

TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY
BOARD OF HEALTH
ORDINANCE # BOH 2003-2

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XVI, “HEALTH” SECTION 16-4 Retail Food Establishment Code of New Jersey (1965), SECTION 16-5 Public Recreational Bathing and Section 16-11 “Food and Beverage Vending Machine Code of New Jersey OF THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF HOPEWELL (1978)

Be it ordained, by the Board of Health of the Township of Hopewell as follows:

Section 1. Chapter XVI, "Health," Section 16-4 “Retail Food Code of New Jersey (1965)” and Section 16-5 Public Recreational Bathing shall be deleted in its entirety and amended as follows:

16-4 ENVIRONMENTAL HEALTH PROGRAMS

16-4.1 RETAIL FOOD ESTABLISHMENTS

- a. License Required.** It shall be unlawful for any person to conduct a retail food, establishment, as defined in and governed by Chapter XII, N.J.A.C. 8:24-1 “Sanitation In Retail Food Establishment and Food and Beverage Vending Machines”, provisions of this ordinance, all other state and federal regulations, and all revisions thereto, without first having procured a license from the local Board of Health or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Administrative Code.
 - i. Changes in owner or operator shall require a new license.
 - ii. Licenses shall be issued annually and expire June 30.
 - iii. Fees shall be determined by size of facility and or extent of food service provided.

- iv. Fees shall be collected according to the schedule established in Chapter 10 of the Revised General Ordinance of the Township of Hopewell 1978.
- b. Retail Food Establishment owners and/or managers shall attend annually a food-handling program offered by the Township Health Department, another Health Department, Mercer County Health Officers Association and or any other program approved by the State Department of Health and Senior Services. Proof of attendance must be provided at time of license renewal.
- c. Owner or manager shall offer and or conduct for all employees an annual program on the basic principals of proper food handling, storage, preparation and sanitation methods as defined by State regulations and or the FDA Food Code. Training documentation must be provided at time of license renewal.
- d. Menus and Floor and Equipment Plans shall be submitted and reviewed by the health department in conjunction with any new facilities, renovations, repair or alteration of all existing facilities and the issuance of any permits by the municipal construction office for said construction, renovation, repair or alteration.
 - i. Changes in owner or operator shall be considered a new facility and must comply with this provision. Renovations or alterations may be required.
- e. All facilities shall have at a minimum the following sinks: one 3-compartment sink with dual drain boards, a separate pre-scrub/soak sink, at least one food preparation sink per food preparation area to prevent cross contamination of raw and cooked foods, one maintenance/utility sink, hand sink with paddle or foot operation and soap & towel dispenser located within each food preparation area, food service line, customer self-service areas/counters and in dishwasher/manual cleaning areas, and no greater than 15 feet from any person positioned within the station. The specific number and location will be determined by the magnitude of the food services being provided. Dishwashers when included do not replace the required sinks necessary for manual wash, rinse and sanitize operations. Chemical sanitizers or gloves may not be substituted.
- f. Potable water reports must be provided to the Hopewell Township Health Department by the facility operator and/or laboratory on a quarterly basis or at a frequency determined by the Health Department or by the Safe Drinking Water regulations based on population served or quality issues.
- g. Septic tank and Grease tank pump out and maintenance reports must be submitted annually with the license renewal.
- h. All retail establishments shall post hand-washing signs in all toilet facilities and in areas of food preparation. Signs must provide information on

acceptable hand-washing procedures. Unless provided by the health department, the department must approve all other signs.

- i. Display of Fetal Alcohol Syndrome (FAS) Warning Signs. All licensees under this section who sell alcohol beverages shall prominently post on their premises a warning of the dangers to the unborn children or women who consume alcoholic beverages while pregnant. The nature and type of warning signs shall be those prepared and distributed by the Mercer Council on the Alcoholism and Drug Addiction.

