

SANITARY CODE  
THE BOROUGH OF  
ALPINE, NEW JERSEY

Effective July 15, 1974  
Revised and updated June 11, 2019\*

BOARD OF HEALTH

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<sup>1</sup> As amended by Board of Health Ordinance adopted 6/11/2019



SANITARY CODE  
of the  
BOROUGH OF ALPINE

“AN ORDINANCE ESTABLISHING A SANITARY CODE FOR THE BOROUGH OF ALPINE, IN THE COUNTY OF BERGEN, PROVIDING FOR VIOLATIONS THEREOF AND REPEALING CERTAIN CODES AND ORDINANCES AND AMENDING THE “SANITARY CODE OF THE BOROUGH OF ALPINE” ADOPTED MARCH 2, 1953 AS AMENDED AND SUPPLEMENTED.’

By virtue of the provisions of Title 26, Chapter 3 of the Revised Statutes of New Jersey (1948) and Acts supplemental thereto and amendatory thereof, and by virtue of other Acts of the Legislature of the State of New Jersey. Take notice that certain Regulations and Codes of the State Department of health, namely “Regulations Concerning Meat Processing Establishments and Labeling of Meat Products Processed for Food”, “New Jersey State Sanitary Code, Chapter II, Re[portable Diseases” and “Regulations Concerning Isolation of Persons ill or Infected with a Communicable Disease and Restriction of Contacts of Such Communicable Disease”, all of which have been adopted by reference and incorporated herein as if set forth in full herein pursuant to the provisions of Revised Statutes 26:3-69.1 through 69.6 and three (3) copies of which are on file and available for inspection at the office of the Board in the custody of the Secretary of said Board.

BE IT ORDAINED by the Board of Health of the Borough of Alpine, Bergen County, New Jersey, as follows:

**ARTICLE I: DESIGNATION, DEFINITION AND RULES OF CONSTRUCTION**

**Section 101.** This ordinance and all Ordinances supplementary hereto and amendatory hereof may be cited as the “Sanitary Code”.

**Section 102.** The following definitions shall apply in the interpretation and enforcement of this Ordinance:

“*Adult Nursing Home*” – an establishment which maintains facilities for the care of two (2) or more adult individuals not related by blood or marriage to the person or persons maintaining such establishment, suffering from illness or any infirmity and where convalescent or nursing care is rendered to such individuals.

“*Air Pollution*” shall mean the presence in the outdoor atmosphere of one or more added substances in such quantities and of such duration as to be injurious to human, animal or plant life; or property; or which unreasonably interferes with the comfortable enjoyment of life and property.

“*Board*” shall mean the Board of Health of the Borough of Alpine.

“*Boarding House*” shall mean private housing or dwelling unit where the owner, tenant or occupant thereof is engaged in keeping two or more boarders, not related to him by blood or marriage, and in serving food to some or all of such lodgers, for a part of a day or longer period, under expressed contract or rate of payment.

“*Boarding Home for Children*” shall mean any house or establishment where children are boarded or cared for, whether for one day or part thereof or a longer period, by or under supervision of persons not close relatives of such children, for compensation or as a business.

“*Carrier*” shall mean any person who harbors or carries the causative agent of any disease but who at such times may manifest no clinical symptoms.

“*Cattle*” shall include the following animals and their respective young: cows, bulls, steers, horses, asses, mules, sheep, goats, swine and other hoofed animals.

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

“*Child*” shall mean any person under the age of eighteen (18).

“*Cleaning*” shall mean this the thorough removal of contaminating material or materials.

"Code" shall mean this Ordinance as herein designated, unless some other Code is expressly indicated.

"Communicable Disease" shall be held to mean any disease in which the causative agent may be transmitted from person to person or from animal to person by direct or indirect means.

"Container" shall be synonymous with "Package" as herein defined.

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

"Convalescent Home" – similar to adult nursing home but where complete or partial recovery of patient is expected.

"Dense Smoke" shall mean smoke that is equivalent to or denser than No. 2 on the Ringelmann Smoke Scale.

"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.

"Dwelling" shall mean any building, or portion thereof, which is occupied, as a residence or sleeping place of one or more individuals, families or households.

"Fish" shall include every part of any marine or water-dwelling animal.

"Fluid Milk Products" shall be taken to mean and to include milk, cream, certified milk, skim milk, skimmed milk, non-fat milk, non-fat fortified milk, fortified skim milk, flavored milk, dairy drink, buttermilk, cultured buttermilk, cultured skim milk, cultured milk, cultured sour cream, cultured salad cream, yogurt, cultured half-and-half, Vitamin D. milk, Vitamin D. fluid milk products, homogenized milk, modified milk, ice cream mix, ice milk mix, and half-and-half.

"Fogging" is spraying in the form of a cloud for the control of insects within a prescribed area.

"Food" shall include any article used for food or beverage for man or other animals, and every ingredient therein, including (without limitation) all confectionery, condiments, flavorings and other components of such article.

"Food establishment" shall include any bakery, confectionery, cannery, packing house, slaughter house, dairy, creamery, meat market, fish market, delicatessen, or other place or vehicle used in the production, preparation, transportation or handling of food intended for sale or distribution.

"Fowl" shall mean any feathered animal.

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

"Health Officer or Executive Officer" shall mean the individual duly appointed or designated by the Board to enforce the Code or supervise the work on behalf of the Board. The Health Officer shall possess a license as such issued by the State Department of Health.

"Home for the Aged" – similar to adult nursing home but only for persons 65 years of age or over.

"Hotel" shall mean an establishment operated for profit open to the travelling public for the keeping of guests. Food and beverages may or may not be part of the service.

"Infant" shall mean a child under two years of age.

"Inspector" shall include those persons appointed by the Board to aid in the enforcement of the public health laws of this State or to aid in the enforcement of the rules, regulations and ordinances of the Board of health. Such inspectors shall possess a license from the State Department of Health in the grade and classification required for Alpine Board of health duties.

"Isolation" shall mean separation of a person affected, or suspected of being affected, with a communicable disease, or a carrier of 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.

"Kennels" shall include any building, yard, enclosure, premises or lot of ground used as a commercial establishment for the keeping, raising, breeding or boarding of dogs or other animals.

"Label" shall mean a display of written, printed or graphic matter upon or affixed to the immediate container, not including the liners, of any article.

"Labeling" shall mean all labels and other written, printed or graphic matter (a) upon an article or any of its containers or wrappers or (b) accompanying such article.

"Laundromat" shall mean an establishment where washing and/or drying of wearing apparel and other washable fabrics are done by the customer or an employee of the establishment.

"Lavatory" shall mean a room with conveniences for washing.

"Lodging House" shall mean a private dwelling unit where the owner, tenant or occupant is engaged in keeping two or more lodgers, not related to him by blood or marriage, for a part of a day or longer period, under expressed contract or agreed rate of payment and no food is served to such persons on the premises.

"Meat" shall mean and include every part of any animal, whether mixed or not with any other substance.

"Member" shall mean one of the persons who shall constitute the Board of Health.

"Milk" shall mean the lacteal secretion obtained from one or more cows.

"Milk Products" shall mean and include ice cream, ice milk, sherbets, butter, butter oil, the various types of cheeses, dried milk, dried skim milk and any other food for human consumption made from milk and designated as a milk product by the State Department of Health.

"Motel" shall mean an establishment operated for profit open to the travelling public for the keeping of guests. Food and beverages may or may not be part of the service.

"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.

"Non-public School" shall mean a private or institution-related school which may be attended in place of a public school.

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

"Nursing Home" shall mean a home where nursing care is given.

"Package" shall include any wrapper, case, basket, hamper, can, bottle, jar, tube, cask, vessel, tub, firkin, keg, jug, barrel or other receptacle, but 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 Board, issued in accordance with this Code or the regulations of the Board.

"Person" shall mean any person, association, partnership, trust or corporation, or any one or more of them, or combination of any of them.

"Physiotherapist" shall mean a person qualified and licensed to practice physiotherapy.

"Polluted" shall mean dirty or defiled, unfit for human consumption, or detrimental to health.

"Poultry" shall include chickens, ducks, geese, turkeys, guinea fowl, pigeons, pheasants, and all other fowl or winged animal, kept, raised or sold for human consumption or for production of eggs.

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

"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.

"Registrar" shall mean a person appointed by the Registrar of the State of New Jersey for a period of three years.

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

"Reportable Disease" shall mean those diseases, listed in Article IV to be reported by the local Board of Health to the State Department of Health.

"Restaurant" shall mean and include any restaurant, coffee shop, cafeteria, short order café, lunch room, lunch wagon, diner, soda fountain, snack bar, luncheonette, tavern, bar, grill, cocktail lounge, hotel, club, boarding house, sandwich stand, refreshment stand and every other place or establishment in which food or beverage is sold for consumption on or near the premises or at the time.

"Ringelmann Smoke Scale" shall mean "Ringelmann's Scale for Grading the Density of Smoke" Bureau of Mines Circular No. 7718 of the United States Department of Interior.

"Rubbish" shall include all coal or wood ashes, all loose material and dirtlike substance and all waste material accumulated from buildings or the cleaning of buildings.

"Sanitarian" shall mean a first class sanitary inspector, possessing a license as such from the State Department of Health, appointed by the Board to aid in the enforcement of the sanitary laws of this State and to aid in the enforcement of the rules, regulations and ordinances of the Board of Health.

"Small Animals" shall include rabbits, mink, guinea pigs, rodents, raccoons, squirrels, hamsters, skunks, monkeys but not dogs and cats.

"Smoke" shall mean gas or air-borne small particles by combustion or other heat release or heat application processes in concentration sufficient to be observable.

"Smoke Unit" shall mean a unit of measure of smoke emission. This is smoke of Ringelmann No. 1 shade emitted for one minute or its equivalent, or such as smoke of Ringelmann No. 2 shade emitted for one-half minute.

"Spraying" is a mechanical application of insecticides to bushes, trees or plants.

"State Board" and "State Department" shall mean the New Jersey Public Health Council or State Department of Health or any successor agency thereto.

"Street" shall mean and include every public street, avenue, sidewalk, gutter, highway, park or public place in the Borough.

"Tenant" shall mean any person occupying any house, building or portion thereof, which is rented, leased, let or hired out to be occupied as a house, residence or a business establishment.

"Tenement 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 three or more families living independently of one another and having facilities for doing their cooking and sleeping upon the premises.

"Toilet" shall mean a water closet.

## ARTICLE II: BOARD OF HEALTH

**Section 201.** The Board shall organize annually on the first day of January in each year, or as soon thereafter as may be feasible, at which time it shall elect, by a majority vote of all the members of the Board and from its members, a President and a Vice President.

**Section 202.** A majority of the whole number of members of the Board shall constitute a quorum for the transaction of business but a smaller number may meet and adjourn from time to time. Its regular meetings shall be held four times a year in the office of the Board of Health, Alpine, NJ at 8:00 P.M.<sup>2</sup> on the second Tuesday of the month, which is not a legal holiday, or on such date as may be decided upon at the organization meeting. The Board shall determine and establish the rules of its own proceedings, and shall pass, promulgate or adopt such rules, regulations, orders, ordinances, by-laws and resolutions pertaining to the purposes and objectives of the Board as may be necessary to properly carry out the provisions of applicable State laws governing the powers and duties of local Boards of Health. The President shall have the power to call special meeting of the Board when necessary and in case of his neglect or refusal to do so it shall be lawful for any three members of such Board to call any special

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<sup>2</sup> Beginning 9/21/2006 meetings held 7:00 PM

meeting by written or printed notice to each member, served personally or left at their places of residence at least 24 hours previous to the time appointed for such meeting.

**Section 203.** The President shall appoint, subject to confirmation by a majority of all its Members, a Secretary, an Executive Officer, A Sanitarian, A Registrar of Vital Statistics, and such other officers and employees as he may from time to time deem necessary, all of whom shall hold their respective offices until December 31<sup>st</sup> of the calendar year of their appointment and until their respective successors are appointed and shall qualify, except that the Registrar of Vital Statistics shall be appointed in accordance with the provisions of New Jersey Revised Statutes (1948) 26:8-13.

**Section 204.** The salaries or other forms of compensation of the aforesaid officers and employees shall be such as is fixed at the time of their appointment by Resolution passed by a majority of all the members of the Board.

**Section 205.** The President shall be the Chief Executive Officer of the Board. He shall preside at all meetings of the Board and shall appoint all committees and have all such other powers as may, by law or by the provisions of this Code, be vested in him. During the intervals between regular meetings, the President may represent the Board in all executive and judicial matters. He shall the power to appoint committees from among the members of the Board, and, with the consent of the Board, such other officers as may from time to time, be required to be appointed and provisions for whose appointment is not otherwise made in this Code.

**Section 206.** The Vice-President, in the absence, disability or disqualification of the President, shall serve in the place of said President, with all of his powers and duties.

**Section 207.** The Secretary shall keep the minutes of all the proceedings of the Board; shall conduct all the official correspondence of the Board, maintain proper copies of same, tabulate and complete all reports required by any superior authority, local, State or National, and make such other reports as may be required or directed by the Board. She shall procure all books, stationery and other supplies as may be required by the Board and shall keep adequate record of all applications for permits and the action of the Board, if any, thereon, and all such pertinent information as may be necessary for a complete record of such matter.

**Section 208.** The Registrar of Vital Statistics shall keep all such records of that office, as required by the Bureau of Vital Statistics of the State of New Jersey, and she shall perform such other duties as may be required.

