

CHAPTER XXVIII

HEALTH AND ENVIRONMENT

ARTICLE I

ADMINISTRATIVE PROVISIONS AND PROCEDURES

28-1 DIVISION OF HEALTH OF THE DEPARTMENT OF COMMUNITY SERVICES.

28-1.1 Authority.

The Division of Health of the Department of Community Services is designated as the authority to exercise the powers prescribed by this chapter. (Code 1971 § 50-1; Ord. #11-10)

28-1.2 Powers of Division of Health of the Department of Community Services.

The Division of Health of the Department of Community Services is authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following in addition to others herein granted:

- a. To investigate the condition herein referred to.
- b. To administer oaths, affirmations, examine witnesses and receive evidence.
- c. To enter upon property for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- d. To appoint and fix the duties of such officers, agents and employees as is deemed necessary to carry out the purpose of this chapter.

(Code 1971 § 50-8; Ord. #11-10)

28-1.3 Authority Supplemental to that of Municipality.

Nothing in this chapter shall be construed to abrogate or impair the power of the Municipality or any Officer or Department to enforce any provisions of its Charter, or its ordinances or regulations, nor to prevent or

punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred upon the Township by any other law or ordinance.

(Code 1971 § 50-9)

28-1.4 Penalty.

Any person who violates any of the provisions of this chapter shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5. Each violation of any of the provisions of this chapter, and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

(Ord. 10-20-81 § 15-A-5)

ARTICLE II

UNHEALTHFUL CONDITIONS

28-2 UNHEALTHFUL CONDITIONS; ABATEMENT PROCEDURES.

28-2.1 Designation of Unhealthful Conditions.

For the purpose of this section, the Division of Health of the Department of Community Services may determine that there exists a condition which is dangerous or injurious to the health and safety of a person where the condition exists, or dangerous or injurious to the health and safety of neighboring dwellings or persons. Such conditions may include (without limiting the generality of the foregoing) improper drainage occasioned by construction, development, alterations or repairs affecting the topography of the land or the previous water or drainage courses resulting in flooding, contamination, pollution, erosion, excessive turbidity, the depositing of silt or other matter neighboring properties, affecting the structural soundness of buildings and structures.

(Code 1971 § 50-2; Ord. #11-10)

28-2.2 Issuance of Complaint and Notice of Hearing.

Whenever a petition is filed with the Division of Health of the Department of Community Services by a public authority, as defined in N.J.S.A. 40:48-2.4, or at least by five (5) residents of the Township, or the division of Health of the Department of Community Services on its own motion, charging that the condition as herein defined exists, if preliminary investigation discloses a basis for such charges there shall be issued and such land and property, wherein the condition emanates, a complaint stating the charges in that respect. The owner and/or parties of interest of such land or property shall be permitted a reasonable period of time to abate the violation or potentially dangerous or injurious condition, as determined by the Health Officer or his

designee. Where the public is at immediate risk, the Health Officer or his designee may require immediate abatement.
(Ord. #11-10)

28-2.3 Action by Department in Case of Non-compliance.

If the owner, occupant or other parties in interest fail to comply with the order to abate, the Department of Community Services may cite the responsible party by issuing a complaint in Municipal Court or may cause such condition to be corrected, altered or improved, or may contract for the correction thereof after advertisement for and the receipt of bids therefor, provided, however, that if the condition is of an emergency nature, as determined by the Township Council, then the requirement as contained herein for bids may be dispensed with.
(Ord. #11-10)

28-2.4 Costs a Lien; Copies to Interested Parties; Right of Contest.

- a. The amount of (1) the cost of the filing of legal papers, expert witnesses fees, search fees and advertising charges incurred in the court of any proceeding taken under this section determined in favor of the Township, and (2) such costs of such repairs, alterations or improvements in the correction of the condition, as herein defined, shall be a Municipal lien against the read property upon which such costs were incurred, including the costs on all other properties affected requiring repairs, alterations and corrections occasioned by the initial condition.
- b. A detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor, or other custodian of records of tax liens, and a copy thereof shall be forthwith forwarded to the owner, occupant or other parties in interest by registered mail.
- c. Nothing in this section shall be construed to impair or limit in any way the power of the Township to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. Any owner or part in interest may, within sixty (60) days from the date of the filing of the lien certificate, proceed in summary manner in the Superior Court in contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

(Code 1971, § 50-6)

28-2.5 Service of Complaints or Orders.

Complaints or orders issued by the Department of Community Services pursuant to this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Department of Community Services in the exercise of reasonable diligence, the Department of Community Services shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two (2) successive weeks in a newspaper printed and published in the County of Morris. A copy of the complaint or order shall be posted in a conspicuous place on the affected property.
(Code 1971 § 50-7; Ord. #11-10)

28-3 RESERVED.

ARTICLE III

FOOD AND BEVERAGES

28-4 RETAIL FOOD ESTABLISHMENTS AND VENDING MACHINES.

28-4.1 Adoption of Code by Reference.

A code regulating retail food establishments and food and beverage vending machines and fixing penalties for violations is established pursuant to N.J.S.A. et seq.
(Code 1971 § 46-1)

28-4.2 Title.

The Code established and adopted by this section is commonly known as Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, of the New Jersey State Sanitary Code.
(N.J.A.C. 8:24-1 et seq.)
(Code 1971 § 46-2; Ord. #08-17 § 1)

28-4.3 Copies on File.

Copies of Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (N.J.A.C. 8:24-1.1 se seq.), have been placed on file in the office of the Department of Community Services and will remain on file for the use and examination of the public.
(Code 1971 § 46-3; Ord. #08-17 § 2; Ord. #11-10)

28-4.4 License Required.

It shall be unlawful for any person to operate a retail food establishment or any type of food and beverage vending machine, as defined in and governed by Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (N.J.A.C. 8:24-1.1 et seq.), without first obtaining approval by issuance of an appropriate license from the Department of Community Services. The license shall be displayed in a conspicuous place where it may be readily observed by all patrons. (Code 1971 § 46-4; Ord. #08-17 § 3; Ord. #11-10)

28-4.5 Food-Handling Training Course.

- a. It shall be mandatory for each retail food establishment doing business in the Township of Rockaway to be represented by a manager or owner at each annual food-handling training course presented by the Rockaway Township Health Department. A certificate of completion shall be awarded.
- b. New retail food establishments shall be allowed to open and operate until the next annual food-handling course is given. The Rockaway Township Health Department shall provide an overview of regulatory requirements to managers and or owners prior to the issuance of a retail food license.
- c. Retail food establishments licenses shall not be renewed until the applicant receives a certificate of completion as provided in this article from the Rockaway Township Health Department.
- d. Retail food establishments which maintain satisfactory inspection ratings for the current and previous licensing year may be exempted from mandatory course attendance by the Township’s Health Officer.

(Ord. #97-10 § 2)

28-4.6 License Fee for Retail Food Establishments.

The annual fees for licensure of retail food establishments are hereby fixed as follows:

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|----|---|----------|
| a. | Food and drink (non-seating) | \$50.00 |
| b. | Temporary food and drink
(non-seating for less than 14 days) | \$25.00 |
| c. | Supermarket (more than 25,000 | \$200.00 |

square feet)

- | | | |
|----|---------------------------------|----------|
| d. | Mobile food and drink | \$50.00 |
| e. | Restaurants (seating capacity): | |
| | 1-50 seats | \$65.00 |
| | 51-100 seats | \$85.00 |
| | Over 100 seats | \$105.00 |
| f. | Food court | \$65.00 |
| g. | Reinspection fees: | |
| | Reinspection | \$100.00 |

Additional reinspections within a 36-month period from a prior Reinspection.

(Code 1971 § 46-5; Ord. #93-36 § 1; Ord. #97-10 § 3; Ord. #08-17 § 5)

28-4.7 License Fees for Food and Beverage Vending Machines.

The fees for licensure of Food and Beverage Vending Machines are hereby fixed as follows:

- | | | |
|----|-------------|------------------------------|
| a. | Permit fee | \$50.00 per year |
| b. | License fee | \$10.00 per machine per year |

(Code 1971 § 46-5; Ord. 7-6-76; Ord. #93-36 § 1; Ord. #97-10 § 4)

28-4.8 Expiration and Renewal of Licenses.

All licenses issued under the authority of this section shall expire on June 30 of each year, and application for renewal shall be submitted together with the required fee prior to issuance of a new or renewal license in conjunction with the requirements set forth in subsection 28-4.5 above.
(Code 1971 § 46-6; Ord. #97-10 § 5)

28-4.9 Suspension or Revocation of Licenses; Hearings.

- a. Any license issued under the terms and provisions of this section may be suspended or revoked by the Township Department of Community Services when any provision of the Township Code or Chapter XXIV, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines (N.J.A.C. 8:24-1.1 et seq.), are violated by the licensee, or when in the opinion of the Health Officer or his authorized agents such action is necessary to abate a present or threatened menace to the public health.
- b. A license issued under the terms and provisions of this section shall not be revoked, canceled or suspended until a hearing thereon shall have been had by the Department of Community Services. 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 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 deposit 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 the license. At the hearing before the Department of Community Services, the person aggrieved shall have an opportunity to answer and may thereafter be heard; and upon due consideration and deliberation if the Department of Community Services 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 municipality unless the application for such license shall be approved by the Department of Community Services.

