charges and submit evidence of one or more violations of the Section hereof under which said license or permit was originally issued of one or more violations of the New Jersey State Sanitary Code, or other applicable statutes or regulations.

8-9 Termination of suspension.

Every suspension ordered under this Article shall automatically terminate two (2) weeks from the date thereof, unless the continuance of such suspension shall be ordered by the Board for good cause, and then such suspension shall continue only during the period of any such continuance so ordered by the Board.

8-10 License ineffective during suspension.

During the period of any such suspension, or ordered continuance thereof, every license or permit so suspended shall be ineffective and the holder thereof shall, during the entire period of such suspension, cease the operation of any business or discontinue every activity or use permitted under the license or permit suspended.

8-11 Reinstatement of suspended licenses.

Any person whose license has been suspended may, at any time, make an application for a reinspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing suspension of the license have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirement of this Code and of the New Jersey State Sanitary Code, or other applicable statutes or regulations, and has paid the requisite reinstatement fee, the license shall be reinstated.

Subarticle B. REVOCATION OF LICENSE.

8-12 Revocation, cause.

Any license or permit issued under the provisions of this Code, may be revoked at any time by the Board, for just cause, or if the licensee or permittee, or any of the employees, agents, or servants of said licensee or permittee shall violate:

- (a) Any of the provisions of this Code or any amendments hereof or supplements hereto; or
- (b) The Sanitary Code of the Department of Health of the State of New Jersey specifically applicable to the subject matter for or upon which said license or permit was issued; or
- (c) Applicable state statutes, rules, or regulations.

8-13 Revocation hearing.

Before any license or permit may be revoked, the Health Officer shall notify the license holder in writing, stating the reasons for which the license is subject to revocation and advising that the license shall be permanently revoked at the end of five (5) days following service of such notice, unless a written request for a hearing is filed with the Health Officer, by the license holder within such five (5) day period. A license may be suspended for cause pending its revocation or a hearing relative thereto.

8-14 Scheduling of revocation hearing.

The time and place for such hearing shall be fixed at the discretion of the Board; provided, however, that an unreasonable time shall not be permitted to elapse between the date of any suspension of license and the date fixed for the revocation hearing.

8-15 Notice of revocation hearing.

Notice of the time and place of any hearing held under this Article shall be given by the Board to the holder of the license or permit so involved, in writing, and served either personally or sent to the applicant by registered mail, addressed to him at the address stated in the license or permit or by posting securely on the premises either on or near the main entrance door. If there is more than one entrance door, the notice shall be posted on the one which, in the discretion of the Health Officer, is most used by the general public.

8-16 Failure to appear.

A licensee or permittee who fails to appear at the time and place fixed for such hearing shall not be entitled to any further hearing and in that event the license or permit may, as a matter of course, be forthwith revoked.

8-17 Permissible action.

The Board of Health, after a formal hearing may order the license restored, issue a conditional license revoke the license pending full compliance with all applicable codes and statutes.

8-18 Subarticle C. INFORMAL HEARINGS.

The Health Officer, as a result of any conditional or unsatisfactory inspection report, or other field inspection documenting serious violations, may ask the holder of a license or permit to attend an informal hearing with the Health Officer and one or more Registered Environmental Health Specialists. At the informal hearing, the parties shall discuss the health-related problems in the establishment, actions necessary to correct said problems and a reasonable time schedule for completion. The Health Officer shall make a narrative record of the hearing which shall be the basis for a proposed consent agreement listing the deficiencies, corrections needed and time schedule for completion. Refusal to attend an informal hearing or sign a consent agreement may result in a notice to show cause pursuant to Section 8-7 of this Code.

8-19 Subarticle D. FORMAL HEARING.

Upon notice of suspension or revocation and a request by the license or permit holder, the Board shall schedule a formal hearing. The Board, as a whole, shall function as hearing officer. Testimony shall be offered by the Health Officer and Registered Environmental Health Specialist and by the license or permit holder and any employee. An attorney may be present to represent the license or permit holder. A verbal record shall be taken on tape.

8-20 Subarticle E. CONDITIONAL LICENSES.

The Board may issue a conditional license after a formal hearing or at the time a new license or renewal is sought. The conditional license shall be for a specified time period during which the license or permit holder shall meet the conditions set forth by the Board in a manner satisfactory to the Health Officer. Upon expiration of the conditional license, the license holder shall cease operations unless the Board has extended the conditional license or granted a regular license or permit.

Chapter 8A. E-CIGARETTES AND NICOTINE DELIVERY SYSTEMS.

ANALYSIS

Section

- 8A.1 Purpose
- 8A.2 Definitions
- 8A.3 Licensing Fees
- 8A.4 Sales Requirements
- 8A.5 Enforcement
- 8A.6 Violations and Penalties

8A.1. Purpose.

The purpose of this section is to regulate the licensing of establishments that sell electronic smoking devices, electronic liquids and/or liquid nicotine.

8A.2. Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein, unless their use in the text of this section clearly demonstrates a different meaning. The word “shall” is always mandatory and not discretionary.

ELECTRONIC LIQUID – Any ingredients, liquids, gels, waxes, and powders, including but not limited to those which may contain nicotine, and which may be aerosolized or vaporized when using an electronic smoking device.

ELECTRONIC SMOKING DEVICE – An electronic or other powered device that can be used to deliver electronic liquid, liquid nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah or pipe, or any cartridge or other component of the device or related product. All items defined as a “nicotine delivery product” pursuant to Subsection 3-29.2 shall also apply.

ITINERANT ESTABLISHMENT – An establishment that intends to be in business in Hasbrouck Heights for a period less than 30 days from the date of obtaining a license. The fact that an establishment does not have a telephone number, business address, or tax identification number shall be prima facie evidence of the intent to remain in business for a period less than 30 days.

LICENSE YEAR – The period covering July 1st through June 30th of the year for which a license is issued pursuant to this section.

LIQUID NICOTINE – Any solution containing nicotine which is designed or sold for use with an electronic smoking device.

RETAIL ELECTRONIC SMOKING DEVICE ESTABLISHMENT – Any establishment that sells, distributes, gives, or offers for sale electronic smoking devices, electronic liquids and/or liquid nicotine.

SALE – Every delivery of electronic smoking devices, electronic liquids and/or liquid nicotine, whether the same is by direct sale or the solicitation of acceptance of an order, including exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possession with intent to sell, distribute or give.

8A.3. Licensing; Fees.

- a. No person shall conduct, maintain, or operate a retail electronic smoking device establishment that sells, distributes, or gives electronic smoking devices, electronic liquids and/or liquid nicotine without first obtaining from the Hasbrouck Heights Health Department a license to do so.
- b. Fees in accordance with the following schedule shall be paid before any license required in this section shall be issued or renewed:

TYPE	FEE
Electronic smoking device establishment license	\$1,500.00

- c. Licenses issued under the provisions of this section, unless forfeited or revoked by the Hasbrouck Heights Health Department, shall expire annually on the 30th day of June of each year and must be renewed.
- d. A late fee of \$500.00 shall be assessed 30 days after the renewal date.
- e. No license is transferrable by sale of the establishment or otherwise. A license is valid only for the specific premises and owner listed thereon.
- f. Such license shall be posted in a conspicuous place in such establishment.
- g. No itinerant establishment shall be permitted to obtain an electronic smoking device license.

8A.4. Sale Requirements.

- a. No person shall sell, distribute, or give electronic smoking devices, electronic liquids and/or liquid nicotine in the Borough of Hasbrouck Heights unless an employee of the establishment controls the sale of such products. A person may only sell electronic smoking devices, electronic liquid and/or liquid nicotine in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of electronic smoking devices, electronic liquids and/or liquid nicotine shall be prohibited.
- b. No person shall sell, distribute, or give electronic smoking devices, electronic liquid and/or liquid nicotine to any person under the age of 21 years. Any person selling electronic smoking devices, electronic liquid and/or liquid nicotine shall verify a person's age by means of a government-issued photographic identification containing the bearer's date of birth. No such verification is required for any person over the age of 26. No clerk shall sell electronic smoking devices, electronic liquid and/or liquid nicotine to a person less than 21 years of age, based upon a note or any form of communication from any other person.
- c. No retail electronic smoking device establishment shall allow the retailer, employee, or any other person to sell, distribute or give such products until the retailer, employee or other person has read

the Hasbrouck Heights ordinances and state laws pertaining to the sale of electronic smoking devices, electronic liquid and/or liquid nicotine and has signed a statement that they have read such ordinances and state laws. Such form statement will be supplied by the Hasbrouck Heights Health Department, and all signed original statements shall be kept on file by the retail electronic smoking device establishment and made immediately available at all times for review by the Hasbrouck Height Health Department.