**Section 209.** The Counsel, if appointed, shall be the legal adviser of the Board, and shall, when required, attend its meetings. He shall, when ordered to do so by the Board, represent it in all litigation to which it may be a party and perform all such other legal services as may, from time to time, be required of him by the Board.

**Section 210.** The Sanitarian, if appointed, shall assist the Health Officer perform the duties of the Health Officer in his absence or at his direction, and perform such other and further duties as may from time to time be delegated by the Board.

**Section 211.** The Health Officer, Sanitarian and Registrar of Vital Statistics shall make a written report at each regular meeting. All of the above named appointees shall perform such duties as may be directed by the Statutes of New Jersey, the provisions of this Code or as they may, from time to time, be directed by the Board.

**Section 212.** Every member of the Board, and all officers and employees thereof, shall be virtue of their respective appointments, be vested with the power and authority to make any and all inspections or examinations that are under the Statutes of this State required to be made by local Boards of Health, or that are required by any code, ordinance, regulation or order of the Board. They shall report to the Health Officer any violations occurring in the interim between meetings of the Board and all persons are hereby forbidden to interfere with, or obstruct such inspections or examinations.



### ARTICLE III: SPECIFIED NUISANCES

**Section 301.** The following specific acts or omissions, or the maintenance or allowance of any of the following conditions, are hereby prohibited and are declared to be or to constitute nuisances:

(a) Depositing, maintaining or permitting to exist any foul, decaying, odorous or offensive matter in or upon any lot, yard, street, house, building, premises or place, whether public or private.

(b) Maintaining any excavation, pond, swimming pool, or any cans, barrels or other receptacles where water may stagnate or mosquito larvae may breed.

(c) Throwing or overflowing of any slops, stable drainage, liquid filth, or septic tank, cesspool or privy contents upon any public or private property.

(d) Maintain any polluted well, spring, stream or supply of drinking water.

(e) Taking or allowing of any dog, cat or other animal to enter any store where food is exposed for sale.

(f) Maintaining any chimney, smoke stack, pipe or flue, or any part thereof, that is out of repair and so defective as to allow coal gas or noxious fumes to escape into the building where it is situated or into any adjacent building.

(g) Allowing to exist any unclean or unsanitary conditions in any cellar, room or building, or any imperfect plumbing or sewer appliance or connection from which any foul or noxious odors or liquids may escape.

(h) Keeping cattle, poultry or small animals in any building used as a human habitation, except as to small animals or birds commonly used as household pets.

(i) Expectorating upon the steps, halls, floors or other part of any public building, or upon any sidewalk, crosswalk, street, park, playground, public conveyance or other public place.

(j) Maintaining any vehicle used for hire, or for a public conveyance, in a dirty or unsanitary condition.

(k) Permitting a growth of poison ivy, poison sumac, poison oak or ragweed, or failing to remove brush, weeds, or other vegetation, contact with which or the pollen from which is capable of causing discomfort or injury to health.

(l) Burying, or causing to be buried, any dead animal under any property, private or public, in the Borough of Alpine, without a permit from the Board.

(m) Permitting the emission of dust, gasses, cinders, lint or other particles, or dense smoke, in sufficient quantities to cause discomfort or injury to health.

(n) Maintaining or causing the maintenance or existence of any offensive matter, foul or noxious odors, gases, or vapors, or any cause of disease or other injury to the health of the inhabitants of the Borough.

(o) Polluting or permitting to be polluted any spring, well, cistern or the source of water supply which is used for domestic or potable purposes or is on the water-shed which is the source of drinking water.

(p) Maintaining or permitting to exist any manure piles or mature pit which not tightly enclosed and covered.

(q) Maintaining any premises which is infested with rats, mice or other rodents.

(r) Emitting or permitting the emission of noises and vibrations of a constancy or magnitude capable of causing discomfort or injury to health.

(s) Maintaining stationary lights in residential areas, other than public street lighting, or sufficient magnitude to cause discomfort or injury to health.

(t) Fogging or spraying for insect control using any solution not meeting New Jersey Department of Agriculture standards or in such a manner, whether by reason of wind, or weather conditions, or otherwise, as to permeate the atmosphere of property, public or private, not consenting thereto in advance.

(u) Using or permitting to be used, a building, or any part thereof as a place for the storage of any article or articles detrimental to health.

(v) Any rubbish left in a state of disrepair including abandoned cars, wheelbarrows, etc.

**Section 302.** No owner, agent, lessor, lessee or other person in charge or control of any building shall permit such building, or part thereof to be occupied or inhabited if the same is unfit for human habitation by reason of its harboring disease, or by reason of it's being infected with vermin, or by reason of its being in a condition dangerous to health, or otherwise likely to cause disease among its inhabitants. Whenever it shall be decided by the Board that any building or part thereof is unfit for human occupation for one of such reasons, or by reason of leaky roofs or walls, missing plaster or wall and ceiling coverings or plumbing in an unsafe and dilapidated condition or floors in such warped and uneven condition that furniture or equipment cannot maintain a reasonable level condition, notice of such decision shall be affixed conspicuously on the building, or any part thereof, and served personally or by mail upon the owner, agent, lessor or lessee, if the same can be found in the State, requiring all persons therein to vacate from such building, or part thereof, for such reason. 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 said notice may be specified. Every such notice shall be void if, within the time limited by said notice or before the premises are so vacated, the cause for the giving of such notice shall be so cured so that the conditions theretofore existing and upon which said notice is based, shall no longer exist.

#### **ARTICLE IV: REPORTABLE DISEASES**

The Article IV consists of Chapter II "Reportable Disease" of New Jersey State Sanitary Code as Revised (1965) and "Regulations Concerning Isolation of Persons Ill or Infected with a Communicable Disease and Restriction of Contacts of Such Communicable Disease" (Nov. 15, 1966) adopted by reference by the Alpine Board of Health as of November 2<sup>nd</sup>, 1967 in accordance with Revised Statutes 26:3-69.1 through 69.6 with copies in triplicate on file at the office of the Board in custody of the Secretary.

#### **ARTICLE V: RABIES AND ANIMAL BITES**

**Section 501.** Whenever a dog, cat or other animal is infected with rabies, or has been bitten by an animal known or suspected of being infected by rabies, the owner or person in charge of such animal, or every other person having knowledge thereof, shall forthwith notify the Board. Such notification shall be in writing, signed by the person making the same, and shall state where the animal or animals so infected may be found.

**Section 502.** Whenever the Board or any officer thereof has reason to believe or has been notified by the State Department of Health that there is danger that rabies may be spread within the jurisdiction of the Board, the Board or the Health Officer shall serve a notice in writing upon all persons within the jurisdiction of the Board, so far as the same may be known to the Board or to the Health Officer, owning, keeping or having charge of any dog, cat or other animal, requiring such person to confine such dog, cat or other animal in such manner as may be directed by the Board or Health Officer. In lieu of serving of such written notice on individual animal owners, a notice may be published in the official newspaper of the Borough. The release or termination of this notice will be accomplished in the same manner as originally made.

**Section 503.** The owner or other person in charge of any dog, cat or other animal known to be rabid or known to have been bitten by an animal known to have been infected by or with rabies, shall, upon notice by the Board to do so, either:

(a) confine such animal for a period of six (6) months in such manner as directed and until released by the Board or the Health Officer in writing or

(b) put or cause such animal to be put to death.

**Section 504.** Bites, producing visible blood, from any warm blooded animal, whether or not such animal has been in contact with a known case of rabies, shall be reported to the Board and Police dept. by parent, physician or individual having knowledge of the biting. The animal shall be examined immediately after the biting by a licensed veterinarian. The owner or person in charge of such animal shall confine the animal for a period of (10) days from the date of

biting and making the animal available at all reasonable times for examination for symptoms of rabies. At the end of ten (10) days the animal shall be re-examined by a veterinarian and a written report of the animal's health sent to the Alpine Police Department and the Alpine Board of Health.

**Section 505.** No person shall refuse, obstruct or interfere with representatives of the Board in making such examinations.

**Section 506.** All dogs and cats harbored in the Borough of Alpine must be vaccinated against rabies.

## **ARTICLE VI: MILK, CREAM, AND OTHER DAIRY PRODUCTS**

**Section 601.** No person shall distribute or sell, or offer for sale, or have in his possession, with intent to distribute, sell or offer for sale, within the Borough, any milk, cream, or any other fluid milk products, unless such person shall have first obtained a license therefor from the Board, covering each premises or place from which the same is distributed, sold, or offered for sale or intended to be distributed, sold or offered for sale, and a license, or licenses, covering each vehicle from which the same is sold or offered for sale, or intended to be sold or offered for sale.

**Section 602.** A separate license is required and must be obtained for each place of business used for any of the purposes set forth in this Article and for each vehicle used for any of the said purposes.

**Section 603.** Every license, tag, or tags, and every other evidence issued by the Board as proof of the granting of such license or licenses, together with the number of the license, shall be prominently displayed in the premises so licensed and on each vehicle so licensed.

**Section 604.** The Board may at any time refuse to issue, a license to any person who:

- (a) has been convicted of violating any provision of this Article; or
- (b) has failed or refused to comply with the lawful demands and requirements of the Board relating to the conduct of any business regulated by this Ordinance; or
- (c) through negligence in the handling and preparation of milk, cream, ice cream, ice cream mix, frozen custard, butter, cheese or any fluid milk product has disseminated or tended to disseminate a contagious disease; or
- (d) maintains his milk house, stable, or milk plant or other place where milk and other fluid milk products are produced, handled, processed, stored, distributed, sold or offered for sale, in any unclean or unsanitary manner and in any condition detrimental to health.

**Section 605.** No milk or cream shall be sold, offered for sale, delivered or distributed in the Borough, except for consumption in food establishments, in containers other than those sealed at the place of production or pasteurization, except when used for manufacturing purposes, commercial cooking and baking.

**Section 606.** The use of milk or cream dispensers in the sale, delivery or distribution of milk, or cream in the Borough is prohibited, unless the dispenser so used is specifically approved by the Board or unless dispensers of a type approved by the Board are so used.

**Section 607.** All containers of milk, cream or fluid dairy products, shall be sealed with a cap or other approved device and labelled with labels containing the following information:

- (a) Name of producer or distributor and if the distributor sells or delivers milk for more than one producer or locality, the name of the locality of production or of bottling or of packing; and
- (b) If pasteurized milk or cream, day of pasteurization.
- (c) Bottles or containers of milk and cream shall have a sealed closurehood which thoroughly protects the pouring lip of the container or bottle.
- (d) No pasteurized milk or cream shall be sold or offered for sale prior to 12:01 A.M. on the day of the week appearing on the cap.

**Section 608.** No milk shall be delivered, stored or transported at a temperature exceeding fifty (50) degrees Fahrenheit.

**Section 609.** A source of supply of milk or fluid milk products from which there has been no regular sales in the Borough for a period of six (6) months by a dealer so licensed to sell milk and/or fluid milk products shall be considered an unapproved source of supply. Before any milk

or fluid milk products may be sold, offered for sale or distributed in the Borough from such source of supply, it shall be necessary for the Board to approve such source of supply.

**Section 610.** No milk, cream, or milk products shall be sold, offered for sale or distributed in the Borough, unless the samples, as shown by analysis made by or for the Board, meet the standards of bacterial count, butter fat and total solids prescribed in this Code. The Board shall power to prohibit the sale or distribution of any milk, cream or milk product found to contain preservatives, or to prevent the risk of communicable disease, or found to be lacking in prescribed standards from samples taken.

**Section 611.** Every processor, bottler or manufacturer of milk, cream, ice cream or other dairy foods (excepting those which reach the consumer in hermetically sealed heat-sterilized packages, and butter and cured cheese) whose products are sold or distributed in the Borough shall, during the first week of each month, or upon request of the Board or the Health Officer, have samples of each of their products collected from all plants, depots, distributing points, vehicles and sales stops (retail or wholesale) and analyzed chemically and bacteriologically by standardized methods in a laboratory approved by the New Jersey State Department of Health.

**Section 612.** Fat and total solids contents shall conform with or exceed the minimum required by Article 1, Chapter 10 and Title 24 of the Revised Statutes of the State of New Jersey (1937) and as said Title may from time to time be amended or supplemented, and any other laws or regulations of the Department of Health of the State of New Jersey. The ration of butter fat to other solids and acidities in fluid milk and cream shall be the characteristics of normal, fresh products.

**Section 613.** All milk and cream intended for sale or distribution as fluid milk or fluid milk products shall demonstrate, when tested by standardized procedures by licensed personnel, that it:

- (a) Be derived from healthy cattle maintained free from udder infection; and
- (b) Meets bacterial standards as follows:

Milk and fluid milk products shall not contain more bacteria or coliform organisms per milliliter or gram than:

(1) Raw Milk

(a) sampled from either blended or individual cans of milk from a dairy farm 100,000 bacteria/ml.

(2) Raw Cream

(b) sampled at any time prior to pasteurization – 300,000 bacteria/gm.

(3) Pasteurized Milk, Vitamin D Milk, Skim Milk, Non-fat, Milk, Fortified Skim Milk, Non-fat Fortified Milk, Flavored Milk, and Dairy Drink.

(a) sampled at any time after pasteurization and before delivery to the consumer – 20,000 bacteria/ml and 10 coliform organisms/ml.

(4) Pasteurized Cream and Half & Half

(a) sampled either in bulk or consumer packages at any time after pasteurization and before delivery to the consumer – 30,000 bacteria/gm and 10 coliform organisms/gm.