16-4.2 FOODS AND BEVERAGE VENDING MACHINES

- a. **Permit Required.** It shall be unlawful for any person to operate Food and Beverage vending Machines, whether as principal or agent, clerk or employee, either for himself or any other person, or for any body corporate, or as an officer of any corporation, or otherwise to:
 - a. Engage in the operation of one or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a permit per machine from the Board of Health of this municipality so to do, and without complying with any and all of the provisions of Chapter XII, N.J.A.C. 8:24-1 "Sanitation In Retail Food Establishment and Food and Beverage Vending Machines."
 - b. Maintain or permit to be maintained on or in any location in this municipality, one or more machines or devices offered for public use which, upon insertion of a coin, coins or token, or by other means dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a license for each such machine or device from the Board of Health of this municipality or without complying with any and all of the provisions of Chapter XII, N.J.A.C. 8:24-1 "Sanitation In Retail Food Establishment and Food and Beverage Vending Machines."
- c. **Permit Fee Per Machine.** See Chapter X. Fees and Permits.
- d. **Application for and Issuance of Permits.** Application for and issuance of the permits referred to in subsection 16-4.2a shall be made in conformity with the provisions of this chapter and Chapter XII, N.J.A.C. 8:24-1 "Sanitation In Retail Food Establishment and Food and Beverage Vending Machines." Such permits are not transferable.

- e. **Interstate Commerce.** No provision of this section shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the State or Federal Government.

16-4.3 CHILD/ADULT DAY CARE CENTERS

- a. **License Required.** It shall be unlawful for any person to operate Child Care/Adult Day Care Center as defined in and governed by Chapter 122, Manual of Requirements for a Child Care Centers, N.J.A.C.10:122 without first having procured a retail food license from the local Board of Health or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Administrative Code, provisions of this ordinance, all other state and federal regulations, and all revisions thereto. N.J.A.C. 10:122 requires all centers to provide some level of food service. Therefore, they must also comply with Chapter XII, N.J.A.C. 8:24-1 “Sanitation In Retail Food Establishment and Food and Beverage Vending Machines.”
 - i. Changes in owner or operator shall require a new license.
 - ii. Licenses shall be issued annually and expire June 30.
 - iii. Fees shall be determined by size of facility and or extent of food service provided.
 - iv. Fees shall be collected according to the schedule established in Chapter 10-5.3 Retail Food Establishments of the Revised General Ordinance of the Township of Hopewell 1978.
- b. Retail Food Establishment owners and/or managers shall attend annually a food-handling program offered by the Township Health Department, another Health Department, Mercer County Health Officers Association and or any other program approved by the State Department of Health and Senior Services. Proof of attendance must be provided at time of license renewal.
- c. Owner or manager shall offer and or conduct for all employees an annual program on the basic principals of proper food handling, storage, preparation and sanitation methods as defined by State regulations and or the FDA Food Code. Training documentation must be provided at time of license renewal.
- d. Menu and Floor and Equipment Plans shall be submitted and reviewed by the Health Department in conjunction with any new facilities, renovations, repair or alteration of all existing facilities and the issuance of any permits by the municipal construction office for said construction, renovation, repair or alteration.
 - i. Changes in owner or operator shall be considered a new facility and must comply with this provision. Renovations or alterations may be required.

- e. All facilities shall have at a minimum one of each of the following sinks; 3-compartment sink with dual drain board, a separate pre-scrub/soak sink, food preparation sink, maintenance/utility sink, and a hand sink located in each food preparation area, food service line, customer self-service areas/counters and in dishwasher/manual cleaning areas. The specific number and location will be determined by the magnitude of the food services being provided. Dishwashers when included do not replace the required sinks necessary for manual wash, rinse and sanitize operations. Chemical sanitizers or gloves may not be substituted.
- f. Potable water reports must be provided to the Hopewell Township Health Department by the facility operator and/or laboratory on a quarterly basis or at a frequency determined by the Health Department or by the Safe Drinking Water regulations based on population served or quality issues.
- g. Septic tank and Grease tank pump out and maintenance reports must be submitted annually with the license renewal.
- h. All centers shall post hand-washing signs in all toilet facilities and in areas of food preparation. Signs must provide information on acceptable hand-washing procedures. Unless provided by the Health Department, the department must approve all other signs.