- d. The sale of any electronic smoking device refill liquid, whether such liquid contains nicotine, that is intended for human consumption that is not contained in packaging that is child resistant is prohibited, as set forth in N.J.S.A. 2A:170-5a.9.
- e. License holders can only do in-person marketing and sales of electronic smoking devices, electronic liquid and/or liquid nicotine at the business address of the retail electronic smoking device establishment. There shall be no cross marketing or sales at nonregistered retail locations and mobile locations, including, but not limited to, street fairs, local fairs, festivals, etc.

8A.5. Enforcement.

- a. This section shall be enforced by the Hasbrouck Heights Health Department and/or other municipal officials of the Borough of Hasbrouck Heights.
- b. Whenever the Hasbrouck Heights Health Officer or Registered Environmental Health Specialist (REHS) (hereinafter referred to as “enforcement officer”) reasonably believes that there exists a violation of this section, such enforcement officer may issue a summons and complaint not later than 90 days after discovery of the alleged violation. The complaint shall be written and shall state, with reasonable particularity, the nature of the violation, including references to the section of this chapter alleged to have been violated. The complaint shall be hand-delivered or sent via certified mail to the alleged violator.
- c. The enforcement officer, after giving proper identification, may inspect any matter, thing, premises, place, person, record, vehicle, incident, or event as necessary.
- d. It shall be unlawful for any person to obstruct the Health Officer or REHS, and such enforcement officer may request the assistance of the Hasbrouck Heights Police Department when necessary to execute their official duties in a manner prescribed by law.
- e. Any person found to be in violation of this section shall cease the sale of electronic smoking devices, electronic liquids and/or liquid nicotine immediately and shall not resume such sales until the violation(s) have been abated and all fines have been paid.
- f. Citizens may bring complaints against violators of this section.

8A.6. Violations and Penalties.

- a. Any person(s) found to be in violation of the provisions of this section shall be subject to the following penalties. For any and every violation of any of the provision(s) of this section, the violator of said provision(s) will be subject to a fine of not less than \$1,200.00 and not more than \$2,500.00 per violation. No fines shall be issued for 60 days following the publication of this section.
- b. Each violation of this section shall constitute a separate violation.

- c. In addition, any violator of this section shall be subject to having any Borough license held by the violator suspended or revoked or to be fined. No such action may be taken unless the requirements of due process are satisfied.
- d. These penalties are in addition to any penalties that may be imposed, included, but not limited to penalties imposed by the New Jersey Code of Juvenile Justice, H.J.S.A. 2A:4A-20 et seq. and N.J.S.A. 2C:33-13.1 et seq.
- e. Fines and sanctions associated with this section shall be dedicated and used to fund the development and maintenance of programs related to tobacco cessation prevention and control and shall be made available for use by the Hasbrouck Heights Department of Health. The monies shall be maintained by the Chief Financial Officer or Comptroller of the Borough of Hasbrouck Heights.

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Chapter 9. MASSAGE THERAPIST.

(6/86 Amendment and Supplement)

ANALYSIS

Section

- 9-1 License required
- 9-2 Definition
- 9-3 Requirement for licensure
- 9-4 Exemptions
- 9-5 Age requirements
- 9-6 Hours of operation

9-1 License required.

No person shall be engaged or employed in the Borough as a massage therapist, for which any form of compensation is charged or accepted, without first having obtained a license from the Board to do so. The license, when issued, is personal and shall not be construed to grant a certificate of occupancy or approval for the use of any premises or location. The term of the license and the fee therefore are fixed in Chapter 6 of this Code.

9-2 Definition.

Massage therapist, or massage technician, shall mean any person practices or administers as to all or any of the following names subject, and who has made a study of the underlying principles of anatomy and physiology as generally included in a regular course of study at a school of massage, recognized and approved by the American Massage and Therapy Association to wit: The art of body massage either by hands, or with a mechanical or vibratory apparatus for the purpose of body massaging, reducing or contouring; the use of oil rubs, heat lamps, salt glows, hot and cold packs, tub, shower or cabinet baths. Variations of the following procedures may be employed: touch, stroking, friction, kneading, vibration, percussion, and medical gymnastics. Massage therapists or massage technicians shall not diagnose or treat classified diseases, nor practice spinal or other joint manipulations, nor prescribe medicines or drugs.

9-3 Requirements for licensure.

No such license shall be issued to any person unless the applicant shall furnish to the Board:

- (a) Information regarding the location and hours of operation.
- (b) A list of creams and oils used on the patrons; and
- (c) Documentary proof that he or she is eligible to hold an "Active Membership" in the American Massage and Therapy Association.

9-4 Exemptions.

Exempt from the foregoing requirements shall be those massage therapists whose business was established prior to the adoption of this Ordinance but only to the extent of such business then established.

9-5 Age requirement.

No massage therapist shall practice upon any person not having attained the age of eighteen years unless such minor is accompanied by a parent or guardian.

9-6 Hours of operation.

No massage therapy shall be conducted on any Sunday, Christmas, or Thanksgiving nor between the hours of 6:00 P.M. and 8:00A.M. of any other day.

Chapter 10. NUISANCES.

10-1 There is hereby adopted by reference the PUBLIC HEALTH NUISANCE CODE adopted by the Board of Health of the Borough of Hasbrouck Heights in January 1983.

Chapter 11. OCCUPATIONAL HEALTH.

NOTE: Occupational Safety and Health Administration (OSHA) has primary enforcement responsibility for occupational health. This chapter of the Hasbrouck Heights Code is intended to supplement the OSHA regulations.

ANALYSIS

Section

- 11-1 Sanitation and housekeeping
- 11-2 Humidity and air movement
- 11-3 Illumination
- 11-4 Overcrowding
- 11-5 Personal and protective clothing and equipment
- 11-6 Inspections and examinations, interference with officers
- 11-7 Employer responsibility

11-1 Sanitation and housekeeping.

- (a) The sanitation and housekeeping at all places of employment shall be such as to promote a healthful environment. No unsanitary condition shall exist or be permitted to exist. All places of employment, passageways, stairs, floors, walls, locker rooms, ceilings, toilet rooms, service rooms, and storerooms shall be kept clean and in a sanitary condition. Every factory building and every place of employment and every part thereof, and the yard, court, cellar, passage areaways, or alleys connected with the same shall be kept clean and free of any accumulation of dirt, filth, garbage, or other matter of any source of foulness or odors. The owner, agent, lessee or occupant of any factory building or place of employment or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, sidewalks, ceilings and drains thereof and shall well and sufficiently paint the sidewalks and ceiling thereof.
- (b) The floor of every workroom shall be maintained in a clean, orderly, and so far as possible, dry condition. When wet processes are used, suitable drainage shall be maintained and false floors, platforms, mats or other dry standing places shall be provided.
- (c) Every floor, working place and passageway shall be kept free of protruding nails, splinters or holes and loose or defective boards and flooring.
- (d) So far as practical, sweeping and cleaning shall be done outside of working hours and in such a manner as to avoid the contamination of air with dust.
- (e) Expectorating upon the walls, floors, workplaces, or stairs or any other part of any establishment shall not be permitted.

- (f) Use of the common drinking cup is prohibited. When and where single service cups are provided, such cups shall be of the disposable type, to be used but once, and there shall be provided a suitable enclosed container for unused cups and a receptacle for disposing of used cups. Where sanitary drinking fountains are provided, they shall meet the following requirements: The jet of drinking fountains shall issue from a nozzle of non-oxidizing, impervious material set at an angle from the vertical such as to prevent the return of water in the jet to the orifice from whence the jet issues. The nozzle and every other opening in the water pipe or conductor leading to the nozzle should be above the edge of the bowl, to prevent flooding in case of drain clogging.
- (g) In all places of employment where employees are permitted to lunch on the premises, an adequate space suitable for that purpose shall be provided for the maximum number of employees who may use such space at any one time. A covered receptacle shall be provided and used for disposing of all waste food and debris. In every establishment where there is exposure to injurious dusts, industrial poison, toxic materials or other substances that may be injurious to health, a separate lunchroom shall be maintained unless it is convenient for the employees to lunch away from the premises.