(5) Pasteurized mixes for ice cream, ice milk, custard, French custard, French ice cream, frozen custard and sherbet.

(a) sampled at any time after pasteurization and before delivery to the consumer – 50,000 bacteria/ml and 10 coliform organisms/gm.

(6) Phosphatase standards will be as follows:

Pasteurized milk, fluid milk products and milk products shall not contain more residual phosphatase per milliliter or gram than herein indicated:

(a) Milk, cream, flavored milk, dairy drink, buttermilk, - 4 phenol units/ml. of sample.

(b) Butter, cottage cheese, creamed cottage cheese, - 4 phenol units / gram of sample.

(7) Methods of sampling will be as follows:

Samples of milk and its products, taken for regulatory purposes and in-connection therewith, shall be collected and handled in accordance with procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products" published by the American Public Health Association, Inc.

(8) Methods of examination will be as follows:

Tests to determine whether the standards of milk and its products are being complied with shall be made in accordance with procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products" published by the American Public Health Association, Inc.

(a) The agar plate method shall be used in examination for total bacterial count, with the exception that in examining raw milk and raw cream the direct microscopic method (counting clumps) may be substituted for the agar plate method.

(b) In testing for residual phosphatase, Method II Official, AOAC in the current edition "Standard Methods for the Examination of Dairy Products" shall be used since the standards of compliance are based on that test.

**Section 614.** No license shall be issued pursuant to Section 601, hereof, with respect to raw milk or raw cream excepting certified raw milk or certified raw cream which shall conform to the standards nor or hereafter prescribed by the State Sanitary Code.

**Section 615.** Consumer packages of pasteurized cream, flavored milk and drink, frozen ice cream, cultured milk and drink, other cultured product and unripened cheese, represented as "superior" by any symbol, device designation, representation or statement, shall be derived from milk adhering to the standard for milk for "superior" pasteurized milk.

**Section 616.** The production, handling and distribution of milk, cream and milk products in the Borough shall be done in accordance with any and every law of the State of New Jersey affecting or controlling the same and in accordance with all amendments or supplements to such laws.

**Section 617.** All dairy sanitation and hygiene in connection with the milk, cream and milk products sold or distributed in the Borough, shall be in accordance with any and every law of the State of New Jersey affecting or controlling the same and in accordance with all amendments or supplements to such laws.

**Section 618.** All ice cream and other frozen dairy products sold, distributed or offered for sale in the Borough shall be made, frozen, handled and processed in accordance with any and every law of the State of New Jersey affecting or controlling the same and in accordance with all amendments or supplements to such laws.

## **ARTICLE VII: RETAIL FOOD ESTABLISHMENTS**

Section 701 through 708 are in reference to the State Code adopted by reference by the Board, November 2, 1967 entitled "Retail Food Establishment Code of New Jersey" edition of 1965, including changes 1 and 2. In addition thereto Section 709 appears as "Procedure for the Bacteriological Examination of Food Utensils", the appendix to the aforesaid Retail food establishment code which is similarly incorporated herein by reference.

**Section 710.** It shall be unlawful for any person to conduct a retail food establishment without first having obtained from the Board a license therefor and the operation of a retail food establishment shall comply with the provisions of the Retail Food Establishment Code of New Jersey (1965), which code and exhibits annexed thereto are, pursuant to the provisions of the Revised Statutes 26:3-69.1 to 69.6, incorporated by reference herein as if set forth in full herein, three copies of which code are on file with and available for inspection at the office of the Board in the custody of the Secretary of said Board.

**Section 711.** No person shall sell or peddle any article of food from any wagon, push-cart, truck or other vehicle, or from house to house or in or at any public place, without first having obtained a license from the Board to do so. Such selling or peddling shall be limited to the articles of food covered by the license.

### **Section 712.**

(a) No horse flesh or horse meat shall be sold, offered for sale or exposed for sale in the Borough, unless the animal from which the same originated was slaughtered in a United States Government licensed slaughter house and unless every carcass, piece and parcel thereof, so exposed for sale, shall have conspicuously attached hereto a label or tag, not less than 3" wide

and 4" long, on which there shall be printed or stamped, in letters not less than 1" in height, the words "HORSE FLESH".

(b) Every establishment, store or place in which horse flesh or horse meat is sold shall display, in a conspicuous space on the outside of said building, store or establishment and easily legible without artificial aid from a distance of at least 40', a sign with the words "HORSE FLESH SOLD HERE".

**Section 713.** Preparations offered for sale as animal food shall not be kept or stored in any refrigerator or enclosed display case containing any food offered for sale for human consumption.

**Section 714.** The fact that, with respect to one or more specific articles of food or beverage or kinds of business, certain regulations have been prescribed under this Article shall not in any way be taken to limit or affect the obligations of every person to fully and in all other respects comply with all the other provisions of this Code applicable to any business in which said person may be engaged or applicable to any product which he may process, distribute handle, store, sell, offer for sale or exhibit.

**Section 715.** No person shall sell, expose for sale or offer for sale, or exhibit, process any meat on a vehicle or on the public streets within the Borough.

**Section 716.** The Health Officer may, from time to time, require "swabbing" tests to be made of eating, drinking and cooking utensils used in retail food establishments. Bacterial counts exceeding one hundred organisms per utensil surface area examined shall be considered unsatisfactory. Any three such unsatisfactory results from such tests taken in any restaurant within any sixty-day period shall warrant the closing of the restaurant concerned until such time as it has been demonstrated that any conditions causing such unsatisfactory utensil sanitization have been effectively corrected.

**Section 717.** Every bakery shall comply with the regulations governing the operation of bakeries adopted on November 16, 1937 under authority contained in Chapter 231 of the Laws of 1909 and every bakery offering for sale custard or cream filled products shall comply with the regulations governing the preparation, distribution and sale of custard and cream filled bakery products filed with the Secretary of State of New Jersey on April 8, 1960, effective April 15, 1960, both of which regulations are, pursuant to the provisions of Revised Statutes 26:3-69.1 to 69.6, incorporated by reference herein.

## **ARTICLE VIII: MEAT PROCESSING ESTABLISHMENTS**

**Section 800.** It shall be unlawful for any person to conduct a meat processing establishment without first having obtained from the Board a license therefore.

**Sections 801 through 816.** Regulations 1 through 16 entitled "REGULATIONS CONCERNING CONSTRUCTION, OPERATION AND MAINTENANCE OF MEAT PROCESSING ESTABLISHMENTS AND LABELING OF MEAT PRODUCTS PROCESSED FOR FOOD", filed by the New Jersey State Department of Health with the Secretary of State July 26, 1965, effective October 4, 1965, which regulations are, pursuant to the provisions of Revised Statutes 26:3-69.1 to 69.6, incorporated by reference herein as if set forth in full herein.

## **ARTICLE IX: WATER SUPPLY**

**Section 901.** No person shall use, or make available for the use of any other person, for drinking, bathing, culinary purposes or for the cleaning 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 said water shall fully meet the standards of quality for such purposes as fixed by the Director of Health of the State of New Jersey or by any other officer of department having the right or the power to fix or determine such quality.

**Section 902.** No person shall pollute or permit to be polluted any spring, well, cistern, reservoir or other source of domestic or potable water supply, or any surface waters which drain into any such source of supply.

**Section 903.** Whenever the Board shall have satisfactory evidence that any spring, 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 section, 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 said water and the well, cistern or other sources, may be sent to the owner, agent or person in charge of said spring, well or cistern or other source of water, and such owner, agent or person shall forthwith, on receipt of such notice, close said spring, well or cistern or other source and discontinue and cause the discontinuance of the use of the said water, until with cause of the pollution has been abated and until the said water shall be rendered safe and of the quality provided for in the preceding section and the Board has consented to the use thereof.

**Section 904.** Any well driller proposing to drill a well in Alpine will obtain a permit from the Board of Health with this name and address and also the name and address of the owner of the property on which the well is to be drilled, bored or otherwise sunk.

**Section 905.** After the well is finished and equipment is installed the well driller will file with the Board of Health a statement as to exact location and depth of the well, diameter of the well casing, type of pumping equipment installed and gallons per minute produced. Also general data on whether well progressed through one or more impervious strata, and if terminal of well is in rock, gravel, or sand.

**Section 906.** The character of the well as mentioned in Sections 904 and 905 shall meet the requirements of the Board of Health as to potability before being used for potable purposes. In this connection, potable water supply shall meet the standards set forth by the State Department of health under the provisions of Title 58.

**Section 907.** Wells dug or bored thirty-five (35) feet or less in subsurface soil above an impervious rock stratum will be considered as surface water wells and not recommended for potable uses without chlorination. These surface well waters may be used for general sprinkling purposes or for bathing pool filling if pools are equipped with adequate filtration and chlorination equipment or other approved systems to render the pool water safe for bathing and swimming purposes.

## **ARTICLE X: ICE**

**Section 1001.** No persons shall manufacture for sale, offer for sale or delivery any ice in the Borough without first having obtained a license therefor from the Board so to do and covering each premises or place from or on which ice is to be sold, offered for sale, delivered or manufactured.

**Section 1002.** No such license shall be issued unless there by an application therefor in writing, signed by the applicant, setting forth the source of the water from which the ice is made or intended to be made.

**Section 1003.** A separate application shall be made for and a separate license shall be required for each wagon, truck, vehicle, ice depot or plant, place or premises used or to be used in the sale, delivery or manufacture of ice.

**Section 1004.** No ice shall be sold, delivered or manufactured if the source of supply of such ice or the source of the water used in the manufacture thereof shall be changed or shall be different from that set forth in the application for the aforesaid license. However, the Board upon notice of such change may authorize the manufacture, sale and delivery of such ice under the then existing license.

**Section 1005.** No personal shall manufacture, sell or deliver ice which has been cut from, or made from, any impure or polluted water, or which has been obtained or made from a source not approved by the Board or which has otherwise become unfit for use.

**Section 1006.** Every license shall, at all times, and upon request of any authorized representative of the Board, made available samples of the ice manufactured, sold or delivered, and in the case of manufacture of ice, of the water from which the same is manufactured.

**Section 1007.** Wagons, trucks, or vehicles used for the transportation of ice shall be kept clean and free from contaminating material.

**Section 1008.** Any commercial self-service ice vending machine must be part of the parent store or structure, with matching roof and side walls, with the parent structure. No individual ice vending machine, separate from and not part of the parent structure, will be allowed.

#### **ARTICLE XI: BOARDING HOMES FOR CHILDREN**

**Section 1101.** No person shall conduct or maintain a boarding home for children within the area permitted by the Municipal Zoning Ordinance without a license first having been obtained therefor from the Board covering all the premises to be so used.

**Section 1102.** Every application for a license shall be in writing and shall contain a full description of the premises and buildings intended to be used for such purpose, the age, qualifications and training of the person or persons in charge and satisfactory proof that each person residing in the licensed premises, or otherwise employed thereat, is free from communicable disease.

**Section 1103.** Every license issued under this Article shall state the name of the licensee, location of the licensed premises and the maximum number of children that may be maintained, boarded or cared for at any one time.

**Section 1104.** In addition to any other provision in this Code contained and affecting the maintenance of premises or buildings, the following regulations shall apply to the conduct or maintenance of boarding homes for children.

- (a) The premises shall at all times, be attended by a sufficient number of competent adult persons;
- (b) The buildings shall be approved by the local fire authorities, zoning authorities and health officer;
- (c) Not more than one family shall reside in the building;
- (d) All buildings and all appurtenant premises surrounding the same shall be subject to and open for inspection by the Board of Health Officer at all times;
- (e) All rooms shall be above street level, well lighted and sufficiently ventilated by windows opening to the outer air;
- (f) Doors and windows shall be adequately screened to exclude flies and adequate provision for toilet and bathing facilities must be supplied;
- (g) The heating system must be adequate to maintain a temperature in all rooms of at least 70° Fahrenheit, which shall be maintained in all inhabited rooms between 6 A.M. and 11 P.M. from the first day of September to the first day of June;
- (h) Individual cots and cribs shall be provided for each child kept overnight;
- (i) Individual toilet articles shall be provided for each child and shall include wash cloths, towels, combs and tooth brushes;
- (j) All formula must be prescribed by a registered licensed physician;
- (k) Adequate provisions shall be made for the care of formulae, sterilization of bottles and nipples and the care of soiled diapers and bed linens;
- (l) All children must be examined by a licensed physician before admission
- (m) Only one (1) infant, among the number of children allowed, is to be boarded at any one period;

**Section 1105.** Every person who conducts or who is in actual charge of a boarding home for children shall keep, or cause to be kept, a record wherein there shall be entered the name, age, sex, color and religion of every child cared for by such person or establishment, together with the names and addresses of each of the parents of said child, or in lieu of the names and addresses of each of the parents of said child, the name and address of the person placing said child in such boarding home; the name of every child who dies while in such person's care, together with the date and the cause of death, the name and residence of the person who removed the child; this entry to be made within 24 hours after such child is given out, taken away or discharged of in any manner.



**Section 1106.** All records required by the previous section or kept in conformity therewith shall be accessible to the Health Officer of the Board, or its representative, or to the representative of the State Department of Health, for his examination at any time.

**Section 1107.** In addition to the right to revoke any license contained in other provisions of this Code, any license granted under this Article shall be revocable upon proof to the Board of misstatement of material facts in the application therefor, or upon failure of the licensee to furnish proof to the Board that the said licensee has deposited a Surety Bond of \$1,000.00 with the State Department of Institutions and Agencies for each child boarded or to be boarded from outside of the State of New Jersey, or upon the failure of the licensee to permit inspection of the licensed premises or records by the employee of the Board.

