

SUMMARY OF

**"REVISED GENERAL ORDINANCES OF THE BOARD OF HEALTH
OF CHESILHURST, NEW JERSEY, 2023" (Board of Health Code) Introduced on
First Reading by the Chesilhurst Board of Health in Ordinance 2023-3 BOH on
March 2, 2023.**

The Code annexed to the ordinance regulates the following areas concerning public health in the Borough of Chesilhurst:

- Chapter 321- General Board of Health Procedures.
- Chapter 322- Vital Statistics
- Chapter 236- Food Establishments
- Chapter 268 - Housing
- Chapter 359- Standards For Cesspool, Privy and Individual Septic Systems
- Chapter 403- Garbage and Waste Matter
- Chapter 358- Maintenance of Grass and Vegetation
- Chapter 320- Nuisances, Public Health
- Chapter 325- Cutting and Sanding Of Various Hard Construction Materials
- Chapter 324- Quarantine and Isolation
- Chapter 200 - Smoking Prohibited in Public Places
- Chapter 201- Retail Sale of Tobacco Products.

CHESILHURST BOARD OF HEALTH CODE

CHAPTER 321 GENERAL BOARD OF HEALTH PROCEDURES

CHAPTER 321-1. Title; Authority.

- (a) This Code shall be known as the "Revised General Ordinances of the Board of Health of Chesilhurst, New Jersey, 2023" and may be referred to as the "Board of Health Code."
- (b) This Code is adopted in accordance with N.J.S.A. 26:3-69. 2 *et seq.*

CHAPTER 321-2. Definitions.

As used in this Code:

Board of Health, or *Board* means the Board of Health of Chesilhurst, County of Camden, New Jersey, established in the Municipality of Chesilhurst Borough as memorialized in 2023.

Health Department means the Chesilhurst Health Department;

Health Officer means the Chesilhurst Health Officer;

Person means any individual, corporation, association, partnership, other legal entity, government, or governmental subdivision or agency;

Chesilhurst means the Municipality of Chesilhurst, Camden County, New Jersey;

Registered Environmental Health Specialist means a New Jersey state licensed inspector who is an authorized agent for the Chesilhurst Board of Health; and

State Sanitary Code shall mean the New Jersey State Sanitary Code as enacted by the New Jersey Department of Health, (*Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, N.J.A.C. 8:24-1 et seq.*).

CHAPTER 321-3. Duties of Health Officer and Registered Environmental Health Specialists.

(a) The Health Officer shall be the chief executive officer of this Board, whose duties shall be to enforce all rules, regulations and ordinances of the Board, as well as the applicable rules, regulations and ordinances of Chesilhurst, in addition to the other duties that may be prescribed by the Board; to enforce the laws of the state relating to public health; and to keep and tabulate all records pertaining to vital statistics. Other duties of this position are defined in the Public Health Practice Standards for Local Boards of Health in New Jersey, N.J.A.C. 8:52-1.1 et seq. The Health Officer provides leadership in the field of public health in Chesilhurst. In addition to being the chief executive officer of the health department, the health officer is responsible for evaluating any health problems in Chesilhurst, planning appropriate activities to meet those problems, developing necessary budget procedures to cover these activities, and directing the department's staff so as to carry out the activities efficiently, economically and in accordance with accepted policies and

practices as defined by the New Jersey Department of Health and Public Health Council in the aforesaid N.J.A.C. 8:52-1.1 *et seq.*

(b) The Registered Environmental Health Specialist(s) is (are) responsible for making inspections, compiling proper records of such inspections, informing operators of establishments of violations, methods of abating such violations, and securing evidence that may be necessary for legal action. Such inspections shall be in accordance with N.J.A.C. 8:52-1.1 *et seq.*

CHAPTER 321-4. Authority for Inspection.

- (a) All places and premises in Chesilhurst shall be subject to inspection by the Health Officer or designee if there is reason to believe that any section of this Code is being violated. For the purpose of making such inspections, the Health Officer or designee is authorized to enter upon premises with the consent of the owner, or designated agent or occupant thereof, or failing that, pursuant to a properly issued search warrant, in such manner as to cause the least possible inconvenience to the persons in possession of the premises.
- (b) No person shall hinder, obstruct, delay, resist or prevent the health officer or designee from having all access to the place or premises necessary to determine the full nature and effect of any violation of this Code believed to exist.

CHAPTER 321-5. Licenses, Permits and Notices.

- (a) All licenses, permits and notices of the Board shall be in writing on forms provided by the Board of Health for those purposes, and when signed by the Health Officer, said documents shall be considered official documents of the Board.
- (b) Any person or persons upon whom a notice of violation has been served shall be deemed to have been officially notified by the Board when any such notice is served according to the applicable health laws and regulations of the State of New Jersey and ordinances of Chesilhurst. Based on the conditions observed by the Health Officer or designee and the severity of the impact on the public health, a notice of violation may require abatement within no more than (24) twenty-four hours. Any such time limit will be noted on all notices of violation.

CHAPTER 321-6. Expiration of Permits; Renewal.

Permits issued or approved under the provisions of this Code shall expire annually on December 31 of each year. Application for renewal thereof shall be submitted, together with the required fee, prior to January 1 of each year.

CHAPTER 321-7. Display of Licenses, and Permits; Certificates of Compliance.

All licenses and permits, and food establishment inspection rating certificates issued by the Board shall be displayed at all times in public view on the premises for which they were issued, subject to approval of the location by the Health Officer or designee. Every holder of a license, permit or certificate of compliance shall, upon demand, exhibit same to the Health Officer or designee.

CHAPTER 321-8. Revocation and Suspension of Licenses and Permits.

Whenever the holder of any license or permit issued under the provisions of this Code shall be in violation of this Code, or of any rule or regulation promulgated by the Board pursuant to this Code, or of any directive issued by or on behalf of the Board or Health Officer the Board may, following a hearing pursuant to the procedures set forth in **ARTICLE 1-9** and for good cause shown, revoke such license or permit. No such revoked license or permit shall be renewed or restored until the Health Officer is satisfied that all of the provisions of this Code have been complied with and that the reason for the suspension or revocation has been abated.

CHAPTER 321-9. Service of Notice; Hearing Prior to Revocation or Suspension of License or Permit.