11-2 Humidity and air movement.

Natural and mechanical ventilation shall be provided in all places of employment to insure a healthful and comfortable environment as regards humidity and air movement.

11-3 Illumination.

The quality and quantity of illumination in any place of employment shall be adequate to permit the performance of all necessary work in a safe manner and without injury to the eyes. The requirements for lighting any workplace or place of employment shall not be less than the minimum requirements specified by the American Standard Association in its Code of Lighting Factories, Mills and Other Workplaces – A-11-1930, or the latest revision thereof.

11-4 Overcrowding.

All working areas and places of employment shall be kept free of overcrowding. To prevent such a condition, there shall be provided for each and every employee in working areas, occupied areas and in places of employment, a minimum of four hundred cubic feet of air space.

11-5 Personal and protective clothing and equipment.

Workers in operations, processes or conditions of work which unduly expose them to dampness and wet environments, excessive heat, coldness, excessive noise, hazardous radiations, skin irritants or

other health hazards shall be provided with proper protective clothing and other devices when such exposure may constitute an occupational health hazard and may result in an occupational disease or affliction.

11-6 Inspections and examination; interference with officers.

The Health Officer shall make the inspections and examinations required by any law of this State, or by any code, ordinance or regulation, upon exhibiting his or her badge or credentials and all persons are hereby forbidden to interfere with or obstruct such inspection, examination or survey.

11-7 Employer responsibility.

Every employer shall comply with the various provisions of this Section pertaining to industrial health hazards and occupational health and shall maintain a healthful place of employment.

Chapter 11A. PERSONAL GROOMING ESTABLISHMENTS

(5/11 supplement)

ANALYSIS

Section

- 11A-1 License required.
- 11A-2 Definition.
- 11A-3 Requirement for license.
- 11A-4 Minimum standards for operation.
- 11A-5 Suspension.

11A-1 License required.

No premises shall be opened to the public and operated as a personal grooming establishment until such premises have obtained a license from this Board. The license, when issued by this Board, shall not be construed to grant a certificate of occupancy or approval for the use of any premises or location. The term of the license and the fee therefor are fixed in Chapter 6 of this Code.

11A-2 Definitions.

A “personal grooming establishment” is defined as a business opened to the public to provide for compensation barbering, beauty culture, cosmetology and hairstyling, manicuring, or skin care specialty. As use in the Chapter, the following terms shall have the following respective meanings:

- A. “Barbering” means any one or combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for the general public, primarily for mail customers:
 - (1) Shaving or trimming of the beard, mustache or other facial hair.
 - (2) Shampooing, cutting, arranging, relaxing or styling of the hair.
 - (3) Singeing, dyeing, tinting, coloring, bleaching of the hair.
 - (4) Applying cosmetic preparation, antiseptics, tonics, lotions or creams to the hair, scalp, face or neck.
 - (5) Massaging, cleansing, or stimulating the face, neck or scalp with or without cosmetic preparations, either by hand, mechanical or electrical appliances; or
 - (6) Cutting, fitting, coloring, or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person.

- B. “Beauty culture” means any one or combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for the general public, primarily for female customers.
- (1) Shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving, or styling of the hair.
 - (2) Singeing, dyeing, tinting, coloring, bleaching of the hair.
 - (3) Applying cosmetic preparation, antiseptics, tonics, lotions, creams or makeup to the hair, scalp, face, neck or upper part of the body.
 - (4) Massaging, cleansing, or stimulating the face, neck, scalp or upper part of the body with or without cosmetic preparations, either by hand, mechanical or electrical appliances.
 - (5) Removing superfluous hair from the face, neck, arms, legs, or abdomen using depilatories, waxing or tweezers, but not by the use of electrolysis.
 - (6) Manicuring the fingernails, nail sculpturing or pedicuring the toenails; or
 - (7) Cutting, fitting, coloring, or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person.
- C. “Cosmetology and hairstyling” means any one or combination of the following practices when performed on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for the general public, for male or female customer:
- (1) Shaving or trimming of the beard, mustache, or other facial hair.
 - (2) Shampooing, cutting, arranging, dressing, relaxing, curling, permanent waving or styling of the hair.
 - (3) Singeing, dyeing, tinting, coloring, bleaching of the hair.
 - (4) Applying cosmetic preparation, antiseptics, tonics, lotions, creams or makeup to the hair, scalp, face or neck.
 - (5) Massaging, cleansing, or stimulating the face, neck, scalp, or upper part of the body with or without cosmetic preparations, either by hand, mechanical or electrical appliances.
 - (6) Removing superfluous hair from the face, neck, arms, legs, or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis.
 - (7) Manicuring the fingernails, nail sculpturing or pedicuring the toenails.
 - (8) Cutting, fitting, coloring, or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person; or
 - (9) Hairweaving to the extent that the procedure does not involve the replacement of human hair by means of the insertion of any natural or synthetic fiber hair into the scalp.

- D. "Manicuring" means any one or combination of the following practices when performed on the human body for cosmetic purposes and for the treatment of disease or physical or mental ailments and when performed for the general public, for male or female customers:
- (1) Manicuring the fingernails.
 - (2) Peduring the toenails.
 - (3) Nail sculpturing; or
 - (4) Removing superfluous hair from the face, neck, arms, legs, or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis.
- E. "Skin care specialty" means any one or combination of the following practices when performed on the male or female human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when performed for the general public, primarily for male customers:
- (1) Applying cosmetic preparation, antiseptics, tonics, lotions, crams or makeup to the hair, scalp, face, or neck.
 - (2) Massaging, cleansing, or stimulating the face, neck, or upper part of the body with or without cosmetic preparations, either by hand, mechanical or electrical appliances.
 - (3) Removing superfluous hair from the face, neck, arms, legs, or abdomen by the use of depilatories, waxing or tweezers, but not by the use of electrolysis.

11A-3 Requirements for licensure.

No such license shall be issued to any such premises unless the applicant shall furnish to the Board:

- (a) Full address of the premises, the owner thereof and the proposed hours of operation.
- (b) A list of all persons to be engaged in rendering the services and proof that each of them has obtained a license from the New Jersey Board of Cosmetology and Hairstyling pursuant to N.J.A.C. 13:28-1 et seq.

11A-4 Minimum standards for operation.

Personal grooming establishments governed by this Chapter shall at all times comply with the minimum standards for operation, as follows:

- (a) All utensils and equipment used in the procedures of any personal grooming establishment, as defined herein, must be clean to sight and touch. Said equipment shall also be sanitized/disinfected between customers.
- (b) An effective means of sanitizing/disinfecting equipment shall be provided and implemented.

- (c) Hot and cold running water under sufficient pressure shall be provided at all outlets (i.e. handwashing sinks, hair washing sinks and pedicure foot baths).
- (d) All environmental workstation surfaces shall be clean to sight and touch and sanitized/disinfected daily.
- (e) All storage cabinets and drawers shall be maintained in a clean, sanitary manner.
- (f) All floors, walls and ceilings shall be in good condition (no breaks, cracks, or chips), durable and clean.
- (g) All liquid, gel and powder applications used in the course of hair and nail care shall be identified with labels listing its contents and be from an approved source.
- (h) All employees engaged in hair and nail care shall thoroughly wash their hands between customers and after using the restroom facilities.

11A-5 Suspension.

1. The Health Officer may suspend, without warning, prior notice or hearing, any license to operate a personal grooming establishment if the operation constitutes an imminent hazard to public health, including, but not limited to, any one of the following:
 - (a) An outbreak of an infectious pathogenic or toxic agent capable of being transmitted to customers.
 - (b) An absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Health Officer, is capable of meeting the needs of the facility.
 - (c) A sewage backup to the facility.
 - (d) An unlicensed individual is found to be performing procedures requiring licensure by the New Jersey State Board of Cosmetology.
 - (e) Failure to operate in accordance with the minimum standards required in § 11A-4.
2. Suspension shall be effective immediately upon delivery of the written order to the license holder or person in charge of the facility by the Health Officer or his/her designee. When a license is suspended, all personal grooming operations shall cease immediately and shall not resume until written approval to resume has been issued by the Health Officer. The Health Officer or his/her designee shall remove a suspended license from the premises.
3. When a license is to be suspended, the holder of a license, or the person in charge, shall be notified in writing of the suspension, and an opportunity for a hearing will be provided if a written request for hearing is filed with the Secretary of the Board of Health by the holder of the license within two business days. If no written request for a hearing is filed within two business

days, the suspension is sustained. The Health Officer may end the suspension at any time by giving written notice to the license holder if reasons for suspension no longer exist.