**Section 1108.** No greater number of boarding children shall be kept at any one time on the premises than that permitted by the terms of the license.

**Section 1109.** No normal child shall be boarded in any Home where any member of the family appears to be mentally deficient or where there is a mentally deficient child.

## **ARTICLE XII: ADULT NURSING HOMES, CONVALESCENT HOMES AND HOMES FOR THE AGED**

**Section 1201.** No person shall conduct or maintain an adult nursing home, convalescent home or home for the aged without a license first obtained from the Board of health. No license shall be issued until the premises have been inspected and the application approved by the Health Officer, the Fire Marshal and the Chief of Police or their authorized representatives. All inspections shall be made and a license shall be issued or denied within thirty (30) days from the filing of the application.

**Section 1202.** The licensee of any adult nursing home, convalescent home or home for the aged shall provide heat from the first day of September of each year to the first day of June of the succeeding year so that the temperature of the inhabited rooms shall always be kept at 70° Fahrenheit or above between the hours of 6:00 A.M. and 10:00 P.M.

**Section 1203.** The licensee of any adult nursing home, convalescent home or home for the aged shall keep a record wherein shall be entered the following: the name, age, sex and date of entry and discharge of every patient or inmate; the name of any persons who die while occupants of the premises together with the date and cause of such death and the name and address of the person who removed the deceased, this entry to be made within twenty-four hours after such deceased is taken away. These records shall be accessible to any authorized official or employee of the Borough.

**Section 1204.** Each licensed adult nursing home, convalescent home or home for the aged shall be equipped with adequate toilet and bathing facilities approved by the Board of health. Each person who sleeps on the premises shall be provided with an individual bed, wash cloths and towels and adequate provision shall be made for the furnishing and care of bed linens, all of which shall be kept in a clean and sanitary condition at all times. Double beds for married couples shall be permitted.

**Section 1205.** Rooms used for sleeping purposes in any adult nursing home, convalescent home or home for the aged shall be on or above grade level. No person shall sleep above the second floor unless proper fire escapes have been provided and the premises shall comply with all local and state regulations respecting occupants above the second floor. Each room shall be well lighted by electric lights. Night lighting of corridors and toilets shall be sufficient for ordinary requirements. An emergency standby electrical system will be required, Ventilation in utility rooms, toilets, bedpan rooms, baths, sterilizer rooms and food storage rooms other than refrigeration units shall have an air change of at least once every fifteen (15) minutes. All outside doors and windows shall be screened from May first to November first.

**Section 1206.** Heating shall be by steam, hot water or hot air system central plants or other systems acceptable to the Board of Health. The use of portable heaters of any kind is hereby prohibited, and lighting shall be by electricity only.

**Section 1207.** No cellar space shall be used for sleeping purposes. Every room used for sleeping purposes shall be not less than seven (7) feet wide in any part, shall contain not less

than seventy (70) square feet of clear floor area and shall have a clear height of not less than seven and one-half (7½) feet for at least sixty (60) square feet of floor area. Where such room used for sleeping purposes contains more than one (1) bed there shall be at least sixty (60) square feet of floor area for each bed.

**Section 1208.** Each adult nursing home, convalescent home or home for the aged shall be inspected at least once every six (6) months by the Fire Marshal and the Health Officer or their authorized representatives in order to insure continuing compliance with the provisions of this Article.

**Section 1209.** Each adult nursing home, convalescent home or home for the aged covered by this Article shall be in accord with the Laws of the State of New Jersey and the Rules and Regulations of the New Jersey State Department of Health governing such establishments in regard to the numbers of Registered Nurses and their duties and the availability of attending physicians as the need may be.

### **ARTICLE XIII: HOTELS, LODGING HOUSES, BOARDING HOUSES, AND MOTELS**

**Section 1301.** No person shall conduct or maintain a hotel, lodging house, boarding house or motel without first having obtained from the Board a license therefor.

**Section 1302.** The application for license shall be made in writing and signed by the applicant, stating (a) the type of establishment proposed to be maintained or conducted, (b) the maximum number of guests, lodgers or boarders to be accommodated, and (c) the facilities to be offered.

**Section 1303.** Such license shall not be issued until the premises have been inspected and approved by the Health Officer.

**Section 1304.** The licensee of a hotel, lodging house, boarding house or motel shall provide heat for the inhabited rooms from the first day of September to the first day of June, so that the temperature may be kept at 70° Fahrenheit, between 6:00 A.M. and 11:00 P.M. At no time, however, shall the minimum temperature be permitted to fall below 50° Fahrenheit in any building, apartment, part of any building or apartment, or other space wherein or wherefore there shall be any obligation to furnish heat. It shall be the duty of every person who shall have such obligation to so furnish such heat, to so maintain the same in accordance with this and all the other sections of this Article.

**Section 1305.** Each such establishment shall have for every six occupants or lodgers at least one bath-tub or shower and at least one toilet and one wash basin all readily available on the same floor.

**Section 1306.** Every occupant shall be furnished with clean towels, washcloths, soap and drinking glasses, each for individual use. Adequate provision shall be made for furnishing and care of bed linens, all of which shall be kept clean and sanitary at all times.

**Section 1307.** All rooms shall be kept in a clean and sanitary condition. All inhabited rooms shall be adequately lighted and properly ventilated with one or more windows opening to the outside air. All outside doors and windows shall be screened to exclude flies and mosquitoes from May 1<sup>st</sup> to November 1<sup>st</sup>.

**Section 1308.** All sleeping quarters shall be above grade, and shall have ceilings at least 7½ feet high, and at least 60 square feet of floor space for each bed.

**Section 1309.** All heating shall be furnished by a central heating system. The use of any portable gas, electric or other small heater is hereby prohibited, as is the use of any light other than electrical.

**Section 1310.** Rooms used for storage, preparation or service of food shall be subject to the same requirements specified in this Code in respect to Restaurants. (Adopted Retail Food Establishment Code).

**Section 1311.** The keeping or use on the premises of any cleansing agents containing hydrocyanic acid or other dangerous poisons is hereby prohibited.

**Section 1312.** Every person who conducts a hotel, boarding house, lodging house or motel shall keep a register showing the name, address, sex, date of entry and date of departure of every guest, lodger, or boarder, the age of such as are minors, and showing the name, age,

sex, and color of any person who dies while an occupant of the premises, the cause (if known) of such death, and the name and address of the person who removed the deceased from the premises.

**Section 1313.** Every hotel, lodging house, boarding house and motel and their registers shall be open to inspection at all times by the Health Officer.

#### **ARTICLE XIV: APARTMENT HOUSES, TENEMENTS AND BUSINESS ESTABLISHMENTS**

**Section 1401.** It shall be the duty of every person who shall have contracted or shall be otherwise bound or legally obligated to heat or furnish heat for any building, part of any building, apartment, or space occupied as an apartment house, tenement or business establishment, to heat or to so furnish heat to every occupied portion of such apartment house, tenement or business establishment so that a minimum temperature of 70 degrees Fahrenheit is maintained therein at all times, provided, however, that the provisions of this Section shall not apply to a business establishment or part thereof used and occupied for a trade, business or occupation where low temperatures are essential and unavoidable. With respect to the obligation or duty to furnish heat to or in an apartment house or tenement, the term "at all times" shall mean the time between the hours of 6:00 A.M. and 11:00 P.M. At no time, however, shall the minimum temperature be permitted to fall below 50° Fahrenheit in any apartment house, tenement or business establishment.

**Section 1402.** For the purposes of this Article, wherever any apartment house, tenement or business establishment is heated by means of a furnace, boiler or other apparatus under control of the owner, agent or lessor, the said owner, agent or lessor shall have been deemed to have contracted, undertaken or bound himself to furnish heat in accordance with the provisions of this Article. The term "contracted" shall be taken to mean and include an obligation arising by a written, verbal or implied contract; and the presence of heating outlets, radiators, risers or returns in any hall or apartment or subdivision of an apartment house, tenement or business establishment shall be prima facie evidence of an implied contract.

**Section 1403.** When the owner, agent or lessor of any apartment house, tenement or business establishment shall have agreed to supply refrigeration facilities, he shall and is hereby required to supply and maintain said refrigeration facilities at all times and in such manner as may be necessary for the proper and wholesome preservation of foodstuffs.

**Section 1404.** When the owner, agent or lessor of any apartment house, tenement or business establishment shall have agreed to supply hot water, sufficient water heated to at least 140 degrees Fahrenheit shall at all times be supplied.

**Section 1405.** No person shall let or occupy or suffer to be occupied separately as a dwelling any vault, cellar or underground room whatsoever unless every part thereof shall be at least seven (7) feet in height, measured from the floor to the ceiling thereof, and unless the same be for at least (3) feet of its height above the surface of the street or ground adjoining or nearest to the same and unless there is an air space of not less than one (1) foot below the level of the floor and unless the same have external window openings of at least 9 square feet clear at all points in elevation of the sash frame, which shall be so constructed that it or they may be opened for the purpose of ventilation.

**Section 1406.** 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 the presence of any poisonous, noxious or offensive substance or a lack of suitable sanitary facilities.

**Section 1407.** No owner, agent, tenant 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 as a dwelling or lodging place, unless such building, or parts thereof so occupied, are sufficiently lighted and ventilated and have available suitable sanitary facilities and are in all respects in that condition of cleanliness and wholesomeness required by this Code and all applicable laws of this State.

**Section 1408.** The owner, agent or other person in charge and control of any apartment house or tenement shall provide watertight and covered receptacles for receiving garbage and other refuse matter.

#### **ARTICLE XV: BARBER SHOPS AND BEAUTY PARLORS**

**Section 1501.** Every person operating or conducting a barber shop or beauty parlor in the Borough and every person employed therein, shall at all times comply with Laws and Regulations governing sanitary conditions in Barber Shops, Barber Schools, Barber Colleges, Beauty parlors and Beauty Schools:

(a) The premises in which the said barber shop or beauty parlor is maintained, shall be kept in a clean condition;

(b) All mugs, brushes, scissors, razors, combs, tweezers and clippers shall be sterilized before being used and after each use upon any customer.

(c) Every such shop or parlor shall be provided with running hot and cold water.

(d) Clean towels and fresh neckbands shall be provided for each customer; and

(e) Every operator, employee or any person actually engaged in waiting upon or serving a customer, shall thoroughly clean his or her hands immediately before serving such customer.

**Section 1502.** No person shall be served in any barbershop or beauty parlor if such person shows visible evidence that he is infected with ringworm of the scalp or any other communicable disease.

**Section 1503.** The use of styptic pencils is prohibited.

**Section 1504.** The use of powder puffs or sponges except for individual use is prohibited.

#### **ARTICLE XVI: MASSAGE OPERATOR OR PHYSIOTHERAPIST**

**Section 1601.** No person shall be engaged or employed as a massage operator or physiotherapist in the Borough without first having obtained from the board a license to do so.

**Section 1602.** No such license shall be issued to any person unless the applicant therefor shall furnish to the Board, a written statement from the Bergen County Medical Society that the applicant is registered with the Medical Society, as a massage operator or physiotherapist, and is competent and trained in that profession.

#### **ARTICLE XVII: PUBLIC SWIMMING POOLS**

**Section 1701.** No person shall maintain or operate a public swimming pool without having first obtained a license therefor from the Board of Health. As herein used, the term 'public swimming pool' shall include any swimming pool except one constructed on private residential property and not operated as a business or for profit.

**Section 1702.** All swimming pools, as well as all bath-houses, dressing rooms, locker rooms, shower rooms and toilets used in connection with public swimming pools, shall be operated and maintained in a clean and sanitary manner.

**Section 1703.** The water used in swimming pools shall be of a quality suitable for drinking purposes.

**Section 1704.** Every public swimming pool shall be drained completely and its sides and bottom shall be cleaned of all scum algae, growth and debris, weekly or so much oftener as shall be necessary to maintain the purity of the water.

**Section 1705.** The pool and the water therein shall be disinfected at such intervals and in such manner as in the opinion of the Health Officer shall be necessary to protect the health of the users of the pool.

**Section 1706.** No person shall be permitted to use a swimming pool who has or appears to have any infection or contagious disease, any skin disorder, sore inflamed eyes, or any nose, mouth or ear discharges.

**Section 1707.** No public swimming pool constructed or altered after December 21, 1966 shall be granted a license unless such construction or alteration meets the standards set forth in the Swimming Pool Code of New Jersey (1955), as the same may from time to time be amended or superseded shall qualify for a license; but the Board of Health may in its sole discretion issue a license to locate and construct, alter or operate a swimming pool failing in certain respects to meet such standards, the standards being set forth in said Code being intended to guide applicants and the Board of Health in passing upon applications for licenses. The issuance of a license to a public swimming pool which does not meet such standards shall not amount to a waiver of other requirement that other public swimming pools meet such standards.

**Section 1708.** All public swimming pools are required to obtain the services of a laboratory approved by the State Department of Health of New Jersey for the maintenance of bathing water quality.

**Section 1709.** All chemical and bacteriological analyses of swimming pool waters shall be made in accordance with the procedures set forth in the current edition of 'Standard Methods for the Examination of Water and Sewage', published jointly by the American Public Health Association and the American Water Works Association. The standard test for the coliform group shall consist of the Presumptive and Confirmed test, the latter being required when presumptive evidence of coliform organisms is indicated. The standard test for total bacteria shall consist of the 37° standard agar plate count.