(Code 1971 § 46-7; Ord. #97-10 § 6; Ord. #08-17 § 4; Ord. #11-10)

28-4.10 Violations and Penalties.

Any person, firm, or corporation violating any of the provisions of this section, or any order promulgated under this chapter of the Retail Food Establishments and Food and Beverage Vending Machine Code (1993) made a part hereof, shall upon conviction thereof pay a penalty not to exceed two hundred (\$200.00) dollars or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment; and each day the same is violated, shall be deemed and taken to be a separate and distinct offense.

(Ord. #97-10 § 7)

28-5 TOBACCO VENDING MACHINES.

28-5.1 Definitions.

Tobacco vending machine shall mean any automated, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or other tobacco products.
(Ord. #05-46 § 1)

28-5.2 Prohibition of Tobacco Vending Machines.

It shall be unlawful in the Township of Rockaway for any person, firm, corporation or association to operate, rent or permit the use or operation of a tobacco vending machine in, on or about the premises under his or her ownership.
(Ord. #05-46 § 1)

28-5.3 Enforcement.

The Township Health Officer or his /her designee shall enforce this section through the issuance, via certified mail, of a summons and complaint to violators.
(Ord. #05-46 §1)

28-5.4 Violations and Penalties.

Unless otherwise provided by law, statute or ordinance, any person, firm, corporation or association violating any of the provisions of this section shall, upon conviction thereof, pay a penalty of not less than two hundred fifty (\$250.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense. In addition, the Court shall have the power to impose other penalties provided by N.J.S.A. 26:3-77 and N.J.S.A. 26:3-78.
(Ord. #05-46 § 1)

28-6---28-7 RESERVED.

ARTICLE IV

HOUSING REGULATIONS

28-8 N.J. STATE HOUSING CODE BY REFERENCE (1980).

28-8.1 Adoption of Code by Reference.

A Code regulating housing inspections and fixing penalties for violation is established pursuant to N.J.S.A. 26:3-69.1 to 69.6. This Code is established to determine the fitness of a building for human habitation, occupancy, or use with regards to two (2) dwelling units or more.

28-8.2 Enforcement Agency Designated.

The Division of Health of the Department of Community Services is designated as the authority to exercise the powers prescribed in this section. (Code 1971 § 41-1; Ord. #11-10)

28-8.3 Powers and Duties of Enforcement Agency.

- a. The Division of Health is authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section including the following in addition to others herein granted:
 - 1. To investigate the dwelling conditions in the Township in order to determine which dwellings are unfit for human habitation.
 - 2. To administer oaths, affirmations, examine witnesses and receive evidence.
 - 3. To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
 - 4. To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this section.
 - 5. To delegate any functions and powers under this section to such officers and agents as may be designated.
- b. Nothing in this section shall be construed to abrogate or impair the power of the municipality or any officer or department to enforce any provisions of its charter, ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this section shall be in addition to and supplemental to the powers conferred upon the municipality by any other law or ordinance.

(Code 1971 §§ 41-7, 41-8)

28-8.4 Standards for Judgment of Unfitness and Unreasonable Risk of Serious Bodily Harm.

- a. For the purpose of this section, the Division of Health may determine that a dwelling is unfit for human habitation if it is found that conditions exist in such dwellings which are dangerous or injurious to the health or safety of the occupants, the occupants of neighboring dwellings or other residents of the Township. Such conditions may include the following, without limiting the generality of the forgoing: 1. Defects increasing the hazards of fire, accident or other calamities. 2. Lack of adequate ventilation, light or sanitary facilities. 3. Dilapidation. 4. Disrepair. 5. Structural defects. 6. Uncleanliness.
- b. A structure of other artificial condition shall be deemed to create an unreasonable risk of serious bodily harm if any of the following conditions are found to exist: 1. Vacancy or abandonment without property security of ingress and egress. 2. Unreasonable delay in completion of construction or alterations. 3. Accumulation of debris, construction materials or tools without proper security. 4. The creation of a nuisance as contemplated in N.J.S.A. 26:3-46 and N.J.S.A. 26:3-49.

(Code 1971 § 41-2; Ord. 11-20-73)

28-8.5 Issuance of Complaint; Filing of Answer; Hearing.

Whenever a petition is filed with the Division of Health by a public authority as defined in N.J.S.A. 40:48-2.4 or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the Division of Health on its own motion, that any dwelling is unfit for human habitation, and if preliminary investigation discloses a basis for such charges, there shall be issued served upon the owner of and parties in interest in such dwellings a complaint stating the charges and containing a notice of violation which provides a reasonable time frame for the abatement for alleged violations. Failure of the responsible party to abate the violation within the specific time frame shall subject the responsible party to the penalties contained in this section.

(Code 1971 § 41-4; Ord. 11-20-73)

28-8.6 Penalties for Violations.

Any person who shall violate any of the provisions of this section shall, upon conviction, be punished by a fine of not to exceed two hundred (\$200.00) dollars or by imprisonment in the County Jail for a period of not to exceed ninety (90) days or by both. Such fine and imprisonment and each day the

same is violated shall be deemed and taken to be a separate and distinct offense.

28-9 TRAILER COURT CODE.

28-9.1 Adoption of Code.

A Code defining and regulating trailer courts; establishing minimum standards governing the construction, alteration, maintenance, operation and sanitation of trailer courts; establishing minimum standards governing the utilities and sanitary facilities to be provided at trailer courts; fixing the responsibilities and duties of the owners and operators of trailer courts; declaring and defining certain trailer courts as nuisances and authorizing inspections of trailer courts; declaring and fixing penalties for violation thereof, is adopted pursuant to Chapter 188, P.L. 1950 (N.J.S.A. 26:3-69.1 to 69.6). A copy of the Code is annexed hereto and made a part hereof without inclusion of the text herein.

(Code 1971 § 101-1)

28-9.2 Title.

The Code established and adopted by this section is described and commonly known as the “Trailer Court Code of New Jersey (1956).”

(Code 1971 § 101-2)

28-9.3 Copies on File.

Three (3) copies of the Trailer Court Code of New Jersey (1956) have been placed on file in the Office of the Secretary of the Division of Health and will remain on file in the office for the use and examination of the public.

(Code 1971 § 101-3)

28-9.4 Licenses or Permits.

No person shall construct, alter, maintain or operate a trailer court within the boundaries of this municipality until a valid license or permit shall have been issued by the Division of Health.

(Code 1971 § 101-4)

28-9.5 Fees Established.

The following fees and charges are established:

- a. For the issuance of a permit to alter a trailer court: five (\$5.00) dollars.

b. For the issuance of al license or permit to maintain and operate a trailer court: twenty-five (\$25.00) dollars.

c. For the renewal of a license or permit to maintain and operate a trailer court: twenty-five (\$25.00) dollars.

(Code 1971 § 101-6)

28-9.6 Duration of License.

Licenses or permits to maintain and operate a trailer court shall be issued for a period of one (1) year and shall expire annually on the anniversary date of issuance.

(Code 1971 § 101-7)

28-9.7 Denial or Suspension; Hearing.

a. Licenses or permits required by this section or Code may be denied or suspended by this Division of Health for failure to comply with this section or Code.

b. The Division of Health shall afford the person whose license or permit to construct, alter or operate a trailer court has been denied or suspended an opportunity to be heard in public hearing, and following this, to be informed of the Division’s decision as provided by Section 12 of this Code.

Code 1971 § 101-5)

28-9.8 Violations and Penalties.

Any person or persons violating any of the provisions of this section or of the Trailer Court Code of New Jersey (1956) made a part hereof shall, upon conviction, pay a penalty of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each violation.

(Code 1971 § 101-8)

28-10 RESERVED.

ARTICLE V

WATER AND SEWER

28-11 SAFE DRINKING WATER ACT-N.J.A.C. 7:10.

28-11.1 Adoption of Code.

A Code regulating the location, construction, alteration, use and supervision of individual and semipublic water supplies; requiring certain permits; providing for the inspection of such supplies, the fixing of fees; and prescribing penalties for violations, is adopted pursuant to N.J.S.A. 26:3-69.1 to 69.6. A copy of this Code is annexed hereto and made a part hereof without inclusion of the text herein.
(Code 1971 § 102-1)

28-11.2 Title.

The Code established and adopted by this section is described and commonly known as the Safe Drinking Water Act-N.J.A.C. 7:10 (1979).
(Code 1971 § 102-2)

28-11.3 Copies on File.

Three (3) copies of the Safe Drinking Water Act-N.J.A.C. 7:10 (1979) have been placed on file in the Office of the Secretary of the Division of Health and will remain on file in the office for the use and examination by the public.
(Code 1971 § 102-3)

28-11.4 Permits.