Unless this Code provides for another procedure for a particular type of license or permit, the following procedures shall apply:

- (a) A license or permit issued under the terms and provisions of this Code shall not be revoked or suspended until a hearing thereon shall have been had by the Board of Health. The health officer, and/or registered environmental health specialist will participate in the hearing. Written notice of the time and place of such hearing shall be served upon the licensee at least three (3) days prior to the date set for the hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking or suspending such license. Notice may 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 the license or permit.
- (b) If the health officer or designee determines that continued operation by the licensee or permittee endangers or is likely to endanger the public health or safety, the Health Officer or designee may suspend the license or permit pending the outcome of the hearing by the Board.
- (c) At the hearing before the Board of Health, the holder of the license or permit shall have an opportunity to respond and may thereafter be heard. The Board designee who made the decision or determination that is being considered at the hearing shall also be heard, as well as any other persons whose opinion and advice the Board deems would be of assistance in rendering its decision. The hearing shall be chaired by the President, and the Rules of Evidence shall not apply. After 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 substantiated, it may revoke or suspend the subject license or permit. The decision of the Board shall be rendered at or after the conclusion of the hearing or at the next regularly scheduled Board meeting. Any hearing decision shall be by majority vote of the Board members present and shall be final.
- (d) If any such license or permit shall have been revoked, neither the holder thereof nor any person acting for that person, directly or indirectly, shall be entitled to another license to carry on the same business within Chesilhurst unless the application for such license or permit has been approved by the Board of Health.
- (e) No provision of this chapter shall be applied so as to impose an unlawful burden on either interstate commerce or any activity of the state or federal government.

CHAPTER 321-10. Appeals to the Board.

(a) Scope.

When any provision of this Code permits an appeal to the Board from a decision of the Health Officer or designee, or from a license, permit or certificate denial or revocation, the appeal procedures set forth in this section shall apply. The Board will receive and consider only those appeals that are filed in accordance with the sections of this Code that specifically authorize the filing of appeals.

(b) Appeal Procedures.

(i) An appeal shall be commenced by the filing of a written notice of appeal filed with the Health Officer no more than fifteen (15) days after the date of the decision or determination being appealed. The appeal of the decision or determination shall be considered by the Board at its next regularly scheduled meeting, unless the appellant consents to a later date; provided, however, that if the regularly scheduled meeting occurs less than fourteen (15) days after the filing of the notice, the appeal shall be considered at the following regularly scheduled meeting.

(ii) If, after receipt of written consent from the appellant, the President, in consultation with the Health Officer, determines in the President's discretion that the matter may be heard by a subcommittee of the Board rather than the full Board, the President may appoint a subcommittee of three members of the Board to conduct the hearing in place of and on behalf of the full Board.

(iii) At the hearing of an appeal, the appellant and the Board designee who made the decision or determination being appealed shall present evidence in support of their positions and the Board or subcommittee shall have the right to ask questions of the appellant or any of the appellant's representatives, any Board or Health Department staff member, and any other such persons whose opinion or advice the Board or subcommittee deems would be of assistance in rendering a decision.

(iv) Hearings by the full Board shall be chaired by the President or designee, or if by a subcommittee by the member designated as chair by the President, and the Rules of Evidence shall not apply. At the hearing the Board shall affirm, alter or rescind the determination from which the appeal is taken. The Board or subcommittee shall state, on the record, the reasons for any action taken at such hearing. In the event that the Board or subcommittee determines to alter or rescind the previous determination, action pursuant to that determination shall be taken within thirty days after the date of the hearing. A decision of the Board shall be made no later than the next regularly scheduled Board meeting, shall be by majority vote of Board members present at the hearing, and shall be final. A decision by the subcommittee shall be by a majority vote of subcommittee members present at the hearing, and shall be final.

(v) The times set forth in this section may be extended or modified by mutual agreement of the appellant and the Board or subcommittee.

(c) Emergency or Hardship Appeals.

In the event an appellant seeks immediate resolution of an appeal due to a claim of hardship or other emergency, the appellant shall include with the notice of appeal a detailed explanation of the hardship or emergency, along with three requested hearing dates. In such cases, the Board President in consultation with the Health Officer, may in the President's discretion determine if there is a hardship or emergency that

would require waiver of the time frames set forth in subsection (b). In such case, the Board President may appoint a subcommittee of three members of the Board to hear the appeal in an expedited manner. If the Board President appoints himself/herself to the subcommittee, the President shall chair the hearing; if the Board President does not serve on the subcommittee, the President shall appoint one of the three members as chair. The proceedings shall be conducted in the same manner as set forth in subsection (b); however, the subcommittee may, in its discretion, take any steps it deems necessary to expedite the consideration and decision of the matter appealed. Any decision shall be by majority vote of Board members present at the hearing, and shall be final.

CHAPTER 321-11. Smoke-Free Air Act.

The New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 *et seq.* and the Regulations promulgated thereunder shall be fully enforced in Chesilhurst by the Chesilhurst Board of Health.

CHAPTER 321-12. Violations; Penalties.

(a) Any person who shall violate any section of this Code or who shall fail to comply with any lawful order of the Board of Health or the Health Officer issued under this Code, or of any rule or regulation promulgated pursuant to this Code for which no specific penalty is provided, shall be subject to the following penalties:

Not less than \$5.00 or more than \$500.00 and/or appropriate injunctive relief. Complaint shall be made in the Chesilhurst municipal court or another court of competent jurisdiction. The court shall have the power to impose other and additional penalties as provided by N.J.S.A. 26:3-77 and N.J.S.A. 26:3-78.

(b) Each day any violation of the Board of Health Code or of any rule, regulation or order promulgated pursuant thereto shall continue, shall constitute a separate offense.

(c) Unless a provision of this Code provides otherwise, all provisions of this Code shall be enforced by the Health Officer or designee.

CHAPTER 321-13. Severability.

In the event that any section, sentence, or clause of the Board of Health Code shall be declared unconstitutional, unenforceable or otherwise invalid by a court of competent jurisdiction, such determination shall not prejudice the enforcement of the remaining provisions.

CHAPTER 321-14. Interfering with person performing duties under this Code.

Any person who shall hinder, molest or interfere with the performance by any person of any duty that person is authorized or empowered to perform under this Code shall be subject to the following penalties:

(a) For the first offense, \$100.00; and

(b) For the second and subsequent offenses, \$500.00 or as may be ordered by the court.

CHAPTER 322. VITAL STATISTICS

CHAPTER 322-1. Controlling Law.

Registration of Vital Statistics, N.J.S.A. 26:8-1 et seq., and all rules and regulations promulgated by the New Jersey State Department of Health pursuant thereto are adopted by the Board by reference, and without inclusion of the text thereof herein. The full text of the aforesaid statute and of the rules and regulations promulgated thereunder are available online at *Chesilhurstnj.gov/health*. Additionally, printed copies are available at the Chesilhurst Department of Health.

CHAPTER 322-2. Fees

(a) Fee for Certified Copies of Vital Statistics	\$25.00
(b) Additional Copies on Certified Paper (corrections)	\$25.00
(c) Certification of Vital Records (Informational Purposes Only)	\$20.00
(d) Corrections	\$50.00
(e) Fee for Transmittal of Certified Copies—Amount charged to Chesilhurst for Express or Overnight Mail Services	
(f) Domestic Partnership Affidavit	\$28.00
(g) Burial Permits	\$5.00
(h) Genealogical Search of Vital Records	\$20.00

CHAPTER 236 FOOD ESTABLISHMENTS

CHAPTER 236-5. Health Certificate and Retail Food Mercantile License Required.