**Section 1710.** Swimming pool operators shall have pool water samples analyzed by a laboratory approved by the Board unless otherwise directed by the Board or its authorized agent. Reports of all analyses shall be forwarded to the Board or its authorized agent within 48 hours after completion.

**Section 1711.** Samples shall be collected at least once weekly at both ends of the pool during period of heavy bathing load.

**Section 1712.** All samples of swimming pool water shall be collected in bottles containing sodium thiosulfate. In freezing samples of chlorine, the procedure given in "Standard Methods" shall be followed.

(a) General. – For the purpose of this Code, the bacterial quality of swimming pool waters shall be judged on the basis of plate counts and coliform densities as hereafter prescribed.

(b) Standard Portion. – A standard portion shall consist of ten milliliters (10 ml.).

(c) Standard Sample. – A standard sample of pool water shall consist of five (5) standard portions.

(d) Standard Sampling. – For the purpose of this Code, a standard sampling shall consist of the ten (10) standard portions obtained from the two (2) samples taken from the pool in accordance with Section 1711.

(e) Maximum Coliform Densities. – Of all ten (10) standard portions obtained from a standard sampling, not more than one (1) portion shall show the presence of organisms of the coliform group at any time.

(f) Maximum Plate Count. – The total plate count of a sample taken at either end of the pool shall not exceed 250 bacteria per ml. at any time.

**Section 1713.** The Board shall obtain and have additional samples analyzed if those taken pursuant to Section 1710 do not meet standards established by Section 1709.

**Section 1714.** Free chlorine residuals and pH values shall be determined not less than four times during any day the pool is in operation. Free chlorine residuals and pH values shall be maintained within ranges indicated below:

pH	Free Chlorine Residual
7.0 - 7.6	0.4 – 0.6 p.p.m.
8.0 – 8.4	2.0 – 5.0 p.p.m.

**Section 1715.** The water of a pool, when in use, shall be sufficiently clear to permit a black disk 6" in diameter superimposed upon a white field placed at the bottom of the deepest end of the pool to be clearly visible from the pool sidewalk at all distances up to ten (10) yards measured in a horizontal distance from the projection of the disk onto the pool surface.

**Section 1716. Permit Required.** No person shall construct, maintain or operate within the borough any private open swimming pool, portable or permanent, or wading pool until a permit

shall have been obtained in accordance with this chapter. This chapter shall not govern or regulate a portable wading pool, provided that all parts for such pool are portable and no part of it is permanently installed.

**Section 1717. Definitions.** "Swimming pool" shall mean any pool designed, used and maintained for swimming purposes by any individual for use by his household and guests and located on a lot as an accessory use for a residence.

"Wading pool" shall mean any artificially constructed pool, not designed or used for swimming, with an area exceeding 120 square feet and a maximum depth exceeding 15 inches.

**Section 1718. Application.** An application for a permit to construct a private swimming pool or wading pool shall be made to the building inspector and the Board of Health, and shall include final plans and specifications essentially comprised of the following data:

Detailed plot plan of the entire property, showing the accurate location of existing buildings and the proposed pool, together with proposed bath house or cabanas, drawn to scale, with pertinent dimensions and grade elevations shown in figures at pool, building and property lines. The plot plan shall show the location, height and type of all proposed fencing or enclosure as hereinbelow required around the pool.

Pool layout, construction and dimensions, including piping arrangement, pumps and all other pool appurtenances.

Details and specifications for water treatment units with operating instructions thereto.

Details of disposal facilities for filter waste water and provisions for emptying the pool.

Location of brook on property.

Fee and 3 complete signed copies of all plans and specifications must be deposited with clerk at time of application.

**Section 1719.** Specifications for construction of the pool shall accompany all detailed and final reports. The plot plan shall be signed by the owner or his agent and a duly licensed engineer or registered architect or land surveyor of New Jersey.

No permit for a private swimming pool or wading pool shall be issued by the building inspector until the plans, specifications and plot plans have been approved by the borough engineer and a plumbing permit issued by the Board of Health of the Borough, and such approval has been properly certified on the plans. The application shall be forwarded by the building inspector to the Board of Health and the borough engineer for approval. Approval or rejection shall be made in writing within ten days from the date of application to the building inspector.

**Section 1720.** A fee of two hundred (\$200.00) dollars shall be paid to the borough for a private swimming pool or wading pool permit, which fee shall be exclusive of the building permit fee required for erection of the pool and any accessory structure to be used in connection therewith under the building code of the borough. The fee shall be paid to the borough clerk prior to the time application to the building inspector is made. The fee shall cover the cost of processing the application and will not be refunded in the event of rejection by a borough official.

**Section 1721. Locations.** No private swimming pool or wading pool shall be erected nearer to a street property line or nearer to a side or rear property line than herein set for the respective zoning district as follows:

In all residence districts street and lot line setbacks shall be in accordance with the borough zoning ordinance which may be amended at future times to regulate buildings and structures according to their construction and the nature and extent of the use of the land.

In business districts minimum setback from the street right-of-way line shall be 20 feet; minimum setback from the side property line shall be 20 feet; and minimum setback from the rear property lines shall be 20 feet.

**Section 1722. Construction and Maintenance.** A. *Standards for Construction and Maintenance.* All materials used in the construction of private swimming pools and wading pools shall be waterproof and easily cleaned. Uncovered sand or earth bottoms shall not be permitted. The construction and design of the pool shall be such that they may be maintained and operated so as to be clean and sanitary at all times. The owners of every private swimming pool or wading pool shall be responsible for maintaining the pool in such condition so as to prevent breaks in the pool chassis or water from overflowing into adjacent property, private or

public. The immediate area surrounding the pool shall be designed to slope away from the pool so that all surface water will drain away from the pool.

B. *Height of Pool.* The top of the peripheral walls of the pool shall at no point be more than five feet above the natural elevation of the land and no more than 30 per cent (based on the linear peripheral measurements) of such wall shall extend more than three feet above the natural elevation of the land.

C. *Grading.* Extending from the top of the wall which retains the water in the pool to a distance of four feet from the water's edge, there shall be an area or marginal strip with a gradient of not more than one per cent measured at right angles from the face of the wall at the water's edge. From the outer edge of the marginal strip the land shall be graded to a slope not exceeding one foot vertical to each three feet horizontally to meet the original contour of the land.

**Section 1723. Water Supply and Treatment.** There shall be no physical connection between a portable public or private water supply system and such private swimming pools or wading pools at a point below the maximum water line of the pool or to a recirculating or heating system. All swimming pools and the water used shall be of the following types:

Filtered and chemically treated.

Fill and draw and chemically treated.

If a filter system is used, it shall be with a pressure sand filter or an approved equal. If the fill and draw type is used, water shall be changed often enough to maintain a satisfactory standard bacterial quality of the water. Swimming pool water must be chemically treated. Pool water should be tested periodically for residual chlorine and pH. The residual chlorine content should range from a minimum of two to a maximum of six ppm at any time the pool is in use. The pH of the pool water should range from neutral (7.0) to slightly alkaline (7.6).

**Section 1724. Disinfection.** All private swimming pools shall be treated with chlorine, bromine, or their compounds in sufficient quantity so that there will be present in the water at all times when the pool is in use a residual of excess chlorine of not less than two parts per million of available free chlorine.

**Section 1725. Bacteriological Standards.** Not more than 20 per cent of the samples of water taken from any private swimming pool, when more than 20 samples and not less than three samples have been examined, shall contain more than 20 bacteria per cubic centimeter portions of water at times when the pool is for use. For the purpose of this section, any number of samplings of water on a single day shall be considered as one sample. The board of health is authorized to take samples to insure compliance with these requirements.

**Section 1726. Pool Drainage.** All private swimming pools and wading pools hereafter constructed within the borough shall be provided with one drainage outlet not in excess of three inches in diameter, extending from the pool to either a brook, storm sewer or lawn sprinkling system on the premises on which the private pool is located. The discharge of water from such private swimming pool into a brook or storm sewer shall only be permitted following approval by the proper state, county and/or municipal official as the case requires. Approval of an application shall only be given if it is feasible to discharge water from the pool into an accessible brook or storm sewer, or to use such water for the purpose of lawn sprinkling on the premises. Approval shall not be given to discharge water at the curb or on the surface of any street.

**Section 1727. Fencing.** The pool area shall be completely enclosed with a fence or secure enclosure of durable construction, so constructed as to prevent the passage of a small child. The fence shall be no less than 48 inches in height, and any gate thereof shall be kept securely locked at all times when the pool is not in use. A sign measuring not more than one square foot in area and stating "Private – No Admittance" may, at the discretion of the owner, be placed outside of all gates or doors leading into such private swimming pool.

**Section 1728. Bath Houses.** A bath house is not required; any such construction, including screened enclosure, must conform to accessory building construction as defined and governed by the building code and zoning ordinance of the borough.

**Section 1729. Plastic Pools. A. Standards:** *Fences.* Plastic pool, the construction elements of which are portable when the pool is not in use, shall be subject to the same health standards and controls set forth in this chapter, with the exception that if any plastic pool shall rise 48

inches or higher vertically from the ground then no fence or gates shall be required to enclose the pool.

B. *Application.* Application shall be filed with the borough clerk and a fee of ten (\$10.00) dollars paid for each such installation. Each application must be approved by the building inspector and the board of health. Approval or rejection shall be made in writing within ten days from the date of application to the clerk. The fee shall cover the cost of processing the application and will not be refunded in the event of rejection by the borough.

C. *Storage.* The storing of the pool and replacing it for use in the same location shall not be considered a new installation; however, if the location of the pool is changed, this shall be considered a new installation and shall be subject to a new application and ten (\$10.00) dollar fee.

D. *Ladders.* The owner or person in charge of a pool shall be required to take up the access ladder when the pool is not in use.

**Section 1730. Enforcement.** Every private swimming pool or wading pool, as defined herein, constructed in the borough, shall at all times comply with the requirements of the board of health of the borough. Any nuisance or hazard to health which may be created or caused in connection with any such swimming pool shall be abated and removed by the owner, lessee or occupant of the premises on which the pool is located within ten days after receipt of written notice from the building inspector, borough engineer or board of health.

#### **ARTICLE XVIII: PARAKEETS AND OTHER BIRDS**

**Section 1801.** It shall be unlawful to offer for sale, on any premises within the Borough of Alpine, any canary, parakeet or other bird or fowl, except fowl or poultry subject to regulation under Article XIX of the Sanitary Code, unless a license for that purpose shall have been first secured from the Board of Health of the Borough of Alpine.

**Section 1802.** Each license shall cover the period commencing the 1<sup>st</sup> day of January and expiring on the 31<sup>st</sup> day of December in the year of issue, and shall not be transferable. There shall be no apportionment or abatement of the fee for any license granted after the 1<sup>st</sup> day of January in any year.

**Section 1803.** Application for renewal of a license shall be made on the same application form, with the same fee and in the same manner set forth with respect to initial applications except that the application form shall be marked "renewal".

**Section 1804.** Every licensed premise shall be maintained in a sanitary manner at all times.

**Section 1805.** The Health Officer or Executive Officer shall inspect each premise before issuance of any license covering the same, and from time to time thereafter to insure full compliance herewith.

#### **ARTICLE XIX: KEEPING OF LIVE POULTRY OR OTHER FOWL**

**Section 1901.** No person shall keep or maintain any live poultry, or fowl, even for non-commercial purposes, without first having obtained a license or permit for that purpose from the Board covering the premises intended to be so used.

**Section 1902.** All live poultry shall be confined in coops and runs.

**Section 1903.** All coops or runs shall be constructed in accordance with the regulations now or hereafter in force under the Zoning Ordinance of the Borough. The distance shall be the same as in Section 2012.

**Section 1904.** All coops or runs shall be constructed in accordance with the regulations now or hereafter in force under the Zoning Ordinance of the Borough. The distance shall be the same as in Section 2012.

**Section 1905.** All coops shall be provided with concrete floors.



**Section 1906.** A sufficient number of roosts, to provide roosting space for each individual specimen of poultry or fowl kept in said coop and a sufficient number of properly placed drop board beneath each roost, to catch all droppings excreted by the said poultry or other fowl while on the roost, shall be provided.

**Section 1907.** All coops and runs and the entire surroundings of all such places, shall be kept clean at all times and shall be subject to periodic inspection by the Health Officer of the Borough or his representative.

**Section 1908.** Coops and runs shall be disinfected or otherwise treated when so directed by the Board.

**Section 1909.** The floors of all coops shall be kept clean and dry at all times.

**Section 1910.** All of the droppings shall be removed from each coop daily and removed from the premises or disposed of in a manner approved by the Board, at least weekly, or sooner if necessary. All droppings and soiled bedding materials must be stored in closed water-tight containers the contents of which must be treated with lime and protected by a suitable cover from sun, rain, snow and all other conditions which tend to produce offensive decomposition.<sup>3</sup>

**Section 1911.** All food for immediate consumption shall be placed in suitable feeding troughs, or similar containers, and all other food shall be stored in rat-proof containers at all times.