4. Upon receiving a request for a hearing, the Secretary to the Board of Health shall schedule a hearing before the Board at the first regularly scheduled meeting 10 days following the receipt of that request and afford the owner the opportunity to present evidence and argument on all the facts or issues involved and examine the merits of such suspension.
5. The Board of Health shall examine the merits of such suspension and render a decision in writing to vacate, modify or affirm such suspension within 10 business days of the date of the hearing held under this section.

Chapter 12. PUBLIC PLACES AND PUBLIC LAVATORIES.

ANALYSIS

Article 1. PUBLIC PLACES

Section

12-1 Maintenance, inspection.

Article 2. PUBLIC LAVATORIES.

12-2 Prohibitions.

Article 3. TOILET FACILITIES IN RESTAURANTS AND EATING PLACES.

12-3 Requirements.

Article 1. PUBLIC PLACES.

12-1 Maintenance, inspection.

The owner, tenant, manager and all other persons maintaining, operating or in charge or control of any public place shall at all times keep and maintain every such public place and all parts thereof in a clean and sanitary condition and open to inspection by the Health Officer.

Article 2. PUBLIC LAVATORIES.

12-2 Prohibitions.

In all public lavatories there is prohibited:

- (a) The use of cake soap in common,
- (b) The use of towels in common; and
- (c) The storage of cleansing agents containing poisonous ingredients.

Article 3. TOILET FACILITIES IN RESTAURANTS AND EATING PLACES.

12-3 Requirements.

No building or structure shall be occupied or used by humans as a restaurant or eating place unless the same shall be equipped with a water closet and toilet facilities in good service condition as follows:

In restaurants and eating places, as the same is hereinafter defined, there shall be not less than one common toilet and basin to be used by both employees and patrons regardless of sex. In all other respects

said common toilet shall comply with all the provisions and requirements of the ordinance to which this ordinance is a supplement, the New Jersey State Sanitary Code and any and all other State laws and local ordinances and regulations applicable thereto and as provided in the State Sanitary Code. Access to said common toilet shall not be through food preparation, food storage and utensil and equipment washing areas.

The word restaurant as used herein shall mean any eating place equipped or used for the consumption on the premises of cooked food (excluding coffee or other hot beverages).

Chapter 13. RETAIL FOOD SERVICE ESTABLISHMENTS AND MOBILE UNITS

NOTE: Retail Food Service Establishments are also regulated under Chapter 24 of the New Jersey State Sanitary Code entitled "Construction, Operation and Maintenance of Retail Food Establishment".

ANALYSIS

Article 1. LICENSES AND PERMITS FOR RETAIL FOOD SERVICE ESTABLISHMENTS AND MOBILE UNITS.

Section

- 13-1 License requirements and limitations.
- 13-2 Application procedure.
- 13-3 Inspection required.
- 13-3.1 Periodic inspections.
- 13-4 Hazards to public health, correction action.

Article 2. EQUIPMENT AND FLOOR STANDARDS.

Section

- 13-5 Food service equipment.
- 13-6 Floors.

Article 3. PLAN REVIEW FOR NEW OR REMODELED RETAIL FOOD ESTABLISHMENTS AND MOBILE UNITS

Section

- 13-7 Plan review required.
- 13-8 Inspection required.
- 13-9 Opening approval.

Article 4. RULES AND REGULATIONS

Section

- 13-10 Rules and regulations established.
- 13-11 Copies in file.

Article 1. LICENSES AND PERMITS FOR RETAIL FOOD SERVICE ESTABLISHMENTS AND MOBILE UNITS.

- 13-1 Licenses required.

It shall be unlawful to operate a retail food service establishment whether within a permanent structure or from a mobile unit within the Borough of Hasbrouck Heights without a valid license issued therefor by the Board. For the purposes of this requirement, a "Retail Food Establishment" shall include (1.) an element of the operation such as a transportation vehicle or a central preparation facility that

supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the health authority; or (2.) an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location where consumption is on or off the premises, and regardless of whether there is a charge for the food. A “retail food establishment” does not include: (a.) a produce stand that only offers whole, uncut fresh fruits and vegetables; (b.) food processing plant; (c.) a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization’s bake sale if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the health authority; (4.) an area where food that is prepared as specified in 3. Above is sold or offered for human consumption; (5.) a kitchen in a private home, such as a family child-care home, as defined at N.J.A.C. 10:126-1.2 or a bed and breakfast guesthouse or bed and breakfast homestay as defined at N.J.A.C. 5:70-1.5 that prepares and offers food to guests if the home is owner occupied, and breakfast is the only meal offered; or (6.) a private home that receives catered or home-delivered food.

13-2 Application procedure.

Any person, firm or corporation desiring to operate a retail food service establishment or mobile unit shall make a written application for a license on forms provided by the Health Department. Such applications shall include: the applicant’s full name and post office address and whether such applicant is an individual, firm or corporation and, if a partnership, the name and addresses of the partners; the location and type of the proposed retail food service establishment; and the signature of the applicant or applicants. If the application is for a temporary food service establishment, it shall also include the inclusive date of the proposed operation. In the case of a retail food service mobile unit, the application shall indicate the locations of all intended stops within the Borough of Hasbrouck Heights and the estimated time at which such stops will be made; all mobile units are limited to five (5) permitted stops per day and, in the event that such locations or times in respect thereto are changed, the applicant is required to so advise the Health Department of the Borough in writing.

13-3 Initial inspection required for new or renewed licenses.

Upon receipt of an application for a new license or renewal of an existing license pursuant to the article, the Health Officer shall make an initial full and complete inspection of the retail food service establishment or mobile unit to determine the compliance with the provisions of this Code and Chapter 24 of the New Jersey State Sanitary Code. When an inspection reveals that the applicable requirements of this Code and the State Sanitary Code have been met, a new or renewed license shall be issued to the applicant by the Board. Mobile units requiring initial inspections upon applications for new or renewed

licenses shall be brought to the Municipal Building at such time as may be reasonably specified by the inspector; failure to comply with such directive shall result in a denial of the license.

13-3.1 Periodic inspections.

All food service establishments shall be subject to at least two additional full and complete inspections during each licensing year thereof and all mobile units shall be subject to at least one additional full and complete inspection during each semi-annual licensing term thereof, all of which additional inspections may be without advance notice to the licensee to determine continued compliance with the provisions of this Code and with the provisions of Chapter 24 of the New Jersey State Sanitary Code. The licensees and operators of all such establishments shall cooperate fully in such periodic inspections. If, after a reasonable effort, the inspector is unable to locate a mobile unit, he or she may require that the unit be subjected to a periodic inspection at the Municipal Building at such time as he or she may fix; in the event that the operator fails to comply with this requirement after reasonable notice, the license may be suspended without further notice. In the event that an establishment or mobile unit does not receive a "satisfactory" determination upon such periodic inspection, the inspector shall return to the establishment or mobile unit within a reasonable period of time for a first reinspection to determine whether compliance has been accomplished. In the event that, upon such first reinspection, it is determined that compliance has still not been met, the licensee must show cause upon an informal hearing of the Board of Health as to why such compliance was not met and as to why the establishment should not receive a second reinspection; the fee for such hearing and second reinspection shall be as provided in Section 6-5 of this Ordinance. If, upon the second reinspection, it is again determined that compliance has not been met, the licensee shall show cause upon an informal hearing before the Board of Health as to why the license should not be revoked; the fee for such a hearing shall be as fixed in Section 6-5 hereof. Further, in the event that upon the second reinspection, it is determined that compliance has not been met, a licensee shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties provided for in Chapter 18 or this Ordinance.

13-4 Hazards to public health, corrective action.

Notwithstanding the other provisions of this Code, whenever the Health Officer finds unsanitary or other conditions in the operation of a retail food service establishment or mobile unit which, in the Health Officer's judgment, constitutes a substantial hazard to the public health, the Health Officer may without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition, specifying the corrective action to be taken, and specifying a time period within which such action shall be taken.