- (a) No person, corporation, association, partnership, other legal entity, government, or governmental subdivision or agency shall operate a fixed or mobile retail food establishment as defined in the New Jersey State Sanitary Code (*Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, N.J.A.C. 8:24-1 et seq.*) within Chesilhurst except under a current valid permit or license issued by the Health Department.
- (b) Every retail food establishment shall be operated in compliance with the New Jersey State Sanitary Code.
- (c) Applications for licenses and permits shall be in such form as the Board shall prescribe and shall be accompanied by the applicable fee listed herein. Licenses and permits shall be issued if, after investigation, the Board or its authorized agent determines that the operation of the establishment will comply with the requirements of the New Jersey State Sanitary Code. Licenses and permits shall expire on December 31st of the year in which issued unless an earlier date is specified thereon and shall not be transferable.

CHAPTER 236-6. License and Permit Fees.

The following fees shall be charged for licenses and permits and shall be payable annually to the Health Department, provided that fees for licenses and permits issued for a specific date range as set forth in this section shall be payable upon issuance. Annually renewable license and permit fees are subject to annual review and formal amendment by the Board. Where the operations of an establishment encompass sales for both on-site and off-site consumption, the category that requires the larger fee shall apply. Licensees with catering operations shall notify the Health Department of the existence of such operations. Catering operations within a licensed facility shall be inspected as part of the routine facility inspection, and shall have a separate catering operation fee charged as part of the establishment license fee.

Establishment type	Fees
(a) Food Sales predominantly for on-premises consumption:	
(1) Establishments with 25 customer seats or less	\$300.00
(2) Establishments with 26-75 customer seats	\$375.00
(3) Establishments with 76-150 customer seats	\$400.00
(4) Establishments with more than 150 customer seats	\$700.00
(b) Food Sales predominantly for off-premises consumption:	
(1) 0 - 3,000 square feet per location	\$300.00
(2) 3,001 to 5,000 square feet per location	\$375.00
(3) 5,001 to 10,000 square feet per location	\$500.00
(4) Greater than 10,000 square feet per location	\$700.00
(c) Pre-Packaged Food Establishment (Non-Tobacco Merchants)	\$90.00
(d) Pre-Packaged Food Establishment (Tobacco Merchants)	\$175.00
(e) Mobile Establishments	\$120.00
(f) Food Vending Machines	\$25.00
(g) One Day Event with Baked Goods & Non-Potentially Hazardous Foods	\$45.00
(h) Temporary Establishments	\$45.00 per one day event
(1) 2-3 Day Temporary Food Licenses	\$125.00
(2) 4-7 day Temporary Food Licenses	\$225.00
(3) 8-10 Day Temporary Food Licenses	\$400.00
(i) Free Standing Caterers	\$150.00
(j) Catering Operations	
(1) Within a Licensed Facility	\$100.00
(2) Free Standing Caterers	\$150.00
(m) Farm Markets (Up to two locations per year)	\$110.00
(n) Farm Markets (\$15/day for 1 to 5 Day Markets)	\$15.00/day

- (k) Late Administrative Fee \$125.00
- (l) Review of Retail Food Establishment Plans for new or modified establishments
 - (1) Establishments with 25 customer seats or less / 0 – 3000 Sq. Ft. \$150.00
 - (2) Establishments with 26-75 customer seats / 3,001 – 5,000 Sq. Ft. \$200.00
 - (3) Establishments with 76-150 customer seats / 5,001 – 10,000 Sq. Ft. \$250.00
 - (4) Establishments with more than 151 customer seats / > 10,000 Sq. Ft. \$300.00

CHAPTER 236-11. Food Manager Certification.

- (a) Every retail food establishment, excluding those rated as Hazard Class 3 (non-hazardous foods) which do not have any on-site preparation or sale of potentially hazardous foods, shall be required to have at least one certified food manager, as defined in subsection (b) below, present to supervise the licensed premises a minimum of four hours of each eight-hour work period during which food is handled on the licensed premises.
- (b) A certified food manager is a member of the management or supervisory staff of the licensed facility who: (1) has been certified in food safety and sanitation through a course of instruction approved by the New Jersey Department of Health and/or the Health Department; or (2) any other Food Manager Course that is acceptable to the Health Department. Acceptance of a food manager course will be confirmed in writing by the Health Department.
- (c) Certified food managers shall satisfactorily complete a refresher course in food safety and sanitation every three years.
- (d) Upon request, the licensee or permittee operating a retail food handling establishment shall provide to the Health Officer or designee satisfactory proof that all food handlers have been trained in food safety and sanitation in accordance with this section.
- (e) Any violation of the provisions of this chapter shall be grounds for an enforcement action by the Health Department or Board. Such action may include the issuance of a summons in municipal court; or suspension, revocation, or non-renewal of the retail food license or permit by the Board of Health in accordance with this Code.
- (f) In the event the Health Officer or designee disapproves of the qualifications of a food manager, the individual or the licensed or permitted facility may appeal that decision in accordance with this Code.

CHAPTER 236-11. Routine Inspections.

Routine inspections of all food establishment facilities shall take place as determined by and in the discretion of the Health Officer and/or the Registered Environmental Health Specialist.

CHAPTER 236-12. Re-inspections.

- (a) Retail food establishments that fail to achieve a “Satisfactory” rating shall be subject to a re-inspection fee of \$300.00 that shall be paid prior to re-inspection of the establishment to determine if the cause for the less than “Satisfactory” rating has been corrected.
- (b) A second occurrence of a “Conditional” or “Unsatisfactory” rating for a food establishment within two years of the first “Conditional” or “Unsatisfactory” rating shall be subject to a re-inspection fee of \$600.00. The fee shall be paid prior to the re-inspection of the establishment to determine if the cause for the less than “Satisfactory” rating has been corrected.
- (c) For a third or more occurrences of a “Conditional” or “Unsatisfactory” rating for a food establishment within two years of the first “Conditional” or “Unsatisfactory”, a re-inspection fee of \$900.00 shall be charged for the third and for each subsequent event. The fee shall be paid prior to the re-inspection of the establishment to determine if the cause for the less than “Satisfactory” rating has been corrected.
- (d) A fourth occurrence within two years will also require the licensee or permittee to submit to the Health Officer or designee a corrective action plan setting forth the specific dates of the proposed implementation of the plan, the actions to be taken, and the scheduled completion date. The corrective action plan shall include the recertification of the certified food manager (s).
- (e) If the Health Officer disapproves the plan, the Health Officer may take administrative action as deemed appropriate, which may include but not be limited to the issuance of summonses and closure of the facility.
- (f) The licensee or permittee of a retail food establishment may appeal the decision of the Health Officer or designee in accordance with the procedures in this Code.
- (g) All rating certificates for food establishments are to be displayed at all times in public view on the premises for which they were issued, subject to approval of the location by the Health Officer or designee.

