

ORDINANCE No.: BOH 1-2007

**ORDINANCE OF THE MOUNT OLIVE BOARD OF HEALTH AMENDING
AND SUPPLEMENTING SECTION §284 OF THE TOWNSHIP
CODE ENTITLED “FOOD HANDLING ESTABLISHMENTS, RETAIL”**

BE IT ORDAINED, by the Board of Health of the Township of Mount Olive,
State of New Jersey, as follows:

SECTION 1. Section §284-10 of the Township Code of the Township of Mount
Olive entitled Article I: “Food Handling Establishments, Retail” and Article II:

“Adoption of State Standards”, is hereby amended and supplemented as follows:

§ 284-1. License required.

It shall be unlawful for any person or any body corporate to conduct a retail food establishment, as defined in and governed by Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (2007), established by ordinance of the local Board of Health, dated March 21, 2007, without first having procured a license from the local Board of Health so to do or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (2007).

§ 284-2. Food-handling training course.

- A. It shall be mandatory for each retail food establishment doing business in the Township of Mount Olive to be represented by a manager and an employee at the annual food-handling training course presented by the Mount Olive Township Board of Health. A certificate of completion shall be awarded.
- B. The food handler's course of instruction may be given upon request at additional times, locations and dates for reasons of hardship, logistics, or other criteria deemed appropriate by the Health Officer or his designee.
- C. New retail food establishments shall be allowed to open and operate until the next annual food-handling course is given.
- D. Food establishment licenses shall not be renewed until the applicant receives a certificate of completion as provided in this article from the Mount Olive Township Board of Health.

- E. Food handler's certificate requirements shall not apply to persons who only handle and sell prepackaged commercially prepared food for retail sales on the premises.
- F. Retail food establishments which maintain satisfactory inspection ratings for the current and previous licensing year may be exempt from mandatory course attendance by the Township's Health Officer upon review of health inspection reports filed for that establishment, but any exemption cannot be for any more than two successive years. This exemption is not transferable by or between different food establishments and/or different persons.
- G. The Township Health Officer shall have the authority to exempt a retail food establishment from mandatory course attendance if said food establishment can submit verification that a manager and employee have attended a food-handling course which is, in the opinion of the Health Officer, equivalent to the Mount Olive course.

§ 284-3. Fees.

The fees for the licensing of retail food establishments are hereby fixed as follows:

- A. Retail food establishment, permanent locale: \$150 per unit per year.
- B. Mobile retail food establishment: \$125 per unit per year.
- C. Temporary retail food establishment (1 to 3 days) events license: \$50 per unit.
- D. Retail food establishment, permanent locale, license for a period of three months or less, April 1 to June 30 of each year: \$50 per unit.
- E. Re inspection Fee: \$75 for establishment with a “conditional” rating after the initial re inspection. A written warning shall be issued to the establishment and published in the newspaper subsequent to a second offense.

§ 284-4. Revocation and suspension of licenses.

- A. Any license under the terms and provisions of this article may be suspended or revoked by the Board of Health of this municipality for the violation by the licensee of this article or Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (2007), or whenever it shall appear that the business, trade, calling, profession or occupation of the person, firm or corporation 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 or that the person or persons conducting the retail food establishment are of unfit character to conduct the same or that the purpose for which the license has been issued is being abused to the

detriment of the public or is being used for a purpose foreign to that for which the license was issued.

- B. A license issued under the terms and provisions of this article shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the Board of Health. Written notice of the time and place of such hearing shall be served upon the licensee at least three 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 may be given either by personal delivery thereof to the person to be notified or by being 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 upon said license. At the hearing before the Board of Health, the person aggrieved shall have an opportunity to answer and may therefore 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.
- C. 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 township unless the application for such license shall be approved by the Board of Health.

§ 284-5. Interstate commerce.

No provision of this article shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government.

§ 284-6. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$1,000, and each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

ARTICLE II, Adoption of State Standards

§ 284-7. Adoption of standards by reference; supplemental regulations.

- A. A code regulating retail food establishments and fixing penalties for violations is hereby established pursuant to N.J.S.A. 26:3-69.1 to 26:3-69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.
- B. Said code is hereby amended and supplemented to provide as follows:

(1) Regulations for hair.

- (a) All persons engaged in the preparation of food for on-premises consumption and for carry-out orders shall take one of the following measures, while on duty, to prevent hair from getting into food:

- [1] Wear a hairnet;
- [2] Wear a hat;
- [3] Wear hair covering such as a babushka;
- [4] Persons having hair of shoulder length or longer shall tie such hair in a tail or roll in a bun and cover their hair as required in Subsection B(1)(a)[1], [2] or [3] above.

- (b) The owner, manager or person in charge of the retail food establishment premises at the time of inspection shall be responsible for the food establishment employees under his or her supervision. Said owner, manager or person in charge shall at all times insist that all food preparers and servers properly cover their hair as set forth in these standards. The owner, manager or person in charge shall be cited by summons for failure to comply with this section.

- (c) These regulations shall pertain to both sexes with no exceptions.

- (d) Hair sprays, for the purposes of this article, shall not be acceptable hair restraints.

(2) Regulations for gloves.

- (a) The regulations for gloves are as follows:

- [1] Employees engaged in the preparation of food for on-premises consumption and for carry-out orders are required to wear food-quality vinyl gloves at all times that they are handling food.
- [2] Gloves worn by employees must fit properly and be designed for the task being performed.
- [3] Employees must change gloves periodically to minimize the buildup of perspiration and bacteria.
- [4] Employees must change gloves each time they change activity and whenever they leave their work station.
- [5] Employees must change gloves after sneezing, coughing or touching hair or face.
- [6] Employees must wash hands thoroughly before and after wearing or changing gloves.

- [7] Employees must remove gloves whenever their use presents a potential safety hazard.
- [8] The owner, manager or person in charge of the retail food establishment premises at the time of the inspection shall be responsible for the food establishment employees under his or her supervision. Said owner, manager or person in charge shall insist that all food preparers wear gloves at all times that they are handling food.
- [9] All retail food establishments and food handlers shall take all necessary precautions to minimize the direct handling of food. Food handlers may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissues, spatulas, tongs or single-use gloves.

§ 284-8. Title.

Said code established and adopted by this article is described and commonly known as "Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (2007)."

§ 284-9. Copies on file.

Three copies of Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (2007), have been placed on file in the office of the Secretary of this local Board of Health upon the introduction of this article and will remain on file there, until final action is taken on this article, for use and examination by the public.

ARTICLE III, Violations

§ 284-10. Violations and penalties.

Any person who violates any provision of or order promulgated under this article or code established herein shall, upon conviction thereof, be liable to a penalty of not less than \$500 nor more than \$1,000 for each violation. Each day a particular violations continues shall constitute a separate offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Board of Health President
Colleen Labow

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Board of Health of the Township of Mount Olive on first reading at a meeting of the Board of Health of the Township of Mount Olive held on the 21st day of April, 2007, and will be considered for second reading and final passage at a regular meeting of the Board of Health to be held on the 16th day of May, 2007, at 7:30 p.m. at the Municipal Building, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Board of Health Secretary
Joann Lepre