16-4.4 PUBLIC RECREATIONAL BATHING

- a. **License Required.** It shall be unlawful for any person to operate a Public Recreational Bathing facility as defined in and governed by Chapter IX, “Public Recreational Bathing” of the New Jersey State Sanitary Code, N.J.A.C. 8:26-1, provisions of this ordinance, all other state and federal regulations, and all revisions thereto, without first having procured a license from the local Board of Health or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Administrative Code.
 - i. Changes in owner or operator shall require a new license.
 - ii. Licenses shall be issued annually and expire June 30.
 - iii. Fees shall be collected according to the schedule established in Chapter 10-5.4 Miscellaneous Licenses and Permits of the Revised General Ordinance of the Township of Hopewell 1978.
- b. In the event a food service facility is part of the operation or a separate concession, a retail food license must also be secured and all provisions of section 16-4.1 Retail Food Establishments of this ordinance must be met.
- c. Potable water reports must be provided to the Hopewell Township Health Department by the facility operator and/or laboratory on a quarterly basis or

at a frequency determined by the Health Department or by the Safe Drinking Water regulations based on population served or quality issues.

- d. Septic tank and Grease tank pump out and maintenance reports must be submitted annually with the license renewal.

16-4.5 HEALTH & FITNESS RECREATIONAL ESTABLISHMENTS

- a. **License Required.** It shall be unlawful for any person to operate a Health & Fitness Recreational facility not specifically covered by Section 16-4.4 “Public Recreational Bathing” of this ordinance as a recreational bathing facility without first having procured a license from the local Board of Health and without complying with all of the provisions of this section and Subchapter 6 “General Sanitation and Maintenance” of N.J.A.C. 8:26-6 concerning construction and maintenance of the facilities as contained in the aforementioned Administrative Code.
 - i. Changes in owner or operator shall require a new license.
 - ii. Licenses shall be issued annually and expire June 30.
 - iii. Fees shall be collected according to the schedule established in Chapter 10-5.4 Miscellaneous Licenses and Permits of the Revised General Ordinance of the Township of Hopewell 1978.
- b. In the event a food service facility is part of the operation or a separate concession a retail food license must also be secured and all provisions of section 16-4.1 Retail Food Establishments of this ordinance must be met.
- c. Potable water reports must be provided to the Hopewell Township Health Department by the facility operator and/or laboratory on a quarterly basis or at a frequency determined by the Health Department or by the Safe Drinking Water regulations based on population served or quality issues.
- d. Septic tank and Grease tank pump out and maintenance reports must be submitted annually with the license renewal.
- e. Floor and Equipment Plans for all new facilities and or the renovation, repair or alteration of all existing facilities shall be submitted and reviewed by the health department prior to issuance of any permits by the municipal construction office for said construction, renovation, repair or alteration.
- f. Hand sinks shall also be located in all locker areas, bathrooms and within any workout rooms or aerobic areas as determined by the Health Department.
- g. At least one water fountain shall be provided with a cold-water extended fill faucet for filling bottles as determined by the Health Department.

16-4.6 YOUTH CAMPS

The New Jersey Youth Camp Safety Standards, N.J.A.C. 8:25.1 et seq., May 4, 1998, and any amendments or revisions thereto shall govern youth Camps.

- a. In the event a food service facility is part of the operation or a separate concession, a retail food license must also be secured and all provisions of section 16-4.1 Retail Food Establishments of this ordinance must be met.

16-4.7 PUBLIC CAMPGROUNDS

The New Jersey State Sanitary Code, Chapter XI, Public Campgrounds, N.J.A.C. 8:22-1 et seq., July 10, 1996, and any amendments or revisions thereto shall govern Public Campgrounds.