CHAPTER 236-13. Smoking Prohibited in Outdoor Dining Areas.

(a) All retail food establishments licensed to provide outdoor seating under this Code shall prohibit smoking in the outdoor dining area(s). Such area(s) shall be marked by sign(s) approved by the Health Officer or designee indicating the prohibition of smoking and also that violators are subject to a fine.

CHAPTER 236-14. Portable Exterior Food Storage.

- (a) Portable exterior food storage shall not be allowed on the property of licensed retail food establishments without prior approval from the Health Department. Portable exterior food storage is defined as food storage in a truck or other mobile unit parked in an exterior area of a licensed retail food establishment for a time period exceeding 48 hours.
- (b) Portable exterior food storage shall not be located within 75 feet of a residential building, and

noise levels from such exterior food storage units shall be in compliance with municipal noise ordinances.

(c) Portable food storage units shall be free from dust, flies, rodents and other vermin, obnoxious odors, and other conditions that threaten to endanger the health, safety or welfare of the inhabitants of the Chesilhurst; and shall be constructed to prevent damage to the food products from excessive heat or cold.

CHAPTER 236-15. Applicability of Smoke-Free Air Act to Retail Food Establishments.

In accordance with N.J.A.C. 8:24-10.2 (*Smoking in Restaurants and Food Stores*), all retail food establishments shall comply with the New Jersey Smoke-Free Air Act, at N.J.S.A. 26:3D-55 *et seq.* And the rules promulgated thereunder.

CHAPTER 268 HOUSING.

CHAPTER 268-8. Sanitary Condition of Dwellings.

(a) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining the common areas of the dwellings and premises thereof in a clean and sanitary condition.

b) Every occupant of a dwelling shall keep in a clean and sanitary condition that part of the dwelling which he or she occupies and controls.

CHAPTER 268- 9. Vermin or Pestilential Infestation

No house, apartment, rooms or buildings that are infested with vermin or other pestilential creatures shall be let, leased or occupied by human beings. The owner, lessor, agent or occupant of any such place upon notice from the Health Officer or designee shall immediately proceed to rid such place of said vermin or pestilential creatures by any reasonable and safe means approved by the Board of Health or Health Officer.

CHAPTER 268-10. Required Sanitary Sewer Connections; Penalty for Failure to Comply.

(a) The owner of property, along the line of any sanitary sewer now or hereafter constructed in the Chesilhurst shall connect any house or building located on such property with such sewer upon the issuance of an order to connect by the Health Department or Board of Health.

(b) Any person who shall fail to comply with any order for such connection issued by the Health Department or Board of Health within thirty days after notice by the Health Officer or designee to make such required connection shall pay to the Health Department a fine of thirty-five dollars for each day of delay after the expiration of such thirty days in which the provisions of such order or notice are not complied with.

(c) If any person shall fail to comply with any order for such connection issued by the Health Department or Board of Health within sixty days after the notice by the Health Officer or designee to make such required connection pursuant to subsection (b) above, then, in addition to the penalties set forth in subsection (b) above, Chesilhurst may, upon approval by the Chesilhurst Council of a request by the Board of Health, and upon the expiration of ten days' notice to the property owner, complete all work necessary for the connection with its own forces or by a contractor engaged for that purpose, in accordance with the New Jersey Local Public Contracts Law. All of Chesilhurst's costs associated with the performance of the

work shall, after certification to and approval by the Chesilhurst Council, become a municipal lien on the property to be served by the connection and shall be added to and form part of the taxes next to be assessed and levied thereon and shall be enforced and collected with interest by the tax collector in the same manner as taxes in Chesilhurst.

(d) The notices described in subsections (b) and (c) may be served upon any such owner by certified mail, return receipt requested, or in person or by leaving it at the last known place of residence with a person over the age of eighteen years.

CHAPTER 268-11. Assistance to Municipality.

As necessary, the Health Officer or designee will assist Chesilhurst municipal staff and officials in connection with housing matters.

CHAPTER 359. STANDARDS FOR CONSTRUCTION AND MAINTENANCE OF A CESSPOOL, PRIVY OR INDIVIDUAL ON-SITE SEPTIC DISPOSAL SYSTEM.

CHAPTER 359-1. Adoption of State Code.

A code regulating the location, design, construction, installation, alteration, operation and maintenance of individual subsurface sewage disposal systems, known as *Standards for Individual Subsurface Sewage Disposal Systems* (N.J.A.C. 7:9A-1.1 *et seq.*), is hereby adopted pursuant to *N.J.S.A. 26:3-69.1 to 26:3-69.6*. A copy of the code, as amended in this chapter, is made part of this chapter without specific inclusion of the text herein. The full text of the aforesaid code is available online at Chesilhurstnj.gov/health. Additionally, printed copies are available at the Chesilhurst Department of Health for the use of and examination by the public.

CHAPTER 359-2 Future Amendments.

The code established and adopted by this chapter may be further amended by the Board of Health as provided by law.

CHAPTER 359-3. Professional Review of Site Data.

After notice to the applicant, the Board may submit data filed with it by an applicant for system, site, and/or design approval to a professional engineer, soils specialist or other duly qualified professional (as determined by the Board) when an ambiguity or discrepancy in the soil evaluation data exists, when the proposed system is highly engineered or otherwise requires a highly technical review, or when the Board's authorized agent certifies to the Board that said agent is unable to conduct a review of the data because the system proposed is beyond the scope of the agent's knowledge, expertise, or experience. The cost of the professional's review will be the responsibility of the applicant and final action upon the application shall be deferred until said fee has been paid to the Chesilhurst Board of Health.

CHAPTER 359-4. Adoption of Amendments.

The Standards for Individual Subsurface Sewage Disposal Systems, cited as N.J.A.C. 7:9A-1.1 *et seq.*, are amended by the Board as follows:

1. N.J.A.C. 7:9A-1.6 General Prohibitions is amended by the addition of subparagraph (j):

(j) The installation or replacement of garbage grinders is prohibited.

2. N.J.A.C. 7:9A-2.1 Definitions is amended as follows:

As-built means a drawing (8.5 x 14 inches) to scale of a plot plan made by a licensed land surveyor, signed and sealed certifying to the location, configuration, and exact tie-down measurements of all the subsurface sewage disposal system components after the installation of such has been completed.

Completed septic system means a properly located, constructed and installed septic system that has been connected to the source of the wastewater.

Installer is any person who is in the business of installing or excavating individual subsurface sewage disposal systems or any parts thereof.

Source of the wastewater shall mean a house, building, or realty improvement that generates sanitary sewage, or is capable of generating sanitary sewage.