If the hazard to public health is determined to be grave and immediate, such order shall state that the license is immediately suspended, and all food service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Health Officer shall be afforded a hearing pursuant to this Code.

Article 2. EQUIPMENT AND FLOOR STANDARDS.

13-5 Food service equipment.

Equipment to be installed in new or remodeled establishments or mobile units and replacement equipment for existing retail food establishments or mobile units shall comply with design standards established by the National Sanitation Foundation.

13-6 Floors.

Floors in retail food service establishments or mobile units shall be constructed or covered with cleanable, non-absorbent, and durable floor surface materials.

Article 3. PLAN REVIEW FOR NEW OR REMODELED RETAIL FOOD ESTABLISHMENTS AND MOBILE UNITS

13-7 Plan review required.

Whenever a retail food service establishment is constructed or extensively remodeled in respect to the elements hereinafter stated, or a new mobile unit is acquired, and whenever an existing structure is converted to use as a retail food service establishment, properly prepared plans and specifications for such construction, remodeling, conversion or new mobile unit shall be submitted to the Board of Health for review and approval before construction remodeling or conversion is begun or before the new mobile unit will be approved. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas and the type of model of proposed fixed equipment facilities including, but not limited to, floor, wall and ceiling finishes, plumbing fixtures, hot water generating equipment, garbage and refuse disposal, lighting, ventilation and storage facilities. The Board of Health shall approve the plans and specifications if they meet the requirements of all applicable State and local health codes and regulations. No retail food service establishment shall be constructed, extensively remodeled or converted except in accordance with plans and specifications approved by the Board of Health and no new or remodeled retail food service mobile unit shall be operated with the Borough of Hasbrouck Heights until its specifications have been so approved.

13-8 Inspection required.

Whenever plans and specifications are required by this Article to be submitted to the Board of Health, the Health Officer shall inspect the retail food service establishment or mobile unit prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Code.

13-9 Opening approval.

Whenever plans and specifications are required by the Article and the required inspection is satisfactory, the Board of Health shall issue a written opening approval statement which shall validate the license heretofore required.

Article 4. RULES AND REGULATIONS.

13-10 Rules and regulations established.

The Board shall, from time to time, adopt such reasonable rules and regulations pursuant to this Code to govern the following retail food service establishment or mobile unit systems:

- (a) Hot water generating systems.
- (b) Mobile food service units.
- (c) Ventilation systems.

Those such rules heretofore adopted and now in effect are hereby ratified and readopted.

13-11 Copies on file.

Three copies of such rules and regulations shall be placed on file in the office of the Secretary of the Board of Health for the use of and examination by the public.

(5/91 Supplement)

(2/94 Amendment and Supplement)

(4/97 Amendment and Supplement)

(10/09 Amendment and Supplement)

Chapter 14. SEPTIC TANKS, CESSPOOLS, PRIVIES, AND PORTABLE TOILETS.

ANALYSIS

Article 1. SEPTIC TANKS, CESSPOOLS, PRIVIES.

Section

- 14-1 Construction prohibited.
- 14-2 Abandoned septic tanks, cesspools, or privies.

Article 2. PORTABLE TOILETS.

Section

- 14-3 Permit required.
- 14-4 Location.
- 14-5 Design requirements.

Article 3. GENERAL PROVISIONS.

Section

- 14-6 Nuisance.
- 14-7 Emptying septic tanks, privies, cesspools, or portable toilets.
- 14-8 Receptacles for human waste.

Article 1. SEPTIC TANKS, CESSPOOLS, PROVIES.

- 14-1 Construction prohibited.

No person shall construct or install a cesspool, septic tank or privy in the Borough of Hasbrouck Heights.

- 14-2 Abandoned or dangerous septic tanks cesspools, or privies.

Whenever any premise contains a septic tank, cesspool, or privy which is abandoned or which the Department determines is in a dangerous condition, the same shall, upon notification to the owner thereof, be promptly pumped out and filled with clean earth by the owner or agent at the owner's expense and under the reasonable supervision of the Health Officer.

Article 2. PORTABLE TOILETS

- 14-3 Permit required.

No person, firm or corporation shall hereafter place or install a portable toilet in the Borough without first obtaining a permit from the plumbing official to do so. Said applicant shall provide the following information as part of the permit application procedures.

- (a) Owner of portable toilets.
- (b) Dates during which toilets are to be provided.
- (c) proposed location of toilets.
- (d) Emptying and maintenance procedures.

14-4 Location.

No portable toilet shall be located within 200 feet of any commercial food service operation or any surface waterway.

14-5 Design requirements.

Portable toilets shall have water-tight, completely closed tanks for storage of waste, shall be fly-proof, shall be adequately vented and shall be provided with cleanable seats.

Article 3. GENERAL PROVISIONS

14-6 Nuisance.

No person shall maintain a septic tank, cesspool, privy or portable toilet which creates a nuisance as a result of overflow, lack of absorption, or faulty design or construction.

14-7 Emptying septic tanks, privies, cesspools, or portable toilets.

Every person, firm or corporation engaged in the business of cleaning or emptying septic tanks, privies, cesspools, or portable toilets shall use, in such instances, a suitable vehicle properly provided with water-tight, completely closed tanks and boxes designed to prevent leakage onto the street or highway within the Borough and further designed to prevent the escape of offensive odors into the atmosphere.

14-8 Receptacles for human waste.

No person shall maintain, use or permit to be used, any receptacle for human waste, unless such receptacle is so constructed and maintained that flies cannot gain access to the excremental matter contained therein, and unless such wastes shall, at all times, be prevented from flowing over or upon the surface of the ground.

Chapter 15. SWIMMING POOLS AND WHIRLPOOLS.

ANALYSIS

Article 1. DEFINITIONS.

Section

15-1 Definitions.

Article 2. ADMINISTRATION.

Section

- 15-2 Approval to locate and construct or alter.
- 15-3 Procedure for obtaining approval to locate and construct.
- 15-4 Procedure for obtaining a license or permit to alter.
- 15-5 Proposed design or construction not conforming to Code.
- 15-6 Existing swimming pools.
- 15-7 Approval to operate.
- 15-8 Procedure for obtaining license or permit to operate.
- 15-9 Denial of license or permit.
- 15-10 Suspension of license or permit to operate.
- 15-11 Closing of swimming pools, procedure.
- 15-12 Suspension notification.
- 15-13 Hearings.
- 15-14 Monthly operating reports.
- 15-15 Opening inspections required.

Article 3. RULES AND REGULATIONS.

Section

15-16 Rules and regulations.

Article 1. DEFINITIONS.

15-1 Definitions.

The words, terms or phrases listed below for the purpose of this Code and Chapter shall be defined and interpreted as follows:

- (a) Alter – Alter shall mean and include any major replacement or repair to any portion or unit of an existing swimming pool or whirlpool.

- (b) Authorized Agent – An authorized agent is a licensed health officer, sanitary inspector, or any other properly qualified and licensed person who is delegated to function within specified limits as the agent of the Board of Health.
- (c) Approved - Approved shall mean accepted or acceptable under applicable specifications stated or cited in this Code or accepted as suitable for the proposed use under Rules and Regulations pursuant to Section 15-16.
- (d) Construct – Construct shall mean and include building or installing a new facility or enlarging an existing facility.
- (e) Locate – Locate shall mean designating the site or place of a swimming pool or whirlpool.
- (f) Operate – Operate shall mean to conduct, maintain, or otherwise provide facilities for bathing at swimming pools or whirlpools.
- (g) Person – Person includes corporations, companies, associations, societies, firms, partnerships and joint stock companies as well as individuals.
- (h) Swimming Pool – Swimming Pool shall mean and include fill and draw, flow through and recirculation pools, outdoor and indoor, which are artificially constructed to provide recreational facilities for swimming, bathing or wading, including spas and whirlpools, and all buildings, equipment and appurtenances thereto.
It shall not include naturally or artificially constructed outdoor ponds, rivers or lakes, nor baths used for cleansing of the body or practice of the healing arts. It shall not include swimming or wading pools established or maintained upon any premises by any individual for personal or family use or use by guests of the household.
- (i) Wading Pool – A wading pool is a shallow pool intended for use by children.

Article 2. ADMINISTRATION.

15-2 Approval to locate and construct or alter.

Public swimming pools shall not be located and constructed or altered by any person until the Health Department has given formal plan approval therefore.