- a. No person shall locate, construct or alter any water supply until a permit for the location, construction or alteration of the water supply shall have been issued by the Department of Community Services.
- b. The Department of Community Services may issue a permit if an application for the same is accompanied by a Permit to Drill a Well issued by the D.E.P., Division of Water Resources and a New Jersey licensed Professional Engineer for the installation of the water supply is in compliance with N.J.A.C., Chapter 7:10, Safe Drinking Water Act.

(Code 1971 § 102-4; Ord. #11-10)

28-11.5 New Water Supplies.

- a. New water supplies shall not be placed in operation, nor shall new dwellings or buildings be sold or occupied which must rely on such a supply for water, until the Department of Community Services has received the necessary water results as required by that Department to assure the potability of the water supply, and to detect that the installation of that water supply is in compliance with the permit issued.

- b. The Division of Health may issue such a certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement in writing, signed by him, to the Division of Health, that the water supply has been located and constructed in accordance with the terms of the license and the requirements of the Code.

(Ord. #11-10)

28-11.6 Denial of Permit; Hearing.

In case any permit required by this section is denied by the Department of Community Services, a hearing shall be held before the Department within fifteen (15) days after request is made by the applicant, and upon such hearing the Department of Community Services shall affirm, alter or rescind its previous determination and take action accordingly within fifteen (15) days after the date of such hearing.

(Ord. #11-10)

28-11.7 Order to Stop Work; Violation of Code.

The Department of Community Services may order all further work in and about any water supply which is being erected or installed in violation of the Code, to be stopped, except such work as shall be necessary to remedy the violation, and thereafter the work continued without any violation of any of the provisions of the Code; and after issuance of any such order and the service of a copy upon any person connected with or working in and about the erection or installation of any such water supply or any part thereof, no further work shall be done except as aforesaid.

(Code 1971 § 102-7; Ord. #11-10)

28-11.8 Fees.

The following fees and charges are established:

- a. Permit to locate and construct a water supply: fifty (\$50.00) dollars.
- b. For each reinspection of a water supply or part thereof caused by the failure of the permittee to located and construct or alter the same in accordance with the terms of the permit issued or the terms of the Code, an inspection fee of ten (\$10.00) dollars shall be charged.

(Code 1971 § 102-8; Ord. 3-1-83)

28-11.9 Violations and Penalties.

- a. Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this ordinance of the Water Supply Code of New Jersey (1959) made a part hereof shall, upon conviction thereof, pay a penalty of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars for each violation.
- b. Each day a particular violation continues shall constitute a separate offense.

(Code 1971 § 102-9)

28-12 NOISE CONTROL.

28-12.1 Title.

This section of the Revised General Ordinances of the Township of Rockaway shall be known as the “Noise Control Ordinance.”
(Ord. #00-3 § 1)

28-12.2 Definitions.

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this section have the same meaning as those defined in N.J.A.C. 7:29.

Construction shall mean any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

Demolition shall mean any dismantling, destruction or removal of buildings, structures or roadways.

Department shall mean the New Jersey Department of Environmental Protection.

Emergency work shall mean any work or action necessary to deliver essential public services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-ways, dredging navigational waterways, or abating life-threatening conditions.

Impulsive sound shall mean either a single pressure peak or a single burst (multiple pressure peaks) and has a duration of less than one (1) second.

Motor vehicle shall mean any vehicle that is propelled other than by human or animal power on land.

Muffler shall mean a properly functioning sound dissipative device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.

Multi-dwelling unit building shall mean any building comprising two (2) or more dwelling units, including but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

Multi-use property shall mean any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having oilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent.

Noise control officer shall mean an employees of: 1) a local County or regional health agency which is certified pursuant to the County Environmental health Act (N.J.S.A. 26:3A2-21, et seq.) to perform noise enforcement activities; or 2) a municipality with a department-approved noise control ordinance and the employee has received enforcement training and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons in order to be considered a noise control officer.

Plainly audible shall mean any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproductive device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words, or the artist performing the song.

Private right-of-way shall mean any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

Public right-of-way shall mean any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a governmental entity.

Public space shall mean any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

Real property line shall mean, either (a) the imaginary line including its vertical extension that separates one parcel of real property from another; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property, the interface between the two (2) portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

Weekday shall mean any day that is not a Federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

Weekends shall mean beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.
(Ord. #00-3 § 1)

28-12.3 Applicability.

- a. This noise ordinance applies to sound from the following property categories:
 1. Industrial facilities;
 2. Commercial facilities;
 3. Public service facilities;
 4. Community service facilities;
 5. Residential properties;
 6. Multi-use properties;

7. Public and private rights-of-way;
 8. Public spaces; and
 9. Multi-dwelling unit buildings.
- b. This noise ordinance applies to sound received at the following property categories:
1. Commercial facilities;
 2. Public service facilities;
 3. Community service facilities;
 4. Residential properties;
 5. Multi-use properties; and
 6. Multi-dwelling unit buildings.
- c. Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.3, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed ten (10) seconds.

(Ord. #00-3 § 1)

28-12.4 Noise Control Officers.

- a. The provisions of this ordinance shall be enforced by noise control officers. A person shall be qualified to be a noise control officer if the person meets the criteria set forth in the definition above and completes, at a frequency specified by the Department in N.J.A.C. 7:29-2.11, a noise certification and recertification course which is offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University of New Jersey or any other noise certification or recertification course which is offered by an accredited university and approved by the Department of Environmental Protection.
- b. Sound measurements made by a noise control officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that the interior sound level measurements shall also conform with the procedures set forth in subsection 28-12.5b and 28-12.5c of this

section and with the definition of “real property line: as contained herein.

- c. Noise control officers shall have the power to:
 - 1. Coordinate the noise control activities of all departments in the Township of Rockaway and cooperate with all other public bodies and agencies to the extent practicable; and
 - 2. Review the actions of the Township of Rockaway and advise of the effect, if any, of such actions on noise control; and
 - 3. Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this section; and
 - 4. Investigate and pursue possible violations of this section for sound levels which equal or exceed the sound levels set forth in Tables I and II, when measured at a receiving property location within the designated jurisdiction of the noise control officer, in accordance with subsection 28-12.7 below; and
 - 5. Issue enforcement documents for violations of this section, as set forth in subsection 28-12.7.
 - 6. Cooperate with noise control officers of adjacent municipalities in enforcing one another’s municipal noise control ordinances.

(Ord. #00-3 § 1)

28-12.5 Maximum Permissible Sound Levels.

- a. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in subsection 28-12.3a above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I and II when measured at or within the real property line of any of the receiving properties listed in Tables I and II, except as specified in subsection 28-12.5b., below.
- b. When measuring total sound or residual sound within a multi-use property, or within a residential unit when the property line between it and the source property is a common wall, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room most affected by the noise.

Residual sound shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound or residual sound, all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

- c. Indoor measurements shall only be taken if the sound source is on or within the same property as the receiving property, as in the case of a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building) or multi-dwelling unit building. In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, such as in a multi-dwelling unit building. The allowable sound level standards for outdoors are as shown in Tables I and II.
- d. *Impulsive Sound.* Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed eighty (80) decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed eighty (80) decibels. Impulsive sound which repeats four (4) or more times in any hour shall be measured as impulsive sound and shall meet the requirements as shown in Table I.

Table I. Maximum Permissible A-Weighted Sound Levels.

- 1. No person shall cause, suffer, allow or permit the operation of any source of sound on any source property listed in subsection 28-12.3a. above in such a manner as to create a sound level that *equals* or *exceeds* the sound levels listed below:

(A) Outdoors

Receiving Property Category	Residential property, or residential portion of a multi-use property	Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
Time	7:00 a.m. – 10:00 p.m. 10:00 p.m. – 7:00 a.m.	24 hours
Maximum A-weighted sound level standard, dB	65 50	65

(B) Indoors

Receiving Property Category	Residential property or residential portion of a multi-use property	Commercial facility* or non-residential portion of a multi-use property
Time	7:00 a.m. – 10:00 p.m. 10:00 p.m. – 7:00 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	55 40	65

* In those instances when a commercial facility shares a common wall/floor with another commercial facility that is producing the sound.

Table II. Maximum Permissible Octave Band Sound Pressure Levels in Decibels.

1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in subsection 28-12.3a. above in such a manner as to create a sound pressure level that *equals* or *exceeds* the sound levels listed below in one or more octave bands.
2. When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus two (2) dB in the bands containing the principal source frequencies, discontinue the measurement.

Receiving Property	Residential property, or residential portion of a multi-use property	Residential property, or residential portion of a multi-use property	Commercial Facility, public service facility, nonresidential portion of a multi-use property, or community service facility	Commercial facility*, or nonresidential portion of a multi-use property
Octave Band Center Frequency, Hz	Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB	Octave band Sound Pressure Level, dB
Time	7 am -10 pm 10 pm-7 am	7 am-10 pm 10 pm-7 am	24 hours	24 hours
31.5	96 86	86 76	96	86
63	82 71	72 61	82	72
125	74 61	64 51	74	64
250	67 53	57 43	67	57
500	63 48	53 38	63	53
1,000	60 45	50 35	60	50
2,000	57 42	47 32	57	47
4,000	55 40	45 30	55	45
8,000	53 38	43 28	53	43

*In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.