2. Section 7:9A-3.5 Permit to Construct or Alter, is amended by the addition thereto of the following subparagraphs:

(a) Permits and Approvals in General. No person shall locate, construct, or alter a subsurface sewage disposal system until a permit for the location, construction or alteration of such system shall have been issued by the Board, or its duly authorized agent. Permits shall be issued only after the appropriate approvals have been granted by the Board. Permits to construct or alter an individual sewage system shall be valid for two years from date of issuance. The Board, on recommendation of the Health Officer, may grant in writing an extension of time not to exceed one year for good cause shown. The individual sewage system shall be constructed and put into use during the time frame of the permit. Thereafter, a new permit will be required and must be issued in accordance with the provisions of this chapter.

Permits may be issued only on the basis of tests taken within the previous twelve calendar months, except that the Board may grant in writing an extension of time not to exceed six months if in its judgment the results of the test are still valid.

(c) Location of all soil profile pits, soil borings and permeability tests, including all tests outside of the area of the proposed system and any abandoned test sites.

(d) Approval of System Design - Prior to the Health Department's design review the applicant shall submit a site specific detailed engineering design, a completed application form, and checklists which will be provided by the Board, the required fee for design review and permit issuance, together with any other information deemed necessary by the Board's authorized agent to aid in the Board's design review. Following review, the Health Department shall approve, approve with modifications, or reject the application. The authorized agent shall forthwith either issue or deny the permit.

(e) Conditions on Approvals - The Board, in its discretion, may attach reasonable conditions to any approval granted, to insure that the purposes of this ordinance are achieved. Fulfillment of the conditions attached to the approval shall be a condition precedent to subsequent Board approvals and/or permit issuance.

(f) Validity of Approvals - Approvals granted subsequent to the effective date of this Amendment, shall

remain valid until the State Code changes as to render the approval invalid or to require that the septic system be altered in such a way as to make it in compliance with the current State code.

3. N.J.A.C. 7:9A-3.6 (Witnessing of Soil Evaluation and Testing) is amended with the following addition:

(c) In the event of a waiver of the requirement for witnessing of soil evaluation or testing procedures which are identified in (a) above, the Board will direct a Health Department employee with at least three years of experience in such observation under the supervision of a Registered Environmental Health Specialist or licensed Health Officer, and successful completion of approved continuing education courses in septic/soil science, to observe soil evaluations and testing procedures. These observations shall be noted in writing and reported to the Board's Registered Environmental Health Specialist and/or Health Officer.

4. N.J.A.C. 7:9A-3.13 (Certificate of Compliance) subparagraph is amended to read as follows:

(a.1) The Board may issue a certificate of compliance if a licensed professional engineer submits to the Board, a statement in writing, signed and sealed by him or her that the said system has been located, constructed, installed or altered in compliance with the requirements of these standards and the approved engineering design. Prior to the issuance of a certificate of compliance, the Board shall require that the septic system design engineer submit to the Board a signed statement in writing or on forms provided by the Board that the completed septic system has been located, constructed and installed or altered in compliance with these standards and the approved engineering design, together with two as-built plans (see definitions) (as-built plans shall be 8.5 x 14 inches in size). For septic systems that have been altered, the design engineer shall submit two copies each of the select-fill percolation tests, select-fill textural analysis, select-fill tube permeameter tests, as-built plans and the Engineer's Certificate of Compliance form within thirty days of completion of the alteration.

(d) A person shall not commence operation or use of an individual subsurface sewage disposal system until a certificate has been issued by the administrative authority or its authorized agent indicating that said system has been located, constructed, installed or altered in compliance with this chapter. The certificate of compliance will not be issued until such time as the licensed professional engineer who prepared the system design has submitted a Septic Construction Documentation Form and an as-built plan which shows a surveyed location for the final installation. An as-built plan for existing buildings must be submitted within 10 days of completion of construction of the septic system. The issuance of a certificate of compliance shall constitute only certification that the individual subsurface sewage disposal system has been constructed, located, installed or altered in conformance with this chapter. It shall not be construed as a guarantee that the system will function satisfactorily, nor shall it in any way restrict the powers or responsibilities of the Board or the Department in the enforcement of any law or ordinance relating to public health and safety or environmental protection.

5. N.J.A.C. 7:9A-3.14 (License to Operate) subparagraph (a) is amended to read as follows:

(a) The Board or its authorized agent shall issue a license to operate and a copy of the operation and maintenance manual issued by the New Jersey Department of Health to the applicant and/or the owner at the time that a certificate of compliance is issued.

6. N.J.A.C. 7:9A-3.16 (Prior Tests) subparagraph (a) is amended to read as follows:

(a) All field site evaluation test results and data, including but not limited to percolation test results, soil log test results, pit bail test results, basin flood test results and other tests required by the Board may be used as design criteria for subsurface sewage disposal systems, if such tests were conducted within the twelve months immediately preceding the date of submission of the application for site approval for a subsurface sewage disposal system. Site evaluation tests conducted more than twelve months before the date of

application for site approval may be used as design criteria for subsurface sewage disposal systems, if there have been no subsequent changes in this Code with respect to the testing procedures or data in question between the date the field work was conducted and the date the application for site approval was submitted or if there has been no significant land disturbance where the subsurface sewage disposal system is to be located.

7. N.J.A.C. 7:9A-3.20 (Hearing Procedures) is amended to read as follows:

(a) In case any permit, certification or determination required by this chapter is denied, a hearing shall be held concerning such denial before the Board within thirty days after the receipt of a written request has been made by the applicant or aggrieved party. The applicant or aggrieved party shall have fifteen days from the date of the denial to request such a hearing. Upon such hearing the Board shall affirm, alter or rescind the determination from which the appeal is taken. The Board shall state, on the record, the reasons for any action taken at such hearing. The Board's decision shall be rendered within 15 days after the conclusion of the hearing. In the event that the Board determines to alter or rescind the previous determination, action pursuant to such Board determination shall be taken within thirty days after the date of such hearing. The times set forth herein may be extended or otherwise altered by mutual consent of the applicant or aggrieved party and the Board.

8. N.J.A.C. 7:9A-4.2 (Location Generally) is amended by the addition thereto of the following subparagraph:

(c) On those sites where observed limiting zones dictate that a mounded disposal field or a mounded soil replacement disposal field must be utilized, it shall be the responsibility of the engineer to test thoroughly all areas of the proposed site so that the Board can be reasonably satisfied that the contemplated design submitted for approval utilizes a disposal field which has the lowest possible profile above existing grade that is consistent with the Board's goal of achieving the best system possible for the protection of the public's health, safety, and welfare given the observed limitations at the site.

9. N.J.A.C. 7:9A-6.1 (General Provisions for Permeability Testing) is amended by the addition thereto of the following subparagraph:

(a) When the select fill has been emplaced and compacted in the disposal field, the engineer shall perform a permeability test in the top fourteen (14) inches of the emplaced and compacted fill. This test shall be observed by an authorized representative of the Health Department. The type of permeability test performed shall be determined by the engineer.