**Section 1912.** The provisions of this Article shall not be deemed to authorize the keeping of live poultry or their produce for sale or for the preparation for sale.<sup>4</sup>

**Section 1913.** No person shall keep any crowing rooster or screaming or chattering fowl.

**Section 1914.** No live poultry or other fowl shall be permitted to fly or run at large.

**Section 1915.** No coop or run shall be located within 150 feet of any dwelling or place where people congregate or within 200 feet of any food or eating establishment or within 50 feet of any adjoining property line.<sup>5</sup>

**Section 1916.** No person shall keep more than (1) individual specimen of poultry or fowl in any coop for each (3) square feet of usable floor space within said coop. Notwithstanding the above the maximum number of individual specimens of poultry or fowl that a person harbors, maintains or keeps on any property as conditions permit shall not exceed twelve. The owner of the poultry and fowl must have a property right or ownership interest in the poultry or fowl and a fee ownership interest in the premises. Poultry or fowl as permitted under this ordinance shall be for personal use only.<sup>6</sup>

**Section 1917.** No poultry food shall be scattered about any premises.

## **ARTICLE XX: KEEPING OF CATTLE OR HORSES<sup>7</sup>**

### **Section 2001. DEFINITIONS.**

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

CORRAL – shall mean a pen or fenced enclosure of durable construction, permanently affixed to the ground and used as an enclosure for hoofed animals.

HARBORER – shall mean any person feeding and/or sheltering a hoofed animal on premises for a period longer than twenty-four (24) consecutive hours.

HOOFED ANIMAL – shall mean any animal which has a solid-hoofed or cleft-hoofed quadruped including but not limited to horses, ponies, goats, cows, mules, donkeys, llamas, alpacas and swine, whether mature animals or their young.

KEEPER – shall mean any person having the custody, care or control over a hoofed animal or knowingly permitting a hoofed animal to remain on his premises for a period longer than twenty-four (24) consecutive hours.

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<sup>3</sup> As amended by Board of Health Ordinance adopted 10/4/2016

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid

OWNER – shall mean any person having a property right or ownership interest in a hoofed animal and a fee ownership interest in the premises where a hoofed animal is kept, housed or maintained.

PERSON – shall mean an individual, firm, partnership, corporation or association of persons.

STABLE – shall mean a building or structure of durable construction, permanently affixed to the ground and designed and used for boarding, sheltering or housing of hoofed animals. This term shall specifically exclude shipping containers or crates, truck bodies, cars of any similar enclosures at any time used or designed for a use other than the boarding, sheltering or housing of hoofed animals

**Section 2002. License Required.**

A. No person shall have or keep, or allow to be kept in any building or part thereof or on any land in the Borough, any hoofed animal, without first having obtained, from the Board, a license to do so. Any person desiring to keep, harbor or maintain one (1) or more hoofed animals in the Borough of Alpine shall obtain a license for each hoofed animal. Application for each license shall be made to the Health Officer of the Borough on application forms which are provided by the Board of Health. Each application shall specify the following information:

1. The name and address of the applicant.
2. A description of the common address and lot and block number of the premises on which the applicant desires to keep, harbor or maintain a hoofed animal.
3. A description of the type of hoofed animal to be kept, harbored or maintained.
4. The dimensions and size of the premises on which the applicant desires to harbor, maintain or keep a hoofed animal.
5. The number of hoofed animals that the applicant proposes to keep harbor or maintain on the premises.
6. Each application shall illustrate by diagram the location and dimensions on the premises of all buildings, stables and accessory buildings to be used to house the hoofed animal or animals and the location of the corral or sty to be used for the outdoor containment of the hoofed animal or animals. The diagram shall illustrate the location of each building, corral or sty in relation to the dwelling house, if any, on the premises; the boundary lines of the applicant's property; and all other buildings on the premises; and all other buildings on the premises immediately adjacent on all sides of the premises which are the subject of the application.
7. Each application to keep, harbor or maintain a horse, pony or other hoofed animal shall be accompanied by a laboratory certificate showing vaccination for eastern and western equine encephalitis dated within a period of no earlier than twelve (12) months prior to the date of each application for each animal to be licensed.

B. Any person who owns, harbors, keeps or maintains a hoofed animal with the Borough shall make application within fifteen (15) days after obtaining the animal to the Health Officer for a license pursuant to and in accordance with the terms and provisions of this chapter. If an application is not made within the time prescribed herein and if that person continued to own, harbor or maintain a hoofed animal within the Borough, that person shall be deemed to be in violation of the terms and provisions of this chapter. All licenses run on a calendar year expiring December 31 and must be renewed each year in January.

C. The offspring of any licensed hoofed animal will be subject to all provisions of paragraphs A. and B. above at six (6) months of age.

**Section 2003. Fee Required.**

The annual fee for the license referred to in Section 2002 A. and B. above shall be \$250.00 for the first hoofed animal and \$125.00 for each additional hoofed animal. The license fee shall be paid prior to the issuance of the license. Each license shall expire on December 31 of each year unless sooner revoked by the Board of Health.

**Section 2004. Limitations on Number and Use of Hoofed Animals**

No person shall keep hoofed animals in excess of the number specified in the license granted for that purpose. A maximum of two hoofed animals may be kept on the first two acres of land. An additional acre is required for every additional hoofed animals. No hoofed animals

may be kept on lots under 2 acres. Notwithstanding the above the maximum number of hoofed animals that a person harbors, maintains or keeps on any property as conditions permit shall not exceed six.

Hoofed animals as permitted under this ordinance shall be for personal use only.

**Section 2005. Actions Prohibited.**

A. No person who owns, harbors, maintains or is the keeper of a hoofed animals shall permit a hoofed animal to be kept or maintained in the Borough unless they have a property right or ownership interest in the hoofed animal and a fee ownership interest in the premises.

B. No person who owns, harbors, maintains or is the keeper of a hoofed animals shall permit a hoofed animal to be kept or maintained in the Borough unless the premises on which the animal is kept, harbored or maintained has a stable or separate building for its shelter and a fully enclosed corral or sty for containment of the hoofed animal.

C. No person who owns, keeps, or harbors a hoofed animal shall permit it to run at large at any time on any public or private property within the Borough but same shall be confined to the licensed premises.

D. No feculent matter (manure) and soiled bedding materials may be removed or transported on any public thoroughfare or place except in a suitable vehicle properly provided with water-tight, completely closed tanks or boxes designed to prevent leakage onto the streets or highways within the Borough and designed further to prevent the escape of offensive odors into the atmosphere.

**Section 2006. Property Maintenance**

Every stable, stable yard, or place where hoofed animals are stabled, grazed, corralled or kept, shall be kept in a clean and wholesome condition. Every person who owns, keeps, harbors or maintains a hoofed animal within the Borough shall keep and maintain the property on which the animal is kept and all buildings and facilities thereon in accordance with the following:

A. Barring acts of God or nature which renders compliance with this subsection impractical:

1. All stables, buildings, corrals, sties and other places in which a hoofed animal is kept, harbored or maintained must, where soiled by urine or feculent matter (manure), shall be cleaned daily and cleaned weekly. All such areas shall be drained and kept in a clean, dry condition and no vegetable or other putrescible matter shall be allowed to remain or decay. Such places shall be "cleaned daily" within the meaning of this subsection upon the removal of all urine, feculent matter and soiled bedding and the treatment of the portion of such places from which the urine, feculent matter and soiled bedding material is removed with lime or barn calcite. Such places shall be deemed "cleaned weekly" within the meaning of this subsection upon the removal of all matter, including urine, feculent matter and all bedding material and the treatment of the floor or ground portion with lime or barn calcite.

2. All Feculent matter (manure) and soiled bedding materials must be stored in closed water-tight containers the contents of which must be treated with lime and protected by a suitable cover from sun, rain, snow and all other conditions which tend to produce offensive decomposition.

3. Feculent matter (manure) and soiled bedding materials shall not be allowed to accumulate in stable yards, corrals, sties or other places nor in or near stables or buildings where hoofed animals are kept. All feculent matter (manure) and soiled bedding materials must be removed at least bimonthly (or sooner if necessary) from the premises or they must be so spread and treated bimonthly with lime and such other chemicals as shall be necessary to minimize odor and the attraction of insects.

B. No person owning, keeping or harboring a hoofed animal shall willfully permit such animal to soil or defile or commit any nuisance upon any public sidewalk, public street, public park, public playground, school playground or the property of persons other than the owner or the person or persons owning or having the care, custody or control of such animal. The person shall be responsible for cleaning and removing this material on the same day of the occurrence.

C. All stables and buildings in which a hoofed animal is kept, harbored or maintained shall be fogged or sprayed regularly with a residual insecticide which is designed to kill flies and insects and regularly used for that purpose. Spraying must be performed weekly from May 1 through September 30 for each calendar year.

D. The floor area of all stables, buildings, corrals and sties on which a hoofed animal is kept, harbored or maintained shall be regularly used for such purpose as shall be necessary to prevent odor and the attraction of flies, insects and rodents.

E. Grain feeds, including but not limited to oats and corn, shall be kept in covered solid-walled containers to prevent the attraction or sustenance of rodents.

**Section 2007. Condition of Animals**

No diseased hoofed animals shall at any time be maintained in the Borough. All hoofed animals kept, harbored or maintained in the Borough shall be kept free from sickness and contagious disease. No hoofed animals shall be kept in a place in which the water, ventilation and food are not sufficient and wholesome for the preservation of the health and safe condition of such hoofed animals. No hoofed animals shall be kept in any areas including stables, buildings, corrals and sties while such area is infested with any contagious or infectious disease germs. In the event that the Health Officer or the Board of Health of the Borough of Alpine shall have reasonable cause to question the health of any hoofed animal kept, harbored or maintained within the Borough, the Health Officer or the Board of Health shall have the authority to require an examination of this animal by a doctor of veterinary medicine within forty-eight (48) hours after notice to the owner, harborer or keeper of the animal. The examination shall be conducted at the expense of the owner, harborer or keeper of the hoofed animal.

**Section 2008. Issuance of License**

A. No license required by the within section shall be issued to any person unless the applicant presents documentary proof that the hoofed animal for which a license is being applied for has received inoculations required by regulations established by the Board of Health and/or appropriate governmental agencies of the State of New Jersey.

B. No license shall be issued to any person unless the applicant is in compliance with all the terms and provisions of this chapter, the Zoning Ordinances and all other applicable ordinances of the Borough of Alpine. On and after the effective date of this section, no person shall keep harbor or maintain a hoofed animal within the Borough unless that person is the holder of a license applied for and issued pursuant to the terms and provisions of this Article.

**Section 2009. Area and Setback Requirements.**

A. Adequate fencing should be so located that the animals do not trespass on neighborhood property.

B. It is the responsibility of the person who owns, harbors, maintains or is the keeper of a hoofed animal to obtain all necessary information about the Borough's building, zoning and sanitary codes so that the owner shall have a full understanding of their responsibilities in the management of stables.

C. The minimum stall size shall be:

<b>Size (feet)</b>	<b>Type</b>
10 x 10	Box stall
5 x 12	Straight or tie stall

D. No hoofed animals shall be pastured within 150 feet of any dwelling or adjoining property line or stabled within 50 feet of any dwelling or 50 feet of any adjoining property line.

E. No feculent matter (manure) and soiled bedding materials (manure pit) shall be located, placed or maintained within 50 feet of the nearest adjoining property line or within 50 feet of the nearest dwelling.

**Section 2010. Revocation of License**

The Health Officer shall give written notice to the owner, keeper or harborer of any violations of the provisions of this chapter, giving notice of specific violations. Should such violations remain uncorrected for a period of thirty (30) days after the giving of written notice, at least fourteen (14) days written notice shall be given by the Health Officer requiring the owner, keeper, or harborer to appear at a hearing before the Board of Health. After findings by the

Board of Health (pursuant to the hearing) of a violation of the provisions of this chapter and the willful continuance of such violation during the entire thirty (30) day period following the receipt of the notice referred to above, the Board of Health may thereafter revoke any license. No new license shall be reissued to any owner, keeper or harbinger whose license has been revoked pursuant to this section except upon a showing of good and sufficient reason and upon reapplication pursuant to this section except upon a showing of good and sufficient reason and upon reapplication pursuant to the provisions of this chapter.

**Section 2011. Enforcement.**

The Health Officer and the Board of health are charged with the responsibility of administering and enforcing the provisions of this section. The Health Officer and the Board of health are hereby authorized and shall, upon reasonable notice, be permitted by the adult owner, keeper, harbinger or maintainer of any hoofed animal to enter upon the premises of the person for the purpose of administering and enforcing the terms and provisions of this section. Prior to inspection of the premises, the Health Officer of the Board of Health shall identify himself to the adult owner, keeper, harbinger or maintainer.

**Section 2012. Violations and Penalties.**

Any person who violates any of the terms and provisions of this section shall be in violation of the law and, upon conviction, shall be liable to a fine of not less than fifty (\$50.00) dollars but not more than one hundred (\$100.00) dollars for each offense. Each day for which a violation of this section continues shall be considered to be a separate violation hereunder.

**ARTICLE XXI: KEEPING OF SMALL ANIMALS**

**Section 2101.** No person shall keep small animals, as defined in Article 1 thereof, on any premises within the Borough unless a license for that purpose shall have been first secured from the Board covering the premises to be so used.

**Section 2102.** No license for the keeping or raising of small animals, shall be granted to any person when the keeping or raising of such small animals, because of the nature or characteristics thereof, would be detrimental to the general health of the residents of the neighborhood of the premises sought to be so licensed. The harboring of more than four dogs six months of age or over shall be considered a kennel and must be approved and licensed by the Board of Health.

**Section 2103.** No persons shall keep any small animals in a hutch or coop of a size having less than eight (8) square feet of floor space and being less than two (2) feet in height, without special permission of the Board.