(Ord. #00-3 § 1)

28-12.6 Restricted Uses and Activities.

- a. Except as provided in subsection 28-12.6b. below, the provisions of this section shall not apply to the exceptions listed in N.J.A.C. 7:29-1.4

Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II, except as provided for in s Subsection 28-12.6b. below.

- b. Notwithstanding the provisions of Tables I and II, the following standards shall apply to the activities or sources of sound set below:

1. Non-commercial or non-industrial power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I and II. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to non-commercial or non-industrial power tools and landscaping and yard maintenance equipment.
2. Commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on a residential property or within 250 feet of a residential property line when operated on commercial or industrial property, between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or Federal holidays, unless such activities can meet the limits set forth in Tables I and II. In addition, commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet the limits set forth in Tables I and II between the hours of 10:00 p.m. and 7:00 p.m. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.
3. Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between 6:00 p.m. and 9:00 a.m. on weekends and Federal holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities.
4. Motorized snow blowers, snow throwers, and lawn equipment with attached snow plows shall be operated at all times with a muffler. At all times, the limits set forth in Tables I and II do not apply.

(Ord. #00-3 § 1)

28-12.7 Enforcement.

- a. Violation of any provision of this section shall be cause for an enforcement document to be issued to the violator by the noise control officer according to procedures set forth in N.J.A.C. 7:29-1.6. The recipient of an enforcement document shall be entitled to a hearing in municipal court having jurisdiction to contest such action.
- b. Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than one thousand (\$1,000) dollars. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- c. No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury damage arising from any violation of this section or from other law.

(Ord. #00-3 § 1)

28-13 STANDARDS FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS.

28-13.1 Adoption of Standards.

- a. The regulations promulgated by the State Commissioner of the Department of Environmental Protection and Energy pursuant to the Realty Improvement Sewage and Facilities Act and subsequent amendments thereto and known as “Standards for Individual Subsurface Sewage Disposal Systems (1989)” and subsequent amendments thereto are hereby adopted and are of full force and effect in the Township of Rockaway as prescribed by this Chapter.
- b. Three (3) copies of said standards for the construction of individual subsurface sewage disposal systems have been placed on file in the office of the Director of Health and Welfare upon the introduction of this chapter and will remain in that office for use and examination by the public.

(Ord. #94-29 § 1)

28-13.2 Violations and Penalties.

- a. Any person or persons, firm or corporation violating any of the provisions of this or any order promulgated under the chapter or standards for individual subsurface sewage disposal systems made a part hereof shall, upon conviction thereof, pay a penalty of not

less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each violation at the discretion of the Court.

- b. Each day a particular violation continues shall constitute a separate offense.

28-13.3 Permit Required; Conditions of Issuance.

- a. No person shall locate, construct or alter any individual sewage disposal system until a permit for the location, construction or alteration of the sewage disposal system has been issued by the Department of Community Services.
- b. The Department of Community Services may issue a permit if an application made by a licensed New Jersey Professional Engineer and the design is in compliance with the provisions of this Code.
(Code 1971 § 69-4; Ord. #11-10)

28-13.4 New Construction, Alterations; Certificate Required.

- a. New individual disposal systems shall not be placed in operation, nor shall new buildings or buildings or additions be sold or occupied, which must rely on such a system for sewage disposal, until the Department of Community Services shall have issued a permit indicating that the disposal system has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid Code.
- b. The Department of Community Services may issue such a permit if a licensed New Jersey Professional Engineer submits an as built design of the individual disposal system indicating said system is located and constructed in accordance with the terms of the permit issued and the requirements of the aforesaid Code.
(Code 1971 § 69-5; Ord. #11-10)

28-13.5 Cleaning; License Required.

- a. Persons shall not engage in the business of emptying or cleaning septic tanks, cesspools, privies or any place used for the reception or storage of human excrement who do not hold a license to engage in such business issued by the DEP, Division of Solid and Hazardous Waste.
(Code 1971 § 69-6)

28-13.6 Hearing.

In case any permit or certificate required by this section is denied by the Department of Community Services a hearing shall be held before the Council within fifteen (15) days after a request is made by the applicant and upon such hearing the Department of Community Services shall affirm, alter or rescind its previous determination and take action accordingly within fifteen (15) days of the hearing.
 (Code 1971 § 69-7; Ord. #11-10)

28-13.7 Work on Systems Controlled.

The Department of Community Services may order all further work in and about any individual sewage disposal system which is being erected or installed in violation of the Code to be stopped, except such work as shall be necessary to remedy the violation, and thereafter the work continued without any violation of any of the provisions of the Code; and after issuance of any such order and the service of a copy upon any person connected with or working in and about the erection of installation of any such disposal system, or any part thereof, no further work shall be done except as aforesaid.
 (Code 1971 § 69-8; Ord. #11-10)

28-13.8 Fees and Charges.

The following fees and charges are established:

a. *New Systems.*

1. Single Family:

Application fee/Permit	\$100.00 lot
Soil Evaluations	\$105.00 lot

2. Multiple Dwelling: Ten (10) dwelling units or less:

Application fee/Permit	\$150.00 system
Soil Evaluations	\$160.00 system

3. Multiple dwelling: More than ten (10) dwelling units:

Application fee/Permit	\$150.00 system
Soil Evaluations	\$160.00 system

4. Commercial:

Application fee	\$250.00 system
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Soil Evaluation \$160.00 system

- (a) The aforesaid permits shall expire one (1) year from the date of issue. The renewal fee for the reissuance of the aforesaid permits shall be fifteen (\$15.00) dollars.

b. *Existing Systems.*

1. All alterations and repairs to septic systems

Application fee/Permit \$50.00

- (a) The aforesaid permits shall expire one (1) year from the date of issue. The renewal fee for the reissuance of the aforesaid permits shall be fifteen (\$15.00) dollars.

(Code 1971 § 696; Ord. 3-1-83; Ord. 3-15-83; Ord. 4-1-86)

28-13.9 Penalties for Violations.

Any person violating any of the provisions of or any order promulgated under this section or the Standards for Individual Disposal Systems (1990) made a part hereof shall, upon conviction, be liable to the penalty stated in Chapter I, Section 1-5. Each and every violation in nonconformance with this section shall have been violated shall be construed as a separate and distinct violation hereof.

(Code 1971 § 69-10; Ord. 3-21-78)

28-14 RESERVED.

ARTICLE VI

CHILD CARE

28-15 STANDARDS FOR CHILD CARE CENTERS.

28-15.1 Provisions.

Pursuant to the provisions of N.J.A.C. 10:122 entitled “Manual of Standards for Child Care Centers” as approved by the State of New Jersey, Department of Human Services, is accepted, adopted, and established as a standard to be used as a guide in determining the fitness of child care centers as defined in subsection 28-15.2 below.

(Ord. 4-1-86 § 93-1)

28-15.2 Definitions.

As used in this section:

Child care center shall mean the definitions specified in Section 10:122-1.2 of the Manual of Standards for child care centers are hereby accepted, adopted, and established as definitions to be used as a guide.
(Ord. 4-1-86 § 93-2)

28-15.3 Fees.

A license fee for the operation of a child care center shall not be charged by the Township. However, an inspection fee for fifty (\$50.00) dollars per inspection will be charged to the operator of such facilities.

Inspection shall be conducted at a frequency determined by the Manual of Standards of Safety for Child Care Centers in accordance with N.J.A.C. 10:122.
(Ord. 4-1-86 § 93-3)

ARTICLE VII MESSAGE ESTABLISHMENTS

28-16 STANDARDS FOR MESSAGE ESTABLISHMENTS.

28-16.1 Definitions.

As used in this Article, the following terms shall have the meanings indicated:

Certified massage therapist shall mean any person who holds a valid certificate for certification as a massage bodywork and somatic therapist from the State of New Jersey pursuant to N.J.S.A. 45:11-53.

Healthcare provider shall mean professional licensed by the Board of Medical Examiners.

Massage shall mean administration, by any person, of a method of exerting or applying pressure, friction, moist hot or cold external applications, rubbing, stroking, kneading, pounding or tapping of the human body by any physical or mechanical means.

Massage establishment shall mean an establishment or business operation wherein massage is administered or permitted to be administered for any form of consideration.
(Ord. #06-42 § 1)

28-16.2 Permitted Massage Establishments.

It shall be unlawful for any person to operate or participate in the operation of any massage establishment unless such establishment provides only:

- a. Massage by a certified massage therapist or healthcare provider; or
- b. Massage to the scalp, face, neck, shoulders, back, arms, hands, legs or feet only, administered at barbershops, beauty parlors, mail salons or spas.

(Ord. #06-42 § 1)

28-16.3 Enforcement.

The Police Department and the Health Official are designated to enforce the provisions of this Article in accordance with due process of law.

(Ord. #06-42 § 1)

28-16.4 Violations and Penalties.