15-3 Procedure for obtaining approval to locate and construct.

Licenses or permits shall not be issued until the Health Department has received and approved a letter of application therefor, together with letters of approval from the Planning and Zoning agencies, and final plans, specifications and reports prepared by a licensed professional engineer or registered architect

fully describing and setting forth all data as hereinafter required or as may otherwise be required by the Board of Health or its authorized agent.

- (a) Plans, specifications, and reports shall include but not be limited to:
 - (1) Proposed site of the pool or whirlpool
 - (2) Nature and extent of the area to be served by the pool including type of pool (general public, club, instructional, camp, etc.) and estimated daily patronage and method of estimation.
 - (3) Basic design factors, including pool use and capacities of various units; source, volume, and nature of various wastes; and method of disposal.
 - (4) Pool layout, construction, and dimensions, including piping arrangement, pumps, bathhouses, toilet facilities and all other pool appurtenances, including recreational facilities.
 - (5) Disposal facilities for filter wastewaters, sanitary sewage, and shower wastes if a municipal sewer is not available or if a municipal sanitary sewer is available, the details of connection thereto.
 - (6) Proposed operation and maintenance procedure.
 - (7) Proposed supervisory personnel and safety equipment.
 - (8) Well construction if public water supply is not available.
 - (9) Specifications for construction of the swimming pool shall accompany all detailed plans and reports.
- (b) Upon compliance with all provisions of this Code and approval of the final plans, specifications, and reports, together with data contained therein, a license or permit shall be issued for the facility.

15-4 Procedure for obtaining a license or permit to alter.

- (a) Approval to alter a pool shall not be issued until the Health Department has received a letter of application therefor, together with such plans, specifications or reports as may be requested by the Board of Health to fully describe the proposed alteration. The fee for such an application shall be \$100.00. The term of such license shall be one (1) year running from June 1 until May 31 of the following year.
- (b) Upon compliance with all applicable provisions of this Code and approval of the requested alteration or proposal, a license or permit shall be issued.

15-5 Proposed design or construction not conforming to Code.

Proposed design or construction features of a pool differing from the provisions of this Code may be approved upon submission of evidence to the satisfaction of the Board of Health that public health or safety would not be affected by such design or construction.

15-6 Existing swimming pools and whirlpools.

Section 15-3 of this Code, relating to location and construction, shall not apply to swimming pools in existence at the time of its adoption, except that any alterations of any unit or units of such swimming pools shall be made in accordance with the applicable provisions of this Code. The provisions for enclosure in the Rules and regulations shall apply to all pools.

15-7 Approval to operate.

Swimming pools shall not be operated by any person until the Health Department has given formal approval therefor by issuance of an appropriate license or permit. This license or permit shall be displayed in a conspicuous place on the premises where it may be readily observed by all patrons. No person shall operate a pool the license for which is suspended.

15-8 Procedure for obtaining license or permit to operate.

Licenses or permits to operate a swimming pool or whirlpool shall not be issued until a properly executed application containing information as requested on a form supplied by the Health Department has been submitted and approved by the Board.

15-9 Denial of license or permit.

Persons denied a license or permit shall be notified in writing accordingly by the Health Department. Such notices shall specify the reason for such action and the remedial action necessary to obtain approval for issuance of a license or permit.

15-10 Suspension of license or permit to operate.

The license or permit of any person to operate a swimming pool may be suspended at any time when, in the opinion of the Health Department or its authorized agent, such action is necessary to abate a present or threatened menace to public health.

The Health Officer may order the owner or operator of a pool to prohibit any person from using it until correction for any of these reasons:

- (a) Failure of the pool equipment, structure, area or enclosure such as to jeopardize the health or safety of the persons using or operating it.

- (b) Lack of properly functioning equipment or proper material for recirculation, treating or testing the swimming pool water.
- (c) Lack of required supervisory personnel or required lifeguards.
- (d) The presence of a pollutant or of a hazardous object or substance in the swimming pool.
- (e) Failure to meet a water quality standard.
- (f) Failure to possess a valid license to operate.
- (g) Any other reason which poses an immediate health hazard.

15-11 Closing of swimming pools; procedure.

- (a) When the Health Officer orders the closing of a swimming pool, he shall issue a written order to the swimming pool owner or operator or his representative, stating that the swimming pool is to be closed immediately and specifying correction action to be taken. The order shall be served upon the owner, representative or person in charge of the swimming pool. The person on whom the order is served shall close the swimming pool immediately and shall prohibit any person from using it.
- (b) After the specified correction action has been taken, the owner or operator or his representative shall notify the Health Officer that the swimming pool is ready for reinspection.
- (c) If upon reinspection the corrective action is approved, the swimming pool may be opened for use.
- (d) If upon reinspection the corrective action is not approved, the swimming pool shall be kept closed and out of use until corrective action is approved.

15-12 Suspension notification.

The person whose license or permit has been suspended or his representative in charge of the pool shall, at the time such license is suspended, be informed in writing that the license or permit to operate the pool is suspended, the reason for such action, and the remedial action to be taken before the suspension may be lifted.

15-13 Hearings.

Persons whose licenses or permits have been denied or suspended shall be afforded hearings pursuant to Chapter 8 of this Code.

15-14 Monthly operating reports.

All owners and operators of swimming pools, whirlpools and hot tubs shall submit weekly bacteria analysis reports to the Board of Health at the expense of the owner or operator of said pool. Water quality for Ph and chlorine content shall be tested every hour by the management. Operation of such pools

or tubs shall comply with the standards of the current State Model Swimming Pool Code which standards are hereby adopted by reference.

15-13 Opening Inspection required.

No pool shall be open to the public until written opening approval has been issued by the Health Department. Seasonally operated swimming pools shall be inspected each spring, prior to opening, to assure compliance with the provisions of this Code.

Article 3. RULES AND REGULATIONS.

15-16 Rules and regulations.

Rules and Regulations Governing the Construction, Maintenance and Operation of Swimming Pools are hereby established pursuant to Section 1-9 of this Code. A copy of said rules and regulations is annexed hereto and made a part hereof without the inclusion of the text thereof herein. Three copies of the said rules and regulations have been placed on file in the office of the Secretary of the Board of Health for the use of and examination by the public.

(5/87 Supplement)

(7/95 Amendment)

RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, MAINTENANCE AND OPERATION OF SWIMMING POOLS, HOT TUBS, WHIRLPOOLS, AND HYDROTHERAPY

SECTION 4.

4. Hot tubs or spas

4.1 General – Hot tubs, spas, whirlpools, and hydrotherapy pools shall be constructed, maintained, and operated in accordance with the applicable provisions found within this Section and as otherwise indicated.

4.2 General Construction and Design

4.2.1 The maximum water depth of the hot tub or spa shall be 4'0" (1.22m) measured from the water line. Exceptions may be made for pools designed for special purposes such as instruction, treatment, and therapy.

4.2.2 The maximum depth of any seat or sitting bench in the spa shall be 2'0" (61 cm) measured from the water line.

4.2.3 Hot tubs and spas shall be provided with a suitable handhold around their perimeter in areas where the water depth exceeds 3'6" (1.07 m). Handholds shall be provided no further apart than 4'0" (1.22 m) and may consist of any one or a combination of the following:

- a. Coping, ledges, radiused flanges or decks along the immediate top edge of the pool providing a suitable slip-resistant handhold located not over 12" (30 cm) above the water line.
- b. Ladders, steps, or seat ledges.
- c. A railing placed at or not over 12" (30 cm) above the water line fastened to the wall.

4.2.4 The slope of the floor shall not exceed 1'0" (30 cm) of fall in 12'0" (3.6 m).

4.2.5 There shall be no protrusions, extensions, means of entanglement, or other obstructions which can cause entrapment or injury to the bather.

4.3 Steps, recessed steps, ladders, and recessed treads.

4.3.1 Steps, ladders, or recessed treads shall be provided where pool depths are greater than 24" (61 cm).

4.3.2 Pools shall be equipped with at least one handrail (or ladder equivalent) for each 50 feet (15.2 m) of perimeter, or portion thereof, to designate the point of entry and exit.