- a. In the event a food service facility is part of the operation or a separate concession, a retail food license must also be secured and all provisions of section 16-4.1 Retail Food Establishments of this ordinance must be met.

16-4.8 Vacant

16-4.9 Vacant

16-4.10 GENERAL PROVISIONS

- a. **Enforcement.** Whenever the health officer or his/her designee reasonably believes there exists a violation of this section, he/she may issue a summons and complaint not later than 30 days after discovery of the violation. The complaint shall be written and shall state with reasonable particularity the nature of the violation, including reference to the article and section violated. The complaint shall be delivered by the police or sent by certified mail to the owner or operator.

The health officer or his/her designee charged with enforcement of this ordinance after giving proper identification may inspect any matter, thing, premise, place, person, record, vehicle, incident or event as necessary.

- b. **Suspension or Revocation of License.** Any license issued under the terms and provisions of this Subchapter may be suspended or revoked by the Board of Health of this township for the violation by the licensee of any provisions of this section.

Grounds for revocation shall include but not be limited to:

1. A licensee being issued three (3) evaluations of conditionally satisfactory as defined in N.J.A.C. 8:24-9.11 within a 12 month period
2. A licensee being issued two or more summons within a 12-month period for similar violations of State law or local ordinances and found guilty of the offense on two or more incidents.
3. A licensee failing to adhere to an order (as defined by N.J.A.C. 8:24-9.6) issued by the Health Department requiring the establishment to be closed in order to protect the public health.
4. A licensee failing to adhere to an order (as defined by N.J.A.C. 8:24-9.6) issued by the Health Department requiring any employee of the retail food establishment suspected of being ill or infected with a disease, or suspected of being a carrier of a disease, which may be transmitted through food, to leave the establishment and refrain from returning to work in or about such establishment until permission is granted by the Health Department.
5. A licensee failing to adhere to an order to embargo in accordance with N.J.S.A. 24 any food, drug, device or cosmetic.
6. A licensee selling or providing tobacco or alcohol to any person in violation of state law or local ordinance.
7. Whenever it shall appear that the business, trade, calling, profession or occupation of the person to whom such license was issued is conducted in a disorderly or improper manner or in violation of any law of the United States, the State of new Jersey or any ordinance of this Municipality.

c. Hearing. A license issued under the terms and provisions of this section shall not be revoked, cancelled or suspended until the Board of Health thereon shall have had a hearing. Written notice of the time and place of such hearing shall be served upon the licensee at least three (3) business days prior to the date set for such hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice shall be given either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing on said license. At the hearing before the Board of Health the person aggrieved shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Board of Health, the complaint may be dismissed, or if the Board of Health concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license held by the licensee. If any such license shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the city unless the application for such license shall be approved by the Board of Health.

d. Application. No provision of this section shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the State of Federal Government.

- e. **Severability.** If any chapter, section, subsection or paragraph of this section is declared to be unconstitutional invalid, or inoperative, in whole or in part by a court of competent jurisdiction, such determination shall be deemed not to invalidate the remaining chapters, sections, subsections or paragraphs of this section.
- f. **Application.** This section shall be liberally construed for the protection of the health, safety and welfare of the people of Hopewell Township.
- g. **Penalty.** Violations and penalties shall be prescribed per section 16-10.1 of this chapter.

Section 2. Chapter XVI, "Health," Section 16-11 "Food and Beverage Vending Machine Code of New Jersey (1961)" shall be deleted in its entirety.

This ordinance shall take effect upon final adoption and publication in accordance with law.

Date Introduced: June 5, 2003
Date Advertised: June 12, 2003
Date Adopted: June 19, 2003
Date Advertised: June 26, 2003

Attest:

Kathy Prassas
Board Secretary

Chairperson
Board of Health