Any person who shall violate or fail to comply with any provision of this section shall be subject to a fine not exceeding two thousand (\$2,000.00) dollars, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days, or any combination of the above.

(Ord. #06-42 § 1)

**ARTICLE VIII – ARTICLE IX
RESERVED**

**ARTICLE X
SANITARY AND HEALTH CODE**

28-19 GENERAL PROVISIONS.

28-19.1 Title.

This section and all amendments supplementary hereto and amendatory hereof shall be known as the “Sanitary and Health Code of the Township of Rockaway.”

(Code 1971 § 97-1)

28-19.2 Rules of Construction.

In the construction of this section or any amendments hereof or any supplements hereto, words and phrases shall be read and construed with their context; and unless inconsistent with the manifest intent of the Department of Community Services, as expressed herein, or unless another or different meaning is expressly indicated, such words or phrases shall be given the meaning expressed herein, or if no such meaning be given, their generally accepted meaning, according to the approved usage of the language, shall be applied. Technical, trade or commercial words and phrases, and words and phrases having a special or accepted meaning in the law, shall be construed in accordance with such technical, trade, commercial or special and accepted meaning.
(Code 1971 § 97-2; Ord. #11-10)

28-19.3 Definitions.

The following definitions shall apply in the interpretation and enforcement of this section:

Animals shall mean and include rabbits, hares, mink, dogs, guinea pigs or any other animal kept or raised for commercial or sale purposes.

Apartment house shall mean and include every house, building or portion thereof which is rented, leased, let or hired out to be occupied or is occupied as a house, home or residence by two (2) or more families living independently of one another and doing their cooking and sleeping upon the premises.

Butcher shall mean any “person” is herein defined, engaged in selling any “meat.”

Camp shall mean and include any house, place or establishment intended to be used or occupied as the living quarters, temporarily, by five (5) or more persons for a period of three (3) or more consecutive days.

Campground shall mean a plot of ground upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for children or adults, or both, for a total of fifteen (15) days or more in any calendar year, for recreation, education or vacation purposes.

Carrier shall mean any person who harbors an infectious agent of disease, but who at the same time may or may not have symptoms of the disease.

Cattle shall include cows, bulls, calves, horses, mules, asses, sheep, goats and swine.

Cellar shall mean the lowest story of any building, “dwelling” or tenement house, of which one-third (1/3) or more of the height from the floor to the ceiling is below ground level.

Cleaning shall mean the thorough removal of contaminating material or materials.

Code shall mean and include this ordinance and the Sanitary and Health Code of the Township of Rockaway, unless some other Code is expressly indicated or referred to.

Communicable diseases shall mean any infectious or contagious disease so declared or defined by law or by this Code or which has been or may hereafter be declared as “communicable disease” by this Board or by the State Department of Health.

Contact; Suspect shall mean any person who has been sufficiently near or exposed to any infected person or “animal” to make probable the transmission of an infectious or causative agent to such person.

Container shall be synonymous with “package,” as herein defined.

Dense smoke shall mean smoke which is so heavy and thick as to prevent the seeing of objects through it at the point of emission into the external air.

Disinfection shall mean the application of any disinfectant materials to infected materials in sufficient concentration and for a sufficient length of time to destroy pathogenic organism.

Division of Health shall mean that Division of the Department of Community Services.

Dwelling shall mean any building or portion thereof which is occupied or is intended to be occupied as a residence or sleeping place of one (1) or more individuals, families or households.

Fish shall include every part of any marine animal.

Food shall include any article used for food or beverage for man, and every ingredient therein, and all confectionery, condiments and beverages and articles used for components of any such article.

Food establishment shall mean and include any bakery, confectionery, cannery, packing house, slaughterhouse, dairy, creamery, cheese factory, “restaurant,” hotel, grocery, “meat market” or other place used in the production, preparation, transportation or handling of “food” intended for sale or distribution.

Garbage shall mean the accumulation of animal or vegetable waste, or both, liquid or otherwise, that tends to decay.

Grade “A” food shall mean “food” which has neither been decomposed nor contaminated and is of superior quality.

Health Officer shall mean the executive officer so licensed by the State of New Jersey, Division of Health who shall enforce the laws of the State relating to public health, the provisions of the State Sanitary Code, the ordinances adopted by the Township Council, and who shall perform the duties assigned him by the Township Council.

Isolation shall mean separation of a person affected or suspected of being affected with a “communicable disease,” or a “carrier” of the infectious or causative agent of a “communicable disease,” from other persons, in such a manner as will prevent the direct or indirect conveyance of the infectious or causative agent to other persons.

Label shall mean a display of written, printed or graphic matter upon the immediate “container” of any article, and a requirement made by or under authority of this Code that any word, statement or other information appearing on the “label” shall not be considered to be complied with unless such word, statement or other information also appears on the outside “container” or wrapper, if any there be, of the “package” of such article, or is easily legible through the outside “container” or wrapper. The term “immediate container” does not include “package” liners.

Labeling shall mean all “labels” and other written, printed or graphic matter upon an article or any of its “containers” or wrappers, or accompanying such article.

Market shall include every store, “cellar,” stand and place at or in which the business of buying, selling or keeping for sale of “meat” dairy products, fowl, “fish,” vegetables or other “foods” for human consumption is conducted or maintained.

Maternity home shall mean and include any home, house or other place conducted or maintained by any “person” (as the word “person” is herein

defined), advertised or held out by such “person” as a maternity or obstetrical home, hospital, sanitarium or place where one (1) or more women, during pregnancy, labor or lying-in period, are attended or intend to be attended, professionally or otherwise, during any pregnancy, labor or lying-in period.

Meat shall mean and include every part of any “animal” (whether mixed or not with any other substance).

Medical Certificate shall mean a form to be supplied by the Board and filled out by a medical doctor, after which it shall be good for a period of one (1) year from the date of issue.

Month shall mean a calendar month; *Year* shall mean a calendar year.

Number; gender; whenever, in describing or referring to any person, party, matter or thing, any word importing the singular number is used, the same shall be understood to include and to apply to several persons or parties as well as to one (1) person or party, or where a word of masculine gender is used, it shall apply to females as well as males and to bodies corporate as well as individuals.

Nuisance shall mean any condition which is dangerous to human life or health or that which renders air, water, soil or any type of “food” hazardous or injurious to human life or health, and as otherwise herein defined.

Nurse shall mean a person licensed as such under the laws of the State of New Jersey.

Package shall include any wrapper, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel or other receptacles, but the word “package” shall not include open “containers” which permit a visual and physical inspection by a purchaser at retail, nor bags and other receptacles which are filled in the presence of a purchaser at retail.

Permit or License shall mean a duly authorized permit or license of the Division of Health, issued in accordance with the ordinance or the regulations of the Division of Health.

Person (or the personal pronouns he, she, him, it, her or his) shall mean any person, persons, associations or partnerships or corporations, or any one (1) or more of them or combinations of any of them.

Poultry shall include chickens, ducks, geese, turkeys, guinea fowl, pigeon and all other fowl commonly kept, raised and sold for human consumption.

Property and other property shall mean and include, unless restricted or limited by the context to either real or personal property, both real and personal property.

Public places shall include any public place as well any “restaurant,” lunchroom, tavern, barroom, hotel and motel and any and every establishment or place where “food” or beverage is sold or offered for sale to the public for consumption on the premises, and any “camp,” trailer camp, tourist home or public recreation place or any other place of business where toilet facilities or water for drinking or culinary purposes are available for the use of the public.

Quarantine shall mean the restriction of movement of any person who has been exposed to a “communicable disease,” by confining such person to a restricted area and the exclusion of other persons from that area.

Real estate or real property shall mean and include lands, buildings and hereditaments or all rights thereto or any interest therein.

Registrar shall mean the person duly appointed as Registrar of Vital Statistics by the Township Council.

Regulations shall include any regulations, whether general or special, which the Township Council may from time to time lawfully adopt and issue.

Restaurant shall mean and include any restaurant, coffee shop, cafeteria, short-order café, luncheonette, tavern, sandwich stand and every other place in which “food” is sold for consumption on the premises.

Rubbish shall mean and include all coal or wood ashes, all loose material and dirt-like substance that tend to decay and all waste material accumulated from buildings or the “cleaning” of buildings or due to the renovation, alteration or repair of buildings.

Sanitary Inspector shall be the officer appointed by the Township to enforce the Sanitary and Health Code of the Township, the sanitary laws of the State and the rules, “regulations” and ordinances, as directed by the “Health Officer.”

Sharp-freeze room or compartment shall include any room or compartment equipped with mechanical refrigeration in which “food” is quickly frozen to make a “frozen food” article.

State Department shall mean the Department of Health of the State of New Jersey.

Street shall mean and include every street, avenue, sidewalk, gutter, highway, park or place in the Township open to the public.

Tenant shall mean any “person” occupying any lands, premises, house, building or portion thereof which is rented, leased, let or hired out to be occupied for any purpose whatsoever.

Township shall mean the Township of Rockaway.

Youth camp shall be defined in accordance with Chapter 375 P.L. 1973 N.J. Youth Camp Safety Act Standards, N.J.A.C. 8:25-1 et al.