4.3.3 The design and construction of pool steps (including recessed steps) when required, shall conform to the following:

- a. Step treads shall have a minimum unobstructed tread depth of 10" (25 cm) for a minimum width of 12" (30 cm).
- b. Riser heights shall not be less than 7" (18 cm), nor greater than 12" (30 cm). When the bottom tread serves as a bench or seat, the bottom riser may be a maximum of 14" (35 cm).
- c. The first and last risers need not be uniform but must comply with riser height requirements as noted in Regulation 4.3.3 above. The first (top) riser is measured from the finished deck.
- d. Intermediate risers, those between the first and last risers, shall be uniform in height.
- e. Step threads shall have slip-resistant tread surfaces.

- f. Each set of steps shall be provided with at least one handrail to fully serve all treads and risers.
- g. Handrails shall be anchored in such a way that they can only be removed with tools.
- h. The leading edge of handrail facilitating pool exit shall be located within 18" (45.7 cm) +/- 3" (7.6 cm), horizontally measured from the vertical plane of the bottom riser.
- i. Seats or benches may be provided as part of the steps.

4.3.4 The design and construction of pool ladders, when required, shall conform to the following:

- a. Ladders shall be made entirely of corrosion-resistant materials.
- b. Ladder treads shall provide two handholds or handrails to fully serve all treads.
- c. The maximum outside diameter of handrails shall be 1.9" (4.3 cm) and a minimum of 1" (2.5 cm).
- d. There shall be a clearance of not more than 6" (15 cm) nor less than 3" (7.6 cm) between any ladder and the tub or spa wall.

4.3.5 The design and construction of recessed treads, when provided, shall conform to the following:

- a. Step holes at the centerline shall have a uniform vertical spacing of 12" (30 cm) maximum and 7" (17.5 cm) minimum.
- b. Maximum vertical distance between the coping edge and the uppermost recessed tread shall be 12" (30 cm).
- c. Step holes shall have a minimum tread depth of 5" (13 cm) and a minimum tread width of 12" (30 cm).
- d. Step hole treads shall drain into the tub or spa to prevent the accumulation of dirt thereon.
- e. Each set of recessed treads shall be provided with two handrails to fully serve all treads and risers.

4.4 Decks

4.4.1 Decks, ramps, and similar surfaces, including step treads and coping, shall be slip-resistant.

4.4.2 A 4 ft. wide minimum continuous unobstructed deck, which may include the coping, shall be provided around 50% or more of the spa.

4.4.3 The maximum slope of decks shall be 1/2" per foot (4 cm per meter) except for ramps.

4.4.4 Decks shall be edged, radiused or otherwise relieved so as not to present exposed sharp corner.

4.4.5 Decks shall be sloped to effectively drain either to perimeter areas or to deck drains.

4.5 Heater and temperature requirements – The maximum temperature of the spa water shall be 104°F (40.0 C). A thermostatic control for the water temperature shall be installed and maintained in good operating condition.

4.6 Electrical – All electrical items shall comply with the requirements of the New Jersey Uniform Construction Code (N.J.A.C. 5:23 et al) and applicable subcodes.

4.7 Protection of Potable Water – Physical connections between potable water systems and pool circulation systems shall not be permitted.

Potable water for makeup purposes shall be added by way of an over-the-rim spout properly shielded which does not create a safety hazard. The open end of the sprout shall have no sharp edges and protrude no more than 2” (5.1 cm) beyond the edge of the pool and provide an air gap of at least 6” above the overflow level of the pool.

An alternate method of adding make-up water may be employed with the approval of the Local Health Authority.

4.8 Inlets and Outlets.

4.8.1 Inlets and outlets shall be provided and arranged to produce a uniform circulation of water so as to maintain a uniform disinfectant residual throughout the pool.

4.8.2 A means shall be provided to drain the pool which may include bottom drains, circulatory system, etc.

4.8.3 The total velocity through grate openings shall not exceed 2’ per second (61 cm/second). The open area in the grates shall be of such designs to prevent the physical entrapment of fingers, toes, etc.

4.8.4 Outlets, except skimmers, shall be covered with suitable protective grates that cannot be removed except with tools.

4.8.5 The water velocity in the pool piping shall not exceed 10’ per second (3.05 m/second) for discharge piping, except for copper pipe where the velocity for piping shall not exceed 8’ per second (2.04 m/second)/ Suction velocity for all piping shall not exceed 6’ per second (1.83 m/second). Water velocity in asbestos cement pipe shall not exceed 6’ per second (1.5 m/second).

4.8.6 Pool outlets shall be designed so that each pumping system (filter system(s) or booster system(s) if so equipped) provides one of the following:

- a. Provide two outlets whose pipe diameter sizes are equal. (This may be two outlet drains or an outlet drain and a skimmer.) The system shall be designed so that neither one of the two outlets can be cut out of the suction line by a valve or other means, or
- b. Provide one antivortex drain. In depths 4’6” (137 m) and less the antivortex drain shall not provide a tripping or stubbing hazard to the feet, or
- c. Provide a 12” x 12” (30 cm x 30 cm) or larger square grate, or
- d. Provide other approved means that guard against outlet entrapment.

4.9 Circulation systems.

4.9.1 The circulation equipment shall be sized to turn over the entire pool water capacity at least once every 30 minutes and shall be capable of returning the pool water to a turbidity of 0.50 JTUs or equivalent within four (4) hours following the peak bather load.

4.9.2 An influent pressure gauge with an appropriate range shall be provided on all filters.

4.10 Filters.

- 4.10.1 Filters shall be designed to maintain pool water under anticipated operating conditions in accordance with Section 4.9.1 of these Regulations.
- 4.10.2 A means shall be provided to permit the release of air which enters the filter tank. This may be automatic or manual, as air must be expelled from the filter tank. Any filters and/or separation tanks incorporating an automatic internal air release as its principal means of air release shall have a means to provide a slow and safe release of pressure as a part of its design.
- 4.10.3 Filters shall meet the performance standards of the National Sanitation Foundation Standard #50.
- 4.10.4 Filter backwash shall be disposed of in accordance with regulation 3.20.3 under swimming pools.

4.11 Pumps and strainers.

- 4.11.1 A pump and motor shall be provided for circulation of the spa water and sized to meet the requirements of Regulation 4.9.1.
- 4.11.2 All filter systems shall provide a suitable removable strainer or screen up stream from all circulation pump(s) to remove solids debris, hair, lint, etc. Water entering the pump shall pass through the strainer.

4.12 Air induction systems.

- 4.12.1 An air induction system, when provided, shall totally prevent water back-up that could cause electrical shock hazards.
- 4.12.2 Inducted air shall not introduce contaminants (such as deck water, dirt, etc.) into the tub or spa.

4.13 Overflow systems.

- 4.13.1 An overflow system shall be provided. The overflow system shall be designed and constructed so that the water level of the pool is maintained at the operating level of the overflow device.
- 4.13.2 When surface skimmers are used as the sole overflow system, one surface skimmer shall be provided for each 100 sq. ft. (9.3 m²) or fraction thereof, of the pool surface area. When two or more skimmers are used in a pool they shall be located to maintain effective skimming action over the entire surface area of the pool.

4.14 Disinfection – Means shall be provided for continuous and effective disinfection of the pool water as required by Section 3.19 of the regulations under swimming pools.

4.15 Safety.

- 4.15.1 Depth markings
 - a. The maximum water depth shall be clearly marked on the pool deck.
 - b. There shall be a minimum of two depth markings, regardless of pool size.
 - c. Markings shall be uniformly located and spaced at no more than 25 feet (7.6 m) intervals around the perimeter of the pool.
- 4.15.2 Emergency Equipment – Emergency equipment shall be provided as specified in Section 3.21.2 of the regulations under swimming pools.
- 4.15.3 At least one (1) adult currently certified in emergency first aid and cardiopulmonary resuscitation (CPR) shall be present at all times when the pool is in use.
- 4.15.4 Use Regulations. A precaution sign is to be mounted adjacent to the entrance to the pool and shall state the following:

CAUTION

1. Elderly persons and those suffering from heart disease, diabetes, high or low blood pressure should not enter this pool.
 2. Unsupervised use by children is prohibited.
 3. Do not use while under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics, or tranquilizers.
 4. Do not use alone.
 5. Shower before entering the pool.
 6. Observe a 15-minute time limit, then shower, cool down and, if you wish, return for another brief stay. Long exposures may result in nausea, dizziness, fainting or birth defects if pregnant.
-

4.16 Personal Regulations – Personal regulations shall meet the requirements specified in 3.22.5 of the regulations under swimming pools.