10. N.J.A.C. 7:9A-7.2 Construction is amended by the addition thereto of the following subparagraphs:

(c) No person shall perform the services of an installer unless he shall have registered as an installer with the Board. Application for registration shall be on forms prescribed by the Board. If at any time after a person has registered as an installer with the Board, the information previously supplied to the Board in connection with obtaining that registration shall have changed, the installer shall within 5 business days notify the Board of the change and provide it with the correct information.

(d) A septic installer's registration shall be revoked by the Health Officer for failure of the installer to comply with the provisions of this chapter. An installer will be notified of the specific actions or items that are in noncompliance within fourteen working days of the violation. The installer will be given the opportunity to address or answer the specific charges at an informal hearing with the Health Officer. Upon determining that the charges are valid and supported by evidence, the Health Officer may revoke, suspend, write a summons, place on probation, or take any action that is permitted by State law and Chesilhurst

ordinances. The following items set forth below constitute the terms and conditions upon which an installer's registration will be reinstated:

1. Prior to reinstatement, a detailed plan of the installer's installation procedures shall be submitted to the Health Officer for review and approval. Upon approval of the plan and execution of a written agreement between the Health Officer on behalf of the Board of Health and the installer certifying compliance with the requirement of this chapter and including additional provisions consistent with the requirements set forth in this section, a temporary one year registration as a septic installer shall be issued.
2. The installer will be required to provide a certificate of insurance for a period of one year from the date of agreement between the installer and the Board or Health Officer. This certificate must name the Board as an additionally insured entity in the event of any claim for damages or defects to the septic systems installed or repaired by the installer. The insurance coverage shall be subject to review and approval by the Board attorney. The cost of said review of the insurance coverage will be the responsibility of the installer.
3. All subcontractors that an installer may use must be registered with the Board.
4. If there are any Code violations observed, reported to the Board and verified, during the one year period mentioned above, the installer may be permanently removed from the list and prohibited from performing septic work in Chesilhurst.
5. If the Board or Health Officer determines that there has been violation(s) by the installer on lots or properties predating the start of the one year period, any such violation(s) must be commenced within 20 days and fully corrected within 60 calendar days after the date of written notification from the Health Department. Noncompliance may lead to permanent revocation. In the event violations are determined as described in paragraphs 3 and 4 above and/or in this paragraph 5, and before any action is taken by the Health Officer, the installer will have 15 days from the date of the notification to present to the Health Officer evidence or information to refute the violation(s). The Health Officer will confirm, modify or reverse the determination of violation(s) within 10 business days after receipt of the evidence or information from the installer. It is the duty of the Health Department to safeguard the public from practices by septic installers which may not be in the interest of the public health, safety and welfare. The quality of all septic installations and repairs must be consistent with State and local codes.

3.3 Individual Onsite Septic Disposal System Fees

(a) Septic System Application (New System)	\$775.00
(b) Soil Evaluation Witnessing (New or Altered)	\$150.00 per hour
(c) Soil Evaluation Witnessing for a Septic Repair	\$75.00 per hour
(d) Septic Repair Permit (minor repairs and replacement in kind)	\$100.00
(e) Septic Repair Permit (Tank and Disposal Field)	\$200.00
(f) Septic Plan Alteration	\$600.00
(g) Septic Plan Review (Repair)	\$75.00
(h) Septic Plan Revision	\$350.00

- (i) Septic Abandonment Permit (not for systems that are being connected to a sanitary sewer) \$75.00

4. Section 4. Wells

The fees for wells are follows:

- (a) Well Permits (New Potable or Irrigation) \$150.00
- (b) Well Permit (Repair) \$75.00
- (a) Well Abandonment \$75.00

CHAPTER 403. GARBAGE AND WASTE MATTER.

CHAPTER 403-1. Purpose.

The purpose of this chapter is to assure that residential and commercial garbage and waste are managed in a way that eliminates to the greatest extent possible the development of any condition that endangers public health, safety or welfare.

CHAPTER 403-2. Containers Required.

- (a) The owner of every dwelling that contains three or more dwelling units shall provide and keep at such premises a sufficient number of receptacles of suitable type. In dwellings containing no more than two dwelling units it shall be the responsibility of the occupant(s) to provide a sufficient number of receptacles of suitable type in addition to recycling receptacles required by State, County or Municipal government.
- (b) For the purposes of this chapter, a sufficient number shall be deemed to be at least three (two for recycling and one for garbage) receptacles for each dwelling unit. Commercial or business establishments not involved in the retail or wholesale aspects of food or beverages preparation or sale shall provide a minimum of two receptacles or more if the Health Officer or designee deems it necessary in view of the actual volume of garbage waste generated daily.
- (c) Retail and wholesale food establishments, including supermarkets, grocery stores, delicatessens, restaurants, taverns, butcher shops, fish markets, bakeries, and all other eating establishments shall provide for an adequate number, type and size of disposal units, receptacles, dumpsters or compactors based on the actual volume of garbage generated daily.
- (d) The owner of a building that contains commercial and dwelling units shall provide and keep at such premises a sufficient number of receptacles, dumpsters, or compactors to accommodate the garbage generated from the building.

CHAPTER 403-3. Types of Containers.

(a) Containers shall be constructed of watertight metal, rubber or heavy duty plastic with tight-fitting covers to prevent spillage or leakage. Each receptacle for residential use shall have a capacity of not more than 30 gallons and be equipped with suitable handles for lifting.

(b) Multiple dwelling units, industrial premises and commercial establishments, including food handling establishments, may have containers of greater capacity, such as dumpsters, provided they meet specifications as being suitable receptacles and are equipped for handling by motorized equipment. They shall be cleaned, rinsed and sanitized after emptying at regular intervals, and replaced by the same type of receptacles when removed for emptying. When dumpsters are used the covers must be kept closed at all times when not in use, and the dumpsters secured from overturning. Replacement receptacles shall comply with the requirements of this chapter.

(c) It shall be the duty of homeowners, tenants or occupants of residential dwellings to replace receptacles in the event of deterioration, breakage or vandalism, and to clean the area in the event of spillage. Replacement receptacles shall comply with the requirements of this chapter.

CHAPTER 403-4. Storage Area Maintenance and Cleanup. .

(a) All garbage and waste matter shall be stored in suitable containers at all times. The area around trash cans and other containers shall be maintained in a clean and sanitary manner. Overflowing trash shall be picked up and placed in additional containers.

(b) The accumulation of litter or refuse on any property is prohibited. The person or persons responsible for deposit of litter or debris on any property shall be liable for cleanup and removal. Whether or not the source of the litter or debris is known, the property owner shall be liable for prompt cleanup and removal.

(c) Failure to provide for adequate storage facilities prior to disposal and for the regular maintenance of the storage and disposal area, as determined by the Health Officer or designee, by any commercial or business establishment shall make the owner, tenant or occupant liable and may result in the imposition of a fine.

CHAPTER 403-5. Location on Premises.