28-20 NUISANCES.

28-20.1 Specific Nuisances Enumerated.

The following specific acts or omissions, or the maintenance or allowing of any of the following conditions, are hereby prohibited and are declared to be or to constitute nuisances:

- a. Depositing or maintaining any foul or offensive matter in or upon any lot, yard, street, house, building, other premises or public or private place.
- b. Maintaining any excavation or any cans, barrels or other receptacles where water may stagnate or mosquito larvae may breed or constitute a menace for life, limb or health.
- c. Throwing or overflowing or permitting the throwing or overflowing of any water slops, stable drainage, liquid filth, septic tank or privy contents upon any public or private property.
- d. Polluting any well, spring, stream or supply of drinking water.
- e. Taking or allowing any animal to enter any store or restaurant where food is sold or prepared.
- f. Maintaining any chimney, smokestack, pipe or flue or any part thereof that is out of repair and so defective as to allow coal gas or other noxious fumes to escape into the building where it is situated or into any adjacent building.

- g. Any to exist any unclean or unsanitary conditions in any cellar, room or building, any imperfect plumbing or sewer appliance or connection from which any foul or noxious odors or liquids may escape.
- h. Expectoration upon the steps, halls, floors or other parts of any public building, or upon any sidewalk, crosswalk, street, park, playground, public conveyance or other public place.
- i. Maintaining any vehicle used for hire or for a public conveyance in a dirty or unsanitary condition.
- j. The escape into the open air from any stack, vent, chimney or any entrance to the open air or from any fire into the open air, of such quantities of smoke, fly ash, dust, fumes, vapors, mists or gases as to cause injury, detriment or annoyance to the inhabitants of this municipality or endanger their comfort, repose, health or safety.
- k. Maintaining, permitting or causing the maintenance or existence of any offensive matter, foul or noxious odors, gases or vapors and all causes of disease which are injurious to the health of the inhabitants of the Township.
- l. Any other unsanitary condition affecting health or any other condition defined as a nuisance by the State Department of Health, the State Sanitary Code or State laws.

(Code 1971 § 97-13)

28-20A IMPROPER DISPOSAL OF WASTE.

28-20A.1 Purpose of Section.

The purpose of this section is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Rockaway, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

(Ord. #06-26 § 1)

28-20A.2 Definitions.

Municipal separate storm sewer system (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Rockaway or other public body, and is designed and used for collecting and conveying stormwater.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Stormwater shall mean water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

(Ord. #06-26 § 1)

28-20A.3 Prohibited Conduct.

The spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Rockaway is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

(Ord. #06-26 § 1)

28-20A.4 Exceptions to Prohibition.

- a. Waterline flushing and discharge from potable water sources.
- b. Uncontaminated groundwater (i.e. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- c. Air conditioning condensate (excluding contact and noncontact cooling water).
- d. Irrigation water (including landscape and lawn watering runoff).
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- f. Residential car washing water, and residential swimming pool discharges.
- g. Sidewalk, driveway and street wash water.
- h. Flows from firefighting activity.

- i. Flows from rinsing of the following equipment with clean water:
 1. Beach maintenance equipment immediately following their use for their intended purposes; and
 2. Equipment used in the application of sale and deicing materials immediately following sale and deicing material applications. Prior to rinsing with water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (i.e. shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

(Ord. #06-26 § 1)

28-20A.5 Enforcement.

This section shall be enforced by the Health Department of the Township of Rockaway.

(Ord. #06-26 § 1)

28-20A.6 Penalties.

Any person who shall violate any provision of this section shall, upon conviction thereof, be punished in accordance with Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. #06-26 § 1)

28-20B REFUSE CONTAINERS AND DUMPSTERS.

28-20b.1 Purpose.

The purpose of this section is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Rockaway and/or the

waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
(Ord. #10-20)

28-20B.2 Definitions.

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When no inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Municipal separate storm sewer system (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Rockaway or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Refuse container shall mean any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

Stormwater shall mean water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

Waters of the State shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

28-20B.3 Prohibited Conduct.

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases, or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system (s) operated by the Township of Rockaway.
(Ord. #10-20)

28-20B.4 Exceptions to Prohibition.

- a. Permitted temporary demolition containers;
 - b. Litter receptacles (other than dumpsters or other bulk containers);
 - c. Individual homeowner trash and recycling containers;
 - d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit; and
 - e. Municipal recycling containers.
- (Ord. #10-20)

28-20B.5 Enforcement.

This section shall be enforced by the Health Department of the Township of Rockaway.
(Ord. #10-20)

28-20B.6 Penalties.

Any person violating this section shall be subject, upon conviction, to one or more of the following at the discretion of the Court; a fine not to exceed one thousand two hundred fifty (\$1,250.00) dollars or imprisonment in the County Jail for a term not to exceed ninety (90) days or community service not to exceed ninety (90) days.
(Ord. #10-20)

28-21 TENEMENT HOUSES, OTHER HOUSES AND BUILDINGS.

28-21.1 Heating.

- a. It shall be the duty of every person, firm or corporation who shall have contracted or undertaken or shall be otherwise bound or legally obligated to heat or to furnish heat for any building, part of any building, apartment or space occupied as a home or place of residence, to do heat or to so furnish heat to every occupied portion of such building, part thereof,

apartment, room or space so that a minimum temperature of sixty-eight (68 °F) degrees Fahrenheit is maintained throughout the year.

- b. For the purpose of this section, wherever any building or the part thereof so concerned is heated by means of a furnace, boiler or other apparatus under the control of the owner, lessor or their agent, in the absence of an agreement to the contrary the owner or lessor shall be deemed to have contracted, undertaken or bound himself or herself to furnish heat in accordance with the provisions of this section.
- c. With respect to the obligation or duty to furnish heat to or in a building, apartment or portion thereof occupied as a home or place of residence, the term “at all times” shall mean twenty-four (24) hours per day.
- d. The term “contract” as used in this section shall be taken to mean and include a written, verbal or implied contract.

28-21.2 Hot Water.

In all buildings occupied for residential purposes and when the owner thereof shall have agreed to supply hot water, reasonably sufficient hot water, at least one hundred forty-five (145 °F) degrees Fahrenheit, shall at all times be supplied.
(Code 1971 § 97-15)

28-21.3 Refrigerators.

In all buildings occupied as residences and when the owner thereof shall have agreed to supply refrigeration facilities, he shall be and is hereby required to supply and maintain such refrigeration facilities at all times and in such manner as may be necessary for the proper and wholesome preservation of food, except where the failure to do so is caused by circumstances beyond the control of the owner.
(Code 1971 § 97-16)

28-21.4 Cellars.

No person, having the right or power to prevent the same, shall knowingly cause or permit any person to sleep or remain in any cellar or in any place dangerous or prejudicial to health by reason of a want of ventilation or drainage or by reason of the presence of any poisonous, noxious or offensive substance.

(Code 1971 § 97-17)

28-21.5 Occupancy of Dwellings.

No owner, tenant, agent or lessee of any building or any part thereof shall lease, let or hire out the same or any portion thereof to be occupied by any person, or allow the same to be occupied by any person or allow the same to be occupied as a dwelling or lodging place, unless such building or parts thereof so occupied have sufficient daylight and ventilation and are in all respects in that sanitary condition required by this section and by all applicable laws of this State.

(Code 1971 § 97-18)

28-21.6 Condemnation of Premises Unfit for Habitation.

- a. No owner nor other person in charge or control of any tenement or any other building shall permit any building or part thereof to be occupied or inhabited if the same is unfit for human habitation by reason of its being infected with vermin or by reason of its being in an unsanitary condition.
- b. Whenever it shall be decided by the Department of Community Services that any building or part thereof is unfit for human habitation by reason of its harboring disease or by reason of its unsanitary condition being likely to cause disease among the occupants, and notice of such decision shall have been affixed conspicuously on the building or any part thereof and served upon the owner, occupant, agent or lessee, requiring all persons therein to vacate from such building or part thereof for such reason as stated in the notice of aforesaid, such building or part thereof shall, within ten(10) days thereafter, be vacated, or, in case of a special emergency, within such shorter time as in the notice may be specified. Every such notice shall be void if, within the time limited by the notice or before the premises are so vacated, the cause for the giving of such notice shall be so cured so that the condition theretofore existing and upon which the notice is based shall no longer exist.

(Code 1971 § 97-19; Ord. #11-10)

28-21.7 Receptacles for Garbage, Refuse.

The occupant of any dwelling or the person in charge and control of any other building in the Township shall provide proper and suitable conveniences or receptacles for receiving garbage and other refuse matter. No building nor any part thereof shall be used as a place of storage for offal and any decay in a manner detrimental to health. Disposal containers shall be kept tightly

covered and maintained in such a manner as not to become a nuisance. Disposal containers cannot be kept at curbside for a period greater than twenty-four (24) hours.

28-21.8 Sanitary Regulations Regulating Buildings.