4.17 Maintenance – Maintenance shall comply with the requirements specified in Section 3.22.7 of the regulations under swimming pools.

4.18 Bacteriological Water Quality – Water quality shall meet the requirements specified in Section 3.23.4 of the regulations under swimming pools.

4.19 Chemical Water Quality.

4.19.1 Free chlorine residual by the DPD (diethyl-p-phenylene diamine) method and pH values shall be determined not less than 4 times a day. Records shall be maintained.

4.19.2 The pH and free chlorine residual shall be maintained with the following ranges:

pH	Free chlorine residual
7.2 – 7.8	1.0 ppm – 3.0 ppm
	1.5 ppm is recommended

4.20

Chapter 16. TANNING SALONS

(6/86 Supplement)

ANALYSIS

ARTICLE 1. LICENSES AND STANDARDS.

Section

16-1 License required.

16-2 Standards required for licensure.

ARTICLE 1. LICENSES AND STANDARDS.

16-1 License required.

No person shall establish, maintain, or operate a tanning salon in the Borough without first having obtained from the Board a valid license to do so; the term thereof and fee therefor are fixed in Chapter 6 of this Code.

16-2 Standards required for licensure.

No such license shall be issued to any person unless facilities comply with the following standards:

- (a) Each tanning booth, bed, lamp, or other device shall have a prominently displayed warning that states: "DANGER: Ultra-violet Radiation. Follow Instruction. As with natural sunlight, over-exposure can cause injury and sunburn; repeated exposure may cause premature aging of the skin or skin cancer. Medications or cosmetics applied to the skin may increase over-sensitivity to ultraviolet light, as may a family history of skin problems, allergy to sunlight, or a person's tendency to get cold sores. Consult a physician before using booth if taking any medication or if you believe yourself sensitive to sunlight."
- (b) Each booth, bed, lamp, or other device shall be provided with physical aids such as handrails or floor markings to assure the user is kept at the proper exposure distance or such mechanical devices to prevent the device from coming closer to the user than is proper.
- (c) Timers used to control exposure duration shall (1) have a minimum accuracy of +/- 10%; (2) be so located so that the patron can easily stop the device; and (3) shall be centrally controlled by the

operator of the salon as to any device located in a private room and in or upon which the patron might fall asleep.

- (d) Users shall, on each visit, be provided, free of charge, with sanitary eyewear that will protect eyes from ultraviolet radiation and allow adequate vision necessary to maintain balance or to effect quick, safe exit from booth.
- (e) Tanning booths and beds shall, at all times, maintain an ambient temperature of 100°F (38°C) or less.
- (f) Electrical hazards in the booths, or beds, or other devices, shall be minimized, and all electrical work shall conform to applicable electrical codes and standards.
- (g) Booth and bed design and construction shall be adequate to resist collapse due to the impact of a falling person.
- (h) Ultraviolet lamps shall be protected by physical barriers such as heavy grids, ultraviolet transmitting plastics, or the like, sturdy enough to withstand the impact of a falling person.
- (i) Tanning booth access doors shall be designed to facilitate rapid entrance into or exit from said booth, shall open outwardly, and shall be free of locks or latches except such locks which release automatically from inside.
- (j) Private rooms shall be of such design and so equipped and/or furnished so as to facilitate rapid exit.
- (k) Surfaces of tanning beds or other devices which come in direct contact with the skin of the user shall be cleaned with a recognized germicidal cleaning agent after each use.
- (l) Each salon shall have on file with the Department a written certification from a Board eligible or certified dermatologist stating that the “exposure determination” methods used at that facility are safe, adequate and in keeping with acceptable medical practice.

(6/86 Supplement)

Chapter 17. HEAT AND HOT WATER

ANALYSIS

Section

- 17-1 Heat Requirements.
- 17-2 Hot Water requirements.
- 17-3 Heating and hot water requirement.

17-1 Heat Requirements.

Every landlord and every other person in control of a building occupied as a residence where two or more families reside and where such landlord has agreed to supply heat for the benefit of the occupants thereof shall provide heat from the first day of October in each year to the first day of May of the succeeding year and on all days of the year when the outside temperature falls below 50° Fahrenheit so that the temperature of such apartment or the portion thereof used for living purposes where one or more persons reside shall always be at least 70° Fahrenheit between the hours of 6:00 a.m. o'clock in the morning and 11:50 p.m. o'clock in the evening and at least 65°F between the hours of 11:51 p.m. o'clock and 5:59 a.m. o'clock.

17-2 Hot water requirements.

Every landlord and every other person in control of a building occupied as a residence where two or more families reside and where such landlord has agreed to supply heat for the benefit of the occupants thereof as provided in Section 1 hereof shall also provide at all times through the day and night, on everyday of the year, hot water of a minimum heat of 120° Fahrenheit.

17-3 Heating and hot water equipment.

The owner of any building having three or more habitable units as defined in this ordinance shall have all heating and hot water furnace or boiler facilities inspected by a qualified licensed plumber, oil burner mechanic, or authorized PSE&G service personnel other than an employee of the owner, during the month of either June, July, or August every year and at the expense and risk of the landlord. The findings of these inspections are to be certified in writing by such person and a copy of these findings with recommendations are to be filed with the Hasbrouck Heights Board of Health within fifteen days of each inspection. Whenever corrections or repairs are required, the Health Officer shall serve the owner of said heating unit or hot water facility notice to abate such condition within a specified time not to exceed 5 days. Failure to make such corrections or repairs within the specified period shall be considered a violation of this Ordinance.

Chapter 18. VIOLATIONS AND PENALTIES

ANALYSIS

Section

- 18-1 Violations and penalties.
- 18-2 Separate violation for each day.
- 18-3 Greater penalty provided by a New Jersey statute.
- 18-4 Lesser penalty provided by a New Jersey statute.
- 18-5 Unlawful acts prohibited.

18-1 Violations and penalties.

Except as otherwise provided in this Code, any person, firm or corporation who or which:

- (a) Shall do or commit any act prohibited by the terms of this code; or
- (b) Shall do or commit any act for which a license or permit is required, without having secured and being in possession of a valid license or permit at the time of the doing or commission thereof; or
- (c) Shall omit to do or perform any act required by that person, firm, or corporation to be so done or performed by this code; or
- (d) Shall maintain any place, establishment, vehicle, conveyance, equipment, or article in violation of any of the provisions of this code; or
- (e) Shall violate any of the provisions of any of the several chapters or sections of this code; or
- (f) Shall fail to maintain any condition, equipment, or facility required by the Code to be maintained; or
- (g) Shall fail to install any article of a particular type, kind, quality, or specification where such installation is required by this Code; or
- (h) In any manner, by deed, act, act of commission, or act of omission, shall violate any one or more of the provisions of this Code or of applicable State statutes, codes or regulations, shall upon conviction thereof, or upon conviction of any violation of the other provisions of this Code, be subject to a penalty of not more than \$1,250.00 and not less than 50.00 Any person, firm or corporation who or which is convicted of violating any provision hereof within one year of the date of a previous violation of the same provision, and who or which was fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender; the additional

fine shall be calculated separately from the fine imposed for the violation of the provisions hereof and shall not be less than \$50.00 or exceed \$1,250.00.

18-2 Separate violation for each day.

Each day that a violation of this Code or of any of the applicable State statutes, codes, or regulations is allowed to exist shall constitute a separate violation or offense and each shall be subject to the penalty as prescribed in Section 18-1 of this Code.

18-3 Greater penalty provided by a New Jersey statute.

In the event that any violation of this Code shall also be a violation of a New Jersey State law, for which a greater penalty or judgment is provided than that contained in this Code, the trial judge shall impose in the place and in lieu of any penalty provided for herein, that so provided for in the New Jersey State law which has been so violated.

18-4 Lesser penalty provided by a New Jersey statute.

If any penalty provided herein shall exceed or be greater than that provided by any law of the State of New Jersey for the violation of which such penalty is imposed herein, the maximum penalty for such violation shall be the maximum permitted by such law of the State of New Jersey as may be applicable thereto.

18-5 Unlawful acts prohibited.

Every act or omission designated as being unlawful in this Code or applicable State statutes, codes, or regulations, is hereby prohibited, and every act therein expressly prohibited in hereby designated as being unlawful.

(4/02 Amendment and Supplement)