Receptacles on the premises for the storage of garbage, rubbish and refuse shall be conveniently located and maintained with lids and covers in place and in such manner as to prevent creation of a nuisance or endanger the public health.

CHAPTER 403-6. Preparation for and Frequency of Collection

(a) Garbage and recycled materials from residential premises shall be placed in suitable receptacles at the curb for regular collection in compliance with the collection schedule set by the municipality of Chesilhurst, the Chesilhurst Code and this chapter.

(b) Items placed at the curb for recycling or regular garbage pick-up shall be secured in the manner as may be specified by the garbage or recycling hauler and/or the Camden County Improvement Authority, to prevent scattering while awaiting or during collection.

(c) Occupants of commercial or business premises shall arrange for removal of garbage and refuse as often as necessary to handle the amount of waste generated.

(d) No owner, tenant of rental property or agent for either shall place property infested with insects in the public right-of-way for disposal in the municipal waste stream unless when, as a result of an insect infestation, affected personal property is placed into the public right-of-way for disposal in the municipal waste stream, the owner or agent of the owner of the real property ensures that the person placing the property in the public right-of-way shall completely seal the containers and clearly mark on the outside to indicate the date of placement into the right-of-way and nature of the infestation.

CHAPTER 403-7. Garbage Truck Regulations for Licensed Operators.

(a) All garbage operators must be licensed in accordance with State law and the regulations of the State Public Utilities Board, and shall comply with the laws, regulations and orders of the State Health Department, State Department of Environmental Protection, the Board of Health, and with the ordinances of Chesilhurst.

(b) Vehicles shall be properly covered and maintained to prevent the scattering, spillage, or seepage of either solid or liquid waste matter onto private or public property.

(c) Any garbage collector who shall spill or scatter solid or liquid waste shall immediately collect, pick-up, or wash down said waste as may be necessary for its proper disposal. No garbage collector shall permit the throwing or scattering of receptacles, but shall place them in upright position at the curb.

CHAPTER 358. MAINTENANCE OF GRASS AND VEGETATION.

CHAPTER 358-23. Maintenance of Grass for Residential and Commercial Properties.

It shall be unlawful for an owner or tenant of lands within the limits of the Borough to allow to accumulate on said lands any brush, grass, weeds, roots, hedges, or other obnoxious growth. Grass shall be maintained so as not to exceed twelve inches in height in any area of a residential or commercial property, except for properties exceeding one acre in size. For properties exceeding one acre in size, any section of the perimeter of the property which abuts another residential or commercial property shall maintain a perimeter border area of twenty feet in width in which the grass or vegetation does not exceed twelve inches in height. Areas which are designated as natural areas as part of Planning Board approvals or as wetlands or wetlands buffer Areas as designated by NJDEP shall be exempt from this section.

CHAPTER 358-24. Determination of nuisance, hazard, and the infestation of Grass and Vegetation.

It shall be unlawful for an owner or tenant of lands within the limits of the Borough to allow the accumulation on said lands of any brush, grass, weeds, roots, or other obnoxious growths. All grass and vegetation on property in Chesilhurst shall be maintained so as to prevent infestation by vermin or other pestilential creatures. The owner, lessor, agent or occupant of any such property, upon notice from the Health Officer, shall immediately proceed to rid such property of said vermin or pestilential creatures by any reasonable and safe means approved by the Health Officer or designee.

CHAPTER 320 NUISANCES, PUBLIC HEALTH

CHAPTER 320-18. Requirements and Prohibitions.

(a) No person shall remove lead base paint from the exterior surfaces of a house or other structure by the method of Unconfined Power Sanding.

(b) When exterior lead base paint is removed by Confined Power Sanding or other methods such as scraping, manual sanding or power washing, drop cloths or plastic ground cover shall be used as much as

possible to catch chips and dust from these methods of paint removal. Chips and dust that fall onto the ground shall be cleaned to sight.

(c) Prior to removal of exterior lead base paint, windows of the structures being painted shall be closed and sealed with tape or other barrier to prevent entry of chips and dust into the interior of the house. Interior surfaces of windows shall be wet wiped or damp mopped after scraping.

(d) Immediately following paint removal, cleanup of dust and chips on window surfaces, driveways, sidewalks and other ground surfaces shall be performed. Paint dust and chips shall not be dispersed by blowers or hose water. Paint chips and dust collected shall be placed in double plastic bags of not less than 3 mils each of thickness and not weighing more than twenty pounds each.

(e) The aforesaid bags of collected paint chips and dust shall be left with the owner or resident who shall dispose of them in the next regular municipal household garbage collection.

CHAPTER 320-19. Violations; Penalties.

(a) The Health Officer or designee may issue an order to a person who is using or has used unconfined power sanding to cease immediately, and/or to clean and remove leaded paint chips and dust, as required by law and regulation and within the time frame as directed by the Health officer or designee.

(b) Any person who violates any provision of this chapter shall be subject to a penalty of not less than \$100.00 or more than \$500.00 and/or appropriate injunctive relief.

CHAPTER 325. CUTTING OF PAVERS, BRICK, CONCRETE AND SIMILAR MATERIAL; SANDING OF FIBERGLASS; POWER WASHING WITH BLEACH.

CHAPTER 325-1. Findings.

(a) Medical and scientific evidence indicates that dust generated by cutting of masonry substances be it pavers, bricks, concrete blocks, stone or other hard material as well as dust generated by the sanding of fiberglass decks and the diffusion into the atmosphere of bleach where bleach is used by contractors power washing buildings is detrimental to the health of persons who come in contact with the substances so generated.

(b) Health hazards induced by breathing air pollutants as hereinabove described in subsection (a) of this section may include lung cancer, heart disease, respiratory infection, decreased respiratory function and bronco-constriction and bronco-spasm.

(c) The Board of Health has determined that the public health of the residents of and the visitors to Chesilhurst will be promoted by eliminating exposure in Chesilhurst to the pollution pollutants described in subsection (a) of this section.

CHAPTER 325-2. Purpose.

The purpose of this chapter is to protect and promote the public health and welfare by adopting regulations concerning the generation of the pollutants described in herein.

CHAPTER 325-3. Requirements and Prohibitions.

(a) Any person engaged in the cutting of masonry products, including but not limited to brick pavers, bricks, concrete blocks, stone or other hard material shall perform such cutting only by using dampened cutting disks or water dampened cutting saws to control to the greatest extent possible the dispersion of dust generated by

such cutting; and

(b) any person sanding or cutting any fiberglass product or fiberglass deck shall do so in a manner that captures to the greatest extent possible the particles of ground fiberglass generated by the cutting or sanding operation; and

(c) any person utilizing bleach when power washing any building, deck, patio, walkway, driveway, vessel or any other object in Chesilhurst shall do so in such a way that airborne mist generated by the power washing operation is completely contained on the site where the power washing operation is being conducted and will not drift onto any adjoining property.

CHAPTER 325-4. Violations: Penalties.