- a. All places of business shall be equipped with proper and adequate toilet facilities, such as toilet, washbasin, with adequate hot and cold water supply.
- b. All buildings hereafter erected or constructed in the Township and all buildings hereafter converted or to be converted in whole or in part shall conform to the following requirements:
 1. The basement or cellar of any building shall be so constructed as to be reasonably dry, adequately ventilated, and the foundation walls and floor shall be rodent-proof.
 2. In every dwelling unit containing two (2) or more rooms, there shall be running water and at least one (1) sink connected to the public sewer or to an approved sewage disposal system; there shall also be therein at least one (1) washbasin, one (1) water closet, one (1) bathtub or shower stall, all of which shall have sufficient supply of hot and cold water and be of a type approved by the Health Officer.
 3. Water closets, urinals, bathtubs and shower baths must be located in rooms separated from habitable rooms by floor-to-ceiling partitions and doors. Any rooms containing a water closet or urinal must have at least ten (10) square feet of free floor area and at least one hundred (100) cubic feet of airspace for each water closet and each urinal, and must be directly ventilated to outer air by means of window or ventilating duct.
- c. Food shall not be prepared or cooked in any room used for sleeping purposes.
- d. Every building and its appurtenant premises shall at all times be kept clear and free from accumulation of dirt, filth, garbage or other matter detrimental to health.
- e. The owner, lessee, tenant or occupant of every building or structure shall not cause any matter or thing to be done in or about any such building or structure, dangerous or prejudicial to health.

(Code 1971 § 97-21)

28-21.9 Observance of Other State Codes.

The following State Codes, among others, have the force of law within the Township of Rockaway and are required to be observed and enforced by the Division of Health of the Township:

- a. State Sanitarian Code; Chapter IX Public Recreation and Bathing 1991.
- b. Standards for individual Subsurface Sewage Disposal Systems N.J.A.C. 7:9A.

(Code 1971 § 97-22)

28-22 WATER SUPPLY.

28-22.1 Quality of Water.

- a. No person shall use more make available for the use of any other person, drinking, bathing or culinary purposes or for the cleansing of utensils or for other domestic or potable purposes, any water, unless the same shall be of a quality safe for the use to which the same is intended to be put and unless the water shall fully meet the standards of quality for such purposes as fixed by the Department of health of the State of New Jersey or by any other officer or department having the right or the power to fix or determine such quality.
- b. Whenever the Division of Health shall have satisfactory evidence that any well or cistern or other source of water, the water of which is used for domestic or potable purposes or for any of the purposes set forth in the previous paragraph, has become polluted or rendered unsafe for the use to which the same is being put or is intended to be put, written notice to discontinue the use of this water and the well, cistern or other sources may be sent to the owner, agent or person in charge of the well or cistern of other source of water, and such owner, agent or person shall forthwith on receipt of such notice close this well or cistern or other source and discontinue or cause the discontinuance of the use of this water until the cause of the pollution has been abated and until the water shall be rendered safe and of the quality provided for the preceding paragraph.
- c. The regulation officially known as the NJ State Drinking Water Act N.J.A.C. 7:10 (1985) shall have the force of law within the

Township of Rockaway and is required to be observed and enforced by the Department of Community Services.
(Ord. #11-10)

28-23 REPORTABLE DISEASES.

28-23.1 State Sanitary Code Adopted.

The purposes of this section, all other regulations concerning communicable diseases not specifically mentioned and as set forth in the Sanitary Code of the Department of health of the State of New Jersey and all amendments thereof and supplements thereto, are hereby adopted as part of this section.

(Code 1971 § 97-24)

28-23.2 Rabies and Reports.

- a. Whenever a dog, cat or other animal is infected or is suspected of being infected with rabies or has been bitten by an animal unknown or suspected to be infected with rabies, the owner or person in charge of any such animal, or every other person having knowledge thereof, shall forthwith notify the Health Officer. Such notification shall state where the animal or animals so infected may be found.
 - b. Whenever the Health Officer or his designee has reason to believe or has been notified by the State Department that there is danger that rabies may spread within the jurisdiction of the Township, the Health Officer, at his discretion, shall serve a notice, in writing, upon all persons within the jurisdiction of the Township, so far as the same may be known to the Health Officer, owning, keeping or having charge of any dog, requiring such person to confine such dog.
 - c. Any and all other animals may be included in the notice last mentioned whenever in the opinion of the Health Officer such animal or animals shall be so included.
 - d. In lieu of serving the written notice required to be given by paragraph b, one may be published in the official legal newspaper of the Township.
- (Code 1971 § 97-25)

28-23.3 Release of Animals.

Any animal confined under order of the Department of Community Services shall not be released until a certificate of release has been issued by the Department of Community Services.

(Code 1971 § 97-26; Ord. #11-10)

28-23.4 Examination of Animals.

- a. The Health Officer or the duly authorized agent of the Department of Community Services, within its jurisdiction, shall be permitted by the owner or person in charge of a dog, cat or other animal which has attacked or bitten a person, to examine the animal at any time, and daily if desired, within a period of ten(10) days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.
 - b. No person shall refuse, obstruct or interfere with the Department of Community Services in making such examination.
- (Code 1971 § 97-27; Ord. #11-10)

28-23.5 Destruction of Rabid Animals.

The owner or other person in charge of any dog, cat or other animal known to be rabid shall upon notice by the Department of Community Services put or cause such animal to be euthanized. The owner or other person in charge of any dog or cat known to have been exposed to a known or potentially rabid animal shall confine that dog or cat in a manner as directed by the Health Officer or other representative of the Department of Community Services.

(Code 1971 § 97-28; Ord. #11-10)

28-24 CAMPS.

28-24.1 Campgrounds and Youth Camps.

- a. No person shall establish, construct or maintain any campground as defined in Chapter C XI of the New Jersey State Sanitary Code entitled "Campgrounds" and as revised June 4, 1981 and in accordance with N.J.A.C. 8:22-1.1 and 1.46, without first making application to the Rockaway Township Health Department for a campground permit, which permit shall be obtained prior to the operation of any campground.
 - b. No person shall establish, construct or maintain any youth camp as defined in "New Jersey Youth Camp Safety Act Standards," N.J.A.C. 8:25-1 et al., 1993, without first making application to the Rockaway Township Health Department for a youth camp permit, which permit shall be obtained prior to the operation of any youth camp.
- (Code 1971 § 97-30; Ord. 4-1-86)

28-24.2 Regulations.

- a. Every such temporary structure shall at all times be kept clean and free from refuse and accumulation, and when vacated shall be left clean and free from any refuse, accumulation or other condition detrimental to health.
- b. At least three (3) days before any such temporary structure for such workmen shall be vacated, the owner, manager or person in charge thereof shall notify in writing the Department of Community Services, and in such notice shall specify the time such place is intended to be vacated.

(Code 1971 § 97-31; Ord. #11-10)

28-25 LICENSES, PERMITS OR CERTIFICATES.

28-25.1 Synonymy of “License” and “Permit.”

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

(Code 1971 § 97-33)

28-25.2 Applications.

- a. All applications for licenses, permits or certificates shall be made at the office of the Division of Health during regular office hours, and the fees for every license shall be paid in advance at the time of making application therefor.
- b. The granting of any license, permit or certificate may be withheld, at the discretion of the Division of Health, pending examination, investigation or inspection of the person who, or the premises which, may be the subject matter of the license, permit or certificate under consideration.

(Code 1971 § 97-34)

28-25.3 Term and Nonassignability.

All licenses, permits or certificates issued under the New Jersey State Sanitary Code shall be valid only for the balance of the calendar year in which they are issued, unless otherwise herein provided. No such license, permit or certificate shall be transferable or assignable.

(Code 1971 § 97-35)

28-25.4 Evidence of License, Permit or Certificate.

The Division of Health shall evidence the granting of any license, permit or certificate issued by furnishing to the licensee, permittee or certificate holder

a suitable card, sign, placard, disc, plate or other writing which shall convey information concerning the nature of such license, permit or certificate, the serial number of the same, name of the person to whom the same has been issued, the year in which the same is so issued, the premises or vehicles so licensed, if that be material or required, and such other information as the Department of Community Services may deem pertinent.
(Code 1971 § 97-36; Ord. #11-10)

28-25.5 Display.

Every license, permit or certificate issued by the Department of Community Services shall be displayed in a conspicuous place in the establishment, premises or other place for which the same is issued, and shall likewise be so displayed on every vehicle or conveyance so licensed, for the period that the license, permit or certificate shall be in force, unless the Department of Community Services shall otherwise prescribe.
(Code 1971 § 97-37; Ord. #11-10)

28-25.6 Suspension of Licenses and Permits.

- a. Every license, permit or certificate issued hereunder may, at any time during the term for which the same is so issued, be suspended by the Department of Community Services or the Health Officer, pending a hearing, to be granted the holder thereof, pursuant to a notice to show cause to the Department of Community Services why the license, permit or certificate should not be suspended further or revoked.
- b. No such license, permit or certificate shall be suspended unless the Health Officer shall file with the Rockaway Township Council, a complaint or charges evidencing one (1) or more violations of the Article X under which the license, permit or certificate was originally issued.
- c. During the period of any such suspension, every license, permit or certificate so suspended shall be ineffective and the holder thereof shall, during the entire period of such suspension, cease the operation of any business or discontinue every activity or use permitted under the license, permit or certificate suspended.