**Section 2104.** Each hutch or coop shall be dry and adequately ventilated and shall be cleaned daily and rebided with fresh straw, leaves or other absorbent material.

**Section 2105.** No person shall keep any small animal affected with mange, coccidiosis, parasitic worms or other diseases contagious to other animals or human beings and any such animal so affected shall immediately be destroyed and the carcass cremated forthwith.

**Section 2106.** Any hutch or coop wherein such affected animal is found and all adjoining hutches or coops, shall be destroyed or thoroughly disinfected with a germicide approved by the Board and under the direction of the Health Officer. The provisions of this Article shall not apply to any small animal under regular professional treatment by a duly licensed Veterinarian, but all said provisions shall fully apply when such treatment shall be discontinued without a full care having been effected or when such Veterinarian shall certify that, in his opinion, such cure cannot be effected.

**Section 2107.** No hutch or coop shall be less than 50 feet from any dwelling nor less than 10 feet from all adjoining property lines.

**Section 2018.** No person shall allow any small animal, as the term is herein defined, to run at large in the Borough, but the same shall, at all times, be confined to the premises licensed for the keeping thereof.

## **ARTICLE XXII: REMOVAL OF FAT, BONES AND REFUSE**

**Section 2201.** No person shall engage in the Borough in the business of removing fat, bones or refuse from any butcher shop, meat market or other food establishment without first having obtained from the Board a license for that purpose.

**Section 2202.** All containers used for the collection and removal of fat, bones or other refuse from any meat market, butcher shop or other establishment shall be made of metal and with suitable tight-fitting covers.

**Section 2203.** All vehicles used for the collection or transporting of any such fat, bones or refuse, shall be fully closed, excepting when engaged in the actual collection thereof.

**Section 2204.** No vehicle used in any business permitted by this Article under a license granted by the Board shall remain or be permitted to remain in any place in the Borough for any period longer than that necessarily required to transact the particular business for which he is licensed.

## **ARTICLE XXIII: GARBAGE, ASHES AND RUBBER**

**Section 2301.** No person shall dump, bury, or allow to accumulate any garbage, ashes, rubbish, condemned or spoiled animal or vegetable substances, swill or any offensive or putrescible material on any land or premises in the Borough, except as may be specifically authorized from time to time by the Borough.

**Section 2302.** No person shall engage in the business of collecting or disposing of or transporting any such substances or materials without first having obtained a license therefor from the Board. The application shall state the name and address of the applicant, the nature and extent of the business proposed to be conducted, the manner of collecting, transporting and disposing of the substances and materials, and a description of the vehicle to be used therefor. Each vehicle so used will pay a fee.

**Section 2303.** All vehicles used in the collecting, transporting or disposing of such materials or substances shall have a closed, water-tight metal body, and shall at all times be maintained and operated in a clean and sanitary manner. Such vehicles shall be kept closed at all times, except while actually being filled or emptied.

**Section 2304.** The owner, tenant, lessee and occupant of every house, store or other building or of any part thereof, or of any other premises in the Borough, shall be obligated to place, or cause to be placed in a metal water-tight box or boxes, barrel or barrels, or other receptacles, which shall have a tight cover and be kept tightly closed at all times, all coal or wood ashes, plaster and all other household refuse and decaying vegetable and animal substances upon his or their premises. All such receptacles shall be kept in a place accessible for emptying by licensed collectors, and shall be maintained in a sanitary condition.

**Section 2305.** The provisions of this Article shall not apply to the collection of garbage, ashes, rubbish or other matter by the Borough, but a contractor with the Borough shall not be exempt from such provisions.

**Section 2306.** All vehicles and receptacles mentioned in this Article shall be available for inspection by the Health Officer at all reasonable hours.

## **ARTICLE XXIV: INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS<sup>8</sup>**

**Section 2401.** No person shall construct, alter or repair any septic or waste water system upon any property without first obtaining from the Board of Health a permit to do so. Alterations must be included under activities which require permits from the administrative authority as

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<sup>8</sup> As amended by Board of Health Ordinance adopted 6/11/2019

outlined in subsection 3.3(c) of the State's Standards for Individual Subsurface Sewage Disposal Systems (standards) N.J.A.C. 7:9A et seq.

**Section 2402.** Every person, firm or corporation engaged in the business of cleaning or emptying privy vaults or septic tanks shall use, in such instances, a suitable vehicle properly provided with water-tight, completely closed tanks or boxes designed to prevent leakage onto the street or highways within the Borough and further designed to the escape of offensive odors into the atmosphere. The pumping of septic tanks must be performed by a solid waste hauler registered with the Department in accordance with the requirements of N.J.A.C. 7:26:31.

**Section 2403.** No person shall maintain a septic tank or system which creates a nuisance as a result of overflow, lack of absorption or faulty construction.

**Section 2404.** Whenever any premises which shall have thereon any privy or cesspool which is abandoned or which the Board determines is in a dangerous condition, the same shall upon notification to the owners thereof, be filled promptly with ashes or clean earth.

**Section 2405.** No person shall maintain, use or permit to be used, any receptacle for human excrement unless such receptacle is so constructed and maintained that flies cannot gain access to the excremental matter contained therein and unless such excremental matter shall at all times be prevented from flowing over or upon the surface of the ground. Every receptacle for human excrement located within 100 feet of any stream shall be provided with a water-tight vault.

**Section 2406.** The Board may at any time order that any premises shall be connected to a sanitary sewer which is now or may hereafter be laid in the street, easement, or other place adjoining, abutting or accessible to such premises. The owner, agent or lessee of such premises shall comply with such order within thirty (30) days after service upon him of a copy of such order, unless the Board shall specify or grant a longer period of delay.

**Section 2407.** Pursuant to the provisions of N.J.A.C. 7:9A. the Board of Health of the Borough of Alpine in the County of Bergen and State of New Jersey does hereby approve, adopt and establish as and for the standards governing the location, construction and alteration of individual sewage disposal systems in the Borough of Alpine all that certain printed set of standards entitled "Standards for Individual Subsurface Disposal Systems" (N.J.A.C. 7:9A, adopted by the commissioner of the State Department of Environmental Protection on July 31, 1990, which became operative on January 1, 1990 and as subsequently amended<sup>9</sup>.

**Section 2408<sup>10</sup>.** A copy of said printed "Standards" is available from the NJS DEP Division of Water Quality website and a printed copy has been placed on file in the office of the Secretary of the Board of Health for the use and examination of the public and with the Authorized Agent as defined therein and designated by the Board of Health as the official charged with administration and enforcement of this code as herein provided.

**NUISANCE.** In addition to any common law, decisional or statutory meaning, the term nuisance for the purpose of this code shall be deemed to include the depositing or flow of human excremental matter of any decomposable animal or vegetable matter, domestic, factory, workshop, mill or slaughterhouse refuse, sink, bathroom or laundry waste, or any other polluting matter, or any liquid containing any or all of the foregoing from a sewage disposal system.

- (1) Over or upon the surface of the ground; or
- (2) Over, in or upon any portion of any premises in such manner as to allow flies or mosquitoes to gain access thereto; or
- (3) Into any spring, well, stream, pond, lake or other body of water, public or private, or any ditch, drainpipe or other channel or conduit leading thereto in such manner as to cause or threaten injury to any person, either in health, comfort or property.

**INSTALLATION PERMIT.<sup>11</sup>** The permit is issued by the Health Officer or the Board of Health or their designated Administrative Authority for the installation of an individual sewage disposal system. The permit shall not be construed to be a Plumbing Permit and shall not authorize any

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<sup>9</sup> As amended by Board of Health Ordinance adopted 6/11/2019

<sup>10</sup> As amended by Board of Health Ordinance adopted 6/11/2019

<sup>11</sup> As amended by Board of Health Ordinance adopted 10/4/2016 & 6/11/2019

plumbing installations in the interior of the realty improvement. A Plumbing Permit for installation and inspection of the laterals, and, for system designs containing electrical components, an Electrical Permit for installation and inspection of any electrical components, must be obtained from the Building Department at the same time as the Septic Installation Permit. No building permit shall be issued until after the septic beds are installed.

**PERFORMANCE BOND.**<sup>12</sup> An application for an installation permit associated with new construction including proposed demolition/reconstruction of an existing home must be accompanied by a cash deposit or surety bond in a form acceptable to the Borough of Alpine from the owner of the property in the principle amount of \$10,000.00, at least 10% of the bond must be in cash, conditioned upon the performance of the work pursuant to the Installation Permit in a good and workmanlike manner and in strict accordance with the application and the provisions of Article XXIV of the Alpine Sanitary Code and N.J.A.C. 7:9A "Standards For Individual Subsurface Sewage Disposal Systems."

Section 7:9A-4.3 of the "Standards" is hereby amended to provide that all components to be located at least 100 feet from any well on a horizontal plan and 75 feet from any ground water diversion, underground drain, or any poorly drained, low or swampy ground, or any water course or drainage ditch.

**Section 2409.** No person shall locate, construct or alter any individual sewage disposal system for any realty improvement without first having obtained from the Board of Health, for each such individual system to be so located, constructed or reconstructed:

- (a) Minimum of two systems
- (b) A certification of site approval
- (c) An installation permit
- (d) One permit per system

**Section 2410.** to procure the site approval certification referred to in Section 2409 of this ORDINANCE, the applicant shall submit to the Health Officer in the form and in the number prescribed by the Board of Health, an application consisting of:

A. A written statement setting forth the names and addresses of the owner and of the person responsible for the actual installation; a description of the proposed realty improvement; a description of the site; a description of the design of the proposed individual sewage disposal system; and such other data as the Board may deem necessary to determine compliance of the proposed installation with the requirements of this Ordinance.

B. The site plan must be signed and sealed by a licensed land surveyor and drawn at a scale adequate to depict clearly the features mentioned in N.J.A.C. 7:9A-3.5(c)2 within 150 foot radius around the proposed system.

It must be noted that the delineation of all the items outlined in N.J.A.C. 7:9A-3.5(c)2 are not the sole responsibility between licensed surveyor. The division of responsibility between licensed surveyors and licensed professional engineers for preparing site plans is specified in N.J.A.C. 13:40-7 of the "State Board of Professional Engineers and Land Surveyors, Administrative Rules and Regulations."

An accurate plan of the site and all surrounding land and structures within 150 feet of the site, drawn to scale, prepared by a licensed professional engineer showing:

1. The property lines of the site upon which the proposed realty improvement is to be constructed;
2. The surface grades or elevations, by 2-foot contour lines, existing on said site at the time of the application, as per N.J.A.C. 7:9A-3.5(c)2iv;
3. The proposed finished surface grades or elevations, by 2-foot contour lines, after completion of all cutting and filling operations;
4. The means of disposal of surface water entering upon the site, whether by storm sewer, drainage right-of-way, or otherwise;
5. The location and dimensions of the proposed realty improvement, including distances from all property and street lines;
6. The location of percolation test holes;

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<sup>12</sup> As amended by Board of Health Ordinance adopted 10/4/2016



7. The location of subsoil test holes; minimum of two tests located in each bed;
8. An endorsement on the plan certifying the results of the percolation and subsoil tests;
9. The location and size of the proposed individual sewage disposal system, including distances from the realty improvement and from all property and street lines;
10. The grades and elevations of all abutting streets;
11. Number of bedrooms and breakdown of waste disposal systems and elevations of inverts; plus the calculations showing the proposed water flow;
12. Typical section of fields;
13. Owners signature and engineer's seal;
14. Such other data as the Board may deem necessary to determine compliance of the proposed installation with the requirements of this Ordinance.

C. Plans and specifications signed and sealed by a licensed professional engineer showing:

1. The structural details of the proposed sewage disposal system;
2. The method of construction thereof;
3. The materials to be used;
4. The design thereof including the capacity;
5. All individual sewage disposal systems will follow the following minimum requirements:
  - a). The connection from the house to the septic tank shall conform to the appropriate provisions of the N.J.A.C. § 5:23-3.15 *Plumbing Subcode*<sup>13</sup>.
  - b). A minimum of two 1,000 gallon, single compartment septic tanks connected in series will be required for each disposal system with the invert of the outlets being 5 inches below the invert of the inlets. In addition, there shall be a manhole cover over the tank, brought up to grade and marked. The inlet of the septic tank will be protected by a long turn elbow or tee with a cleanout on top.
  - c). The seepage pits shall be a minimum of 6' x 8' precast concrete type, unless otherwise approved by the Board of Health.
  - d). All connections from the septic tank to distribution box will conform to the appropriate provisions of the N.J.A.C. 79:A *Standards for Individual Subsurface Disposal Systems*<sup>14</sup>.
  - e). There will be a minimum of 4 feet of stone under the precast seepage pit and 1½ feet of stone around the sides up to the connecting pipe unless otherwise approved by the Board of Health.
  - f). Septic laterals shall be a minimum of 6 feet above the water table and 8 feet above rock.
  - g). There shall be a minimum of 2 septic systems per home installation located a minimum of 25 feet apart. (1 system for black water, and 1 system for gray water).
  - h). Where a bed is used or specified, the bed shall be a minimum of 1,000 square feet. Such filter material must conform in size and gradation to size numbers 24, 3 and 4 of the N.J. Department of Transportation standard sizes for coarse aggregate as shown in Appendix A Figure 26 of the standards.

Filter material must meet the specifications of N.J.A.C. 7:9A-10.3(e).