(a) The Health Officer or designee may issue an order to a person who is in violation of this chapter to cease immediately all prohibited practices and to clean and remove all dust, particles and other pollutants as required by applicable law and regulation, and within the time frame as directed by the Health Officer or designee.

(b) Any person who violates any provision of this chapter shall be subject to a penalty of not less than \$100.00 or more than \$500.00 and/or appropriate injunctive relief.

CHAPTER 324. QUARANTINE AND ISOLATION

CHAPTER 324-1. Adoption of State Model Code.

A model code concerning quarantine and isolation procedures is hereby adopted pursuant to *N.J.S.A. 26:3-69.1 to 26:3-69.6*. A copy of the code, *Quarantine and Isolation - Model Rules for Local Boards of Health (N.J.A.C. 8:57-1, Appx. B)* is made part of this chapter without specific inclusion of the text herein. The full text of the aforesaid model code is available online at *Chesilhurstnj.gov/health*. Additionally, printed copies are available at the Chesilhurst Department of Health.

CHAPTER 200. SMOKING PROHIBITED IN PUBLIC PLACES.

CHAPTER 200-1. Definitions.

As used in this chapter:

Enclosed Area means all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

Municipal Buildings means all structures owned, leased, rented and/or operated by Chesilhurst, and/or occupied by employees and used for official business of the Chesilhurst.

Parks and Recreational Facilities means all public parks, playgrounds, ball fields, swimming pools, plazas publicly owned or leased by Chesilhurst, and all property owned or leased by Chesilhurst upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities.

Smoking means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that

can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

CHAPTER 200-2: Prohibition of smoking in public places; signs.

- (a) Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this section. The signs, as approved by the Health Officer, shall be clearly visible to the public and shall contain letters or a symbol, indicating that smoking is prohibited therein and that violators are subject to a fine.
- (b) Smoking shall be prohibited within a thirty-five (35) foot radius of all entrances of all Municipal Buildings. No smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section), as approved by the Health Officer, shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five (35) foot perimeter of all entrances of all Municipal buildings where smoking is prohibited by this section. The signs shall be clearly visible to the public and shall contain letters or a symbol which shall also indicate that violators are subject to a fine.
- (c) Smoking shall be prohibited in all public parks and recreation facilities owned or leased by Chesilhurst and all property owned or leased by Chesilhurst upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities. No smoking signs or the international no-smoking symbol, as approved by the Health Officer, shall be conspicuously posted in the areas where smoking is prohibited. The signs shall be clearly visible to the public and shall contain letters or a symbol which shall also indicate that violators are subject to a fine.
- (d) Smoking shall be prohibited in all municipal vehicles registered to Chesilhurst.

CHAPTER 200-3. Enforcement.

This chapter shall be enforced by the Chief of Police, Health Officer, or their authorized designees.

CHAPTER 200-4. Violations; Penalties:

Any person who violates any provision of this chapter shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1,000.00) for each subsequent offense, or as ordered by the court. Any municipal employee found in violation of this section may also be subject to discipline in accordance with the provisions of the Chesilhurst Personnel Manual.

CHAPTER 201. RETAIL SALE OF TOBACCO PRODUCTS.

CHAPTER 201-1. Definitions

As used in this chapter:

Health department shall mean the Chesilhurst Health Department.

Health Officer shall mean the Chesilhurst Health Officer and/or his or her authorized representative.

Nicotine delivery product shall mean any product that is designed to deliver nicotine or vapor, including, but not limited to, what are commonly known as “e-cigarettes” or other types of electronic smoking devices, or any cartridge or other component of such device, or related products including but not limited to any substances used in such devices, such as liquids or powders or other forms of tobacco, but excluding United States Food and

Drug Administration approved nicotine patches or nicotine chewing gum.

Person shall mean an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Tobacco shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling and other personal use including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form.

Tobacco retailer shall mean any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco or nicotine delivery products are made to purchasers for consumption or use. The term shall also mean any person or entity that owns, operates or uses a tobacco vending machine and/or a tobacco vending machine location as defined herein.

Tobacco vending machine shall mean any automated, self-service device which, upon insertion of money, tokens, or other form of payment, dispenses nicotine delivery products, cigarettes, or other tobacco products.

Tobacco vending machine location shall mean the room, enclosure, space or area where a tobacco vending machine is installed and operated.

CHAPTER 201-2. Requirements and Prohibitions.

A. No person shall sell tobacco or nicotine delivery products in Chesilhurst unless an employee of the establishment controls the sale of such products. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of tobacco or nicotine delivery products shall be prohibited.

B. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of 21 years.

C. Tobacco Retailers shall conspicuously post and reasonably maintain signs having a minimum size of six inches by eight inches where tobacco or nicotine delivery products are displayed and at all check-out counters notifying customers that proof of age is required to purchase tobacco or nicotine delivery products.

D. Any person selling tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than 21 years of age. No such verification is required for any person over the age of 26. No clerk shall sell tobacco or nicotine delivery products to a person less than 21 years of age who has a note or any form of communication from any person, including an adult.

E. No person or tobacco retailer selling tobacco or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Chesilhurst Board of Health Ordinances and State laws pertaining to the sale or distribution of tobacco and nicotine delivery products and has signed a statement that the employee has read such ordinances and State laws. Such form statement will be supplied by the Health Department and the signed original statement shall be filed with the Health Department and a copy shall be kept on file by the tobacco retailer and made available for review by the Health Department.

CHAPTER 201-3. Enforcement.

A. The enforcement authority for this ordinance shall be the Chesilhurst Health Officer or his/her designee.

B. The Health Officer may, after giving proper identification, inspect any matter, thing, premise, place,

person, record, vehicle, incident, or event as necessary to execute his or her official duties in a manner prescribed by law.

C. It shall be unlawful for any person to molest, willfully oppose, verbally abuse or otherwise obstruct the Health Officer in his enforcement of this ordinance, and the Health Officer may request the assistance of the Chesilhurst Police Department or other police agency or peace officer when necessary to execute his or her official duties in a manner prescribed by law.

D. Citizens may bring complaints against violators of this ordinance.

CHAPTER 201-4. Penalties.

A. A person who violates the provisions of this ordinance, including any employee of a retail dealer licensee under P.L. 1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides tobacco product to a person under 21 years of age, shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for the third and each subsequent violation. Complaint shall be made in the municipal court of Chesilhurst or before such other judicial officer having authority under the laws of the State of New Jersey

B. Each sale of tobacco and or nicotine delivery product to any person under the age of 21 shall constitute a separate violation.

C. In addition to the penalties set forth in subsection 4.A above, the Chesilhurst Board of Health may suspend the Retail Food Establishment License of any person convicted of violation of this ordinance, for a period of not more than 3 days, pursuant to the authority of the Board of Health to license and regulate food establishments as provided by N.J.S.A. 26:3-31(c).