(Code 1971 § 97-38; Ord. #11-10)

28-25.7 Revocation.

- a. Any license, permit or certificate issued under the provisions of Article X may be revoked at any time by the Department of Community Services for just cause or if licensee, permittee or certificate holder, or any of the employees, agents or servants of the licensee, permittee, or certificate holder, shall violate:

1. Any of the provisions of this Article X or any amendments hereof or supplements hereto; or
 2. The New Jersey State Sanitary Code of the Department of Health of New Jersey specifically applicable to the subject matter for or upon which license, permit or certificate was issued.
- b. Before any license, permit or certificate may be revoked, the holder thereof shall be given a hearing and an opportunity to be heard on the complaint made or violation or violations charged against him.
 - c. The time and place for such hearing shall be fixed at the discretion of the Department of Community Services; provided, however, that an unreasonable time shall not be permitted to elapse between the date of any suspension of license and the date fixed for the hearing.
 - d. Notice of the time and place of any hearing held under this section shall be given by the Department of Community Services to the holder of the license, permit or certificate so involved, in writing, and served either personally or sent to him by registered mail.
 - e. A licensee, permittee or certificate holder who fails to appear at the time and place fixed for such hearings shall not be entitled to any further hearings, and in that event his license, permit or certificate may, as a matter of course, be forthwith revoked.

(Code 1971 § 97-39; Ord. #11-10)

28-26 FEES.

28-26.1 Period Covered; Annual Fees.

All of the fees required to be paid or paid under the terms hereof are intended to be annual fees, but, when paid, shall cover only the balance of the calendar year during which the same are so paid or payable unless otherwise provided.

(Code 1971 § 97-40)

28-26.2 Summary of Fees.

- a. The annual fees for the several licenses and permits referred to in this Article X are hereby fixed by the New Jersey Sanitary Code:
 1. Campground License Fee. The license to engage in the operation of a campground shall be one hundred (\$100.00)

dollars annually, which fee shall be paid prior to license issuance.

2. Youth Camp License Fee. The license to engage in the operation of a youth camp shall be one hundred (\$100.00) dollars annually, which fee shall be paid prior to license issuance.
3. Child Care Center License Fee. The fee for the license of child care centers shall be fifty (\$50.00) dollars per inspection.

- b. No fee for any permit, license or certificate issued hereunder shall be required of any person declared by State Law to be exempt from the payment of any such fee.

(Code 1971 § 97-41; Ord. 4-1-86)

28-26.3 Minimum Licenses and Permit Fees Established.

Whenever in this Article X a license or permit is required by the NJ State Sanitary Code and no specific fee is established for such license or permit, the fee therefor shall be five (\$5.00) dollars payable on issuance of such license or permit, which shall be for the balance of the calendar year in which the same is so issued.

(Code 1971 § 97-42)

28-27 RULES AND REGULATIONS

The Department of Community Services may adopt such rules and regulations as by law it is permitted, authorized or empowered to so adopt and which shall, in its judgment, aid in the proper understanding and general enforcement of the N.J. State Sanitary Code.

(Code 1971 § 97-43; Ord. #11-10)

28-28 PENALTIES.

28-28.1 Violations and Penalties.

Each and every person or corporation who shall violate any section of this Code shall, upon conviction, be liable to the penalty as established in Chapter I, Section 1-5.

(Code 1971 § 97-44)

28-29 FEES AND POLICIES FOR PERSONAL HEALTH CARE SERVICES.

28-29.1 Findings.

N.J.S.A. 26:3A2-1 et seq. entitled “Local Health Services Act” provides that the local health agency may provide personal health services for its residents. The Department of Community Services of the Township of Rockaway encourages proper use of personal health services to maximize the public health benefit, and the Township Council believes that formalized procedures and fees are necessary for the proper administration of the personal health care services program.

(Ord. #94-28)

28-29.2 Standards Followed.

- a. The Community Services Department of the Township of Rockaway shall conduct personal health services in such a manner as shall be necessary to comply with the standards of performance adopted for local health departments pursuant to N.J.S.A. 26:3A2-10.
- b. The Director of Community Services shall promulgate the appropriate forms, policies and procedures for the administration of the personal health services program.

(Ord. #94-28 § 1; Ord. #11-10)

28-29.3 Fees.

- a. The following fees are hereby established for the specified procedures effective July 1, 1994:

1. S.M.A.C. - \$12.00 (seniors over age 60 – free)
2. Female cancer screening - \$15.00
3. Male cancer screening - \$15.00
4. Child health conference - \$15.00 per child, annual fee.
5. Blood lead testing fee - \$12.00 per child
6. Adult wellness programs – fee per program to be set by Division of Health based upon the length of the program, but may not exceed \$25.00 per person for Township residents and \$40.00 per person for nonresidents.

- b. In the event that a registered program participant fails to keep scheduled program appointments, said individual will not be eligible for fee reimbursement.

- c. The Director of Community Services or his designee may waive the registration fee for any individual due to indigence, hardship or other compelling reasons in the interest of public health.
- d. Per dose administration fee for vaccines obtained at no cost to the Township for any Federal or State program \$15.00 per person.
(Ord. #94-28 2; Ord. #10-14; Ord. #O-12-19)

**ARTICLE XI
PUBLIC RECREATIONAL BATHING**

28-30 ADOPTION OF PUBLIC RECREATIONAL BATHING CODE.

28-30.1 Adoption of State Sanitary Code.

- a. All references in this section are to the New Jersey Administrative Code, Chapter 26, Public Recreational Bathing at N.J.A.C. 8:26-1 et seq.
- b. The New Jersey Administrative Code, Chapter 26, Public Recreational Bathing at N.J.A.C. 8:26-1 et seq. is adopted.
(Ord. #97-19 § 1; Ord. #01-02 § 1)

28-30.2 Public Recreational Bathing Places Regulated.

All public recreational bathing places and common interest communities shall comply with N.J.A.C. 8:26-1 et seq. to the extent applicable.

- a. All specially exempt facilities as defined in N.J.A.C. 8:26-5.1 which have a functioning diving board, water slide or other recreational appurtenance that may present an increased safety risk or hazard shall have a lifeguard on the premises when the facilities are in use.
(#97-19 § 2; Ord. #01-02 § 2)

28-30.3 Copies on File.

Copies of Chapter IX “Public Recreational Bathing” Code have been placed on file in the office of the Division of Health of the Department of Community Services and will remain on file for the use and examination of the public.
(Ord. #11-10)

28-30.4 License Required.

A recreational bathing place shall not be opened for public use until the Division of Health of the Department of Community Services has given formal approval therefor by issuance of any appropriate license or permit. The license or permit shall be displayed in a conspicuous place where it may be readily observed by all patrons. No person shall operate a recreational bathing place whose license therefor is suspended.
(Ord. #11-10)

28-30.5 License Fee.

The following fee has been established for the issuance or renewal of a license to operate a recreational bathing place (swimming pool, bathing beach, hot tub and spa), one hundred (\$100.00) dollars.

28-30.6 Expiration and Renewal of Licenses.

Licenses issued for the operation of recreational bathing place shall expire annually on April 30th of each year and application for renewal shall be submitted together with the required fee prior to issuance of a new or renewed license.

28-30.7 Suspension or Renovation of License.

Any license issued to operate a swimming pool, hot tub, spa or bathing beach may be suspended or revoked at any time by the Division of Health of the Department of Community Services. When in the opinion of the Health Office or his authorized agent, such action is necessary to abate a present or threatened menace to public health, or when any provisions of the Township Code or the "Public Recreational Bathing" Code, (1991) are violated by the licensee.
(Ord. #11-10)

28-30.8 Hearings.

Persons whose licenses or permits have been suspended shall be afforded a hearing before the Administrative Authority within three (3) days after such suspension, or thereafter at such person's option to show cause why the suspension should be lifted. The Administrative Authority shall, within seven (7) days after such hearing, render a written decision confirming or rescinding the suspension and shall notify the person whose license or permit has been suspended in writing, of its action and reasons therefor.

Persons whose licenses or permits have been denied shall be afforded a hearing before the Department of Community Services or its authorized agent within seven (7) days after such denial, or thereafter at such persons option to

show cause why a license or permit shall be granted. The Department of Community Services shall within seven (7) days after such hearing, render a written decision confirming or rescinding the denial of a license or permit and shall notify the person whose license or permit has been denied in writing of its action and reasons therefor.
(Ord. #11-10)

28-30.9 Violations and Penalties.

- a. Any person violating any of the provisions of this section or any order promulgated under this chapter or the standards for public recreational bathing made a part hereof shall, upon conviction thereof, shall pay a 27, 50, 5 of not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1,000.00) dollars for each violation at the discretion of the court.

 - b. Each day a particular violation continues shall constitute a separate offense.
- (Ord. #97-19 § 3)