D. Implementation shall include:

- (1) A meeting will be arranged on the site by the sanitary contractor retained to build the actual system. The purpose of this meeting will be to set the location of the disposal fields and make the contractor aware of the bench marks and elevations to be held.
- (2) Two days prior to actual start of construction, both engineer and the Borough of Alpine Health Officer must be notified.
- (3) When the excavation to the required depth and size of each disposal bed is completed or near completion, the Board of Health and engineer must be notified so that appropriate certifications and/or modifications to the excavation can be made.
- (4) The contractor will supply a sample of the bankrun material to the engineer for approval prior to the beds being backfilled.

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<sup>13</sup> As amended by Board of Health Ordinance adopted 6/11/2019

<sup>14</sup> As amended by Board of Health Ordinance adopted 6/11/2019

The administrative authority must have knowledge of the textural gradation and anticipated permeability of the fill after emplacement and compaction, before approval can be granted for construction and installation of the system. Without knowledge of the textural gradation of the fill material, compliance with N.J.A.C. 7:9-10:1(f) cannot be established, and without a calculated estimate of the final in-place, compacted permeability of the fill material, the disposal field cannot be sized. See N.J.A.C. 7:9A-6.1(a).

(5) All swales must be completed and trees removed as shown on the plans as approved by the Board of health prior to the backfill operation.

(6) The engineer and Health Officer are to be notified in advance of the setting of the actual disposal lines. The engineer will also certify as to the sewer lines being installed at proper elevations (as to plan) where they leave the building. The engineer is to be allowed sufficient time to have a field crew available to check the grading of all components, review final construction and prepare an as built plan and certifications of the entire system. Backfilling of the system cannot be started until the engineer and Board of health approve same.

(7) The sanitary contractor shall clearly mark with posts (2X4's) the corners of the constructed beds. The finished grades over the septic systems shall be clearly marked on said 2 x 4's/ The intent of the marking is to aid in the final landscaping of the property.

(8) Any deviation from the plan as regards to location of building, system location or site grading will require a new sanitary plan to be approved by the Board of Health.

(9) Before a certificate of occupancy may be issued, any additional fees incurred and an approved as built plan of the system must be presented to the Board of Health.

(10) Such other data as the Board may deem necessary to determine compliance of the proposed installation with the requirements of this Ordinance.

E. A detailed set of plans of the proposed realty improvements showing the number of bedrooms, bathrooms, laundry rooms and such other data as will indicate the probable amount of water to be used both within the realty improvement and on the plot on which the realty improvement is to be constructed. The probable amount of water shall be in addition to the daily volume of sanitary sewage generated by the facility as prescribed in N.J.A.C. 7:9A-7.4.

**Section 2411.** The following construction requirements must be met in order to comply with this ordinance.

A. All existing impervious subsoil within the limits of the disposal fields to be removed and replaced with an select fill or fill material meeting the specifications of N.J.A.C. 7:9A-10.1(f). The quality and degree of compaction of same to be certified by the builder's engineer or by an accredited soil testing laboratory. Initial surface of refilling shall be higher than bottom elevation of the field. Excess after consolidations shall be removed along with any accumulation of silt in order to provide optimum aerobic conditions.

B. A minimum of 75 feet shall be maintained between any existing water course and the nearest site of the disposal bed.

C. Where conditions necessitate the use of subsurface drains, adequate piping shall be installed in accordance with approved engineering practice. If such drainage piping is desired to discharge into the Borough of Alpine's drainage system or a brook on Borough property, it is understood and agreed that written approval for such construction across Borough property and connection with municipal facilities shall first be obtained from the Borough Engineer.

D. The inverts of disposal field distribution laterals are to be not less than 6 feet above ground water level and not less than 8 feet above underlying rock if found at site.

E. The bottom elevation of seepage pits, if called for and shown on plan, shall be not less than 4 feet above ground water level and less than 8 feet above any underlying massive rock if found at site.

F. All roof leaders, surface water flow and all water discharge shall be diverted away from the disposal area and connected directly to a catch basin at the curb where and when a catch basin or storm sewer exists.

G. No driveway or paved areas to be constructed over disposal systems.

H. The engineer shall notify the Health Department in writing when the disposal area has been prepared for the installation of the disposal field filter stone and piping in accordance with the plans and specifications.

I. The engineer and builder must notify the owner that all trees within the adjacent area to the disposal field shall be removed in their entirety in order to permit proper installation of the system.

**Section 2412.** To procure the installation permit referred to in Section 2409 of this Ordinance, the applicant, after the issuance of site approval certification as to the grading of the site, shall meet the standard established by Section 10.3(b) of the "Standards" file with the Health Officer a performance bond as described in Section 2408 – subparagraph 3 under Performance Bond. Thereupon the Health Officer shall issue an installation permit for the proposed individual sewage disposal system. Said installation shall be made strictly in accordance with the application, the aforementioned Act, the "Standards", and this Ordinance.

**Section 2413.** Upon completion of the installation except the final covering and backfilling, the person making the installation shall notify the Health Officer who shall inspect the installation.

In the event that such inspection discloses satisfactory installation in compliance with the requirements of the ordinance, the Health Officer shall issue a written certificate of approval, whereupon the person making the installation shall then cover over the backfill of the installation.

In the event that inspection discloses incomplete, unsatisfactory or improper installation or any failure to comply with the requirements of this Ordinance, the Health Officer shall notify the person making said installation of any deficiency. Upon correction thereof, a re-inspection shall be made by the Health Officer. A fee shall be charged for every re-inspection, payable to the Board at or before the issuance of a certificate of approval.

**Section 2414.** No person shall cover over or use, or permit to be covered over or use, any new sewage disposal system unless and until a written certificate of approval after final inspection shall have been issued.

**Section 2415.** In the event that, prior to or in the course of the installation work required by the terms of this Ordinance, it shall be deemed necessary or desirable to deviate from the site plan or any other portion of the application, or of the Act, the "Standards" or this Ordinance, an amended or revised application shall first be submitted to the Health Officer. The Health Officer shall thereupon process such amended or revised application, all certifications herein required shall be made with reference to the amended or revised application rather than with reference to the original application.

**Section 2416.** The foregoing provisions of this Ordinance shall not be applicable to the repair and maintenance of individual sewage disposal systems. The term "repair" as herein used shall not be deemed to include any major alteration, extension or substantial reconstruction of a system, but only such correction or preplacement of a part of a system as will restore its function without enlarging, extending, or changing the location of any of its component parts.

No person shall repair any individual sewage disposal system without first applying for and procuring a repair permit. The application shall describe briefly the repair work to be performed and shall be accompanied by a fee.

**Section 2417.** No person shall engage in the business of constructing or repairing or emptying or cleaning septic tanks, cesspools, privies, or any place used for the reception or storage of human excrement unless he shall first have procured from the Board of Health a license to engage in such business. Such license shall expire on the 31<sup>st</sup> day of December of the year of issuance and may be renewed for one or more successive one year terms. Persons requesting and installers license must first pass a written examination plus a non-refundable fee of \$100. Repeated examinations will only be offered after a six month waiting period. The Board of Health may refuse to issue a license to any person who has violated, failed or refused to comply with the lawful demands and requirements of the Board relating to the conduct or business regulated by this Ordinance\*.

The following regulations shall govern the business herein referred to:

GENERAL – only equipment inspected and approved by the Board of Health shall be used in cleaning septic tanks or other places used for the reception or storage of human excrement.

MOBILE TANKS – Mobile tanks shall be securely mounted on trucks, shall be water tight and provided with a leak-proof cover.

VENTING OF MOBILE TANKS - Mobile tanks shall be provided with a vent constructed in a manner that will permit the escape of gas but not the liquid contained therein.

PUMPS – Pumps shall be maintained in a condition that will prevent leakage of sewage.

DISPOSAL – The contents of septic tanks, cesspools, privies or other places used for the reception or storage of human excrement shall be removed to a place and in a manner approved by the Board of Health.

**Section 2418.** In the event that any work to which this Ordinance is applicable shall be found to be in violation thereof, the Board of Health or the Health Officer shall have the power to cause such work to be stopped forthwith by the person engaged in or charge of such work. No person shall thereafter, so long as said stop order is in effect, continue with said work except to such extent as shall be necessary to remedy the violation. The Board of Health shall further have the power to revoke any permit or license issued hereunder for any violation thereof, subject to the right of the holder thereof to a hearing on the merits of the alleged violation.

**Section 2419.** (a) No person shall engage in the business of constructing or repairing septic systems or any place used for the reception or storage of human excrement unless he shall first have procured from the Board of Health a license to engage in such business. Such license shall expire on the 31<sup>st</sup> day of December of the year of issuance and may be renewed for one year term. Person requesting an installers license must first have qualifications and be in the business of installing septic systems. He must then pass a written examination for the installers license, and pay a fee of \$200<sup>15</sup> non-refundable.

**Section 2420.** The Health Officer or any other qualified person appointed by the Board of Health shall be the enforcement officer charged with the administration and enforcement of this Ordinance.

**Section 2421.** Any person, firm, partnership, association or corporation that shall fail to comply with or violate any provisions of this ordinance of the "Standards", shall, upon conviction thereof, in addition to any other penalty provided by law, pay a penalty for each violation. Each day that a violation continues shall be deemed a separate offense. In the event that the same person shall be convicted two or more times within the space of six months of a violation of this ordinance, the magistrate may impose such other penalties as prescribed by law.

**Section 2422.** All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies. Review, approval and certification of on individual subsurface sewage disposal systems shall be performed by the administrative authority or authorized agent which is defined as "...a licensed health officer, licensed professional engineer or first-grade sanitarian who is delegated to function within specified limits as the agent of the administrative authority". If for any reason septic beds can not be installed or work has stopped the lot must have all test holes and excavation backfilled and graded.

**Section 2423.** Prior to the start of any development of the property a performance bond of at least Ten Thousand Dollars (\$10,000.00) must be posted by the owner of said property to insure full compliance of the codes which must be strictly followed and no additional unapproved trees are removed, improper grading, and no damage to borough or adjacent properties, etc. are incurred during construction.

**Section 2424.** Inadequate, damaged or abandoned wells must be properly filled and sealed pursuant to N.J.S.A. 58:4A.4.1. et. seq. all sealing work must be performed by a New Jersey licensed well driller who is certified to seal wells. Instructions regarding sealing, a list of certified drillers to seal wells and well abandonment forms may be obtained by contacting the Bureau of Water allocation at (609) 292-2957.

**Section 2425.**<sup>16</sup> For an active sewage treatment system incorporating advanced wastewater pretreatment devices as part of the individual subsurface sewage disposal system the following is required in addition to all applicable State codes and regulations:

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<sup>15</sup> As amended by Board of Health Ordinance adopted 12/4/2007

<sup>16</sup> As amended by Board of Health Ordinance adopted 10/2/2017

- A. **Deed Restriction / Service Contract Required.** The system shall be protected by deed restriction to prevent its neglect, adverse alteration or removal. The deed restriction shall indicate that the owner must be in possession of a valid Service Contract with an Authorized Service Provider throughout the life of the system, that the Service Contract shall be specific in identification of all maintenance and inspection requirements in accordance with N.J.A.C. 7:9A, that failure to be in possession of a valid service contract shall constitute a violation of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and a noncompliance violation of N.J.A.C. 7:9A-3.4 and this Section and that each day the property owner fails to have a valid Service Contract in place shall constitute a separate and distinct violation.
- B. **Annual License Required.** The property owner of the system shall, on an annual basis for the life of the system, submit an application to the Board of Health for a license to operate the system. The application shall include a copy of the current service contract signed by the property owner and the authorized service provider. The Board of Health or its designee reserves the right to inquire into the qualifications of any issuer of said service and inspection contracts and may, where it feels the issuing individual is not qualified, reject said policies and contracts. Prior to expiration, it is the property owner's responsibility to provide the Board of Health with a renewal copy of the service contract in compliance with 2425-A.
- C. **Maintenance, Periodic Inspections and Reports.** In addition to the requirements outlined in N.J.A.C. 7:9A-12.3 regarding maintenance, inspections and submission of reports to the Board of Health, inspections shall be conducted on a more frequent basis if required by the manufacturer, system integrator, or administrative authority as applicable.
- D. **Manufacturer Requirements.** Upon request the Manufacturer of an advanced wastewater treatment system to be installed in the Borough of Alpine shall be required to provide the following to the Alpine Board of Health: a list of qualified system installers and technicians; training materials and expected qualifications of technicians and installers; a free training program, for the advanced technology to Borough personnel or their designees. The Manufacturer shall provide verification that the advanced wastewater pretreatment device proposed for use at the subject site is approved for use by the New Jersey Department of Environmental Protection (N.J.A.C. 7:9A-8.3(a)).
- E. **Real Estate Transfer.** Prior to entering into any contract for real estate transfer, the property owner shall provide proof that the purchaser has been informed of the deed restriction, acknowledges the presence and requirements of the advanced technology that exists on the property, has been provided with a copy of the manufacturer's owner's manual for the technology and a copy of the requirements for the system owner as contained in N.J.A.C. 7:9A-12.3 and this Section. The system shall be inspected by the authorized service provider prior to the transfer of the property with the new system owner and a copy of the inspection report provided to the Board of Health along with a current service contract in the name of the purchaser as a condition of a Continuing Certificate of Occupancy. Upon the change of ownership or occupancy of the premises for which the license was issued a license shall be transferrable to the purchaser subject to submission of a realty transfer application and appropriate fee. Failure of the purchaser to obtain this license within 14 days of realty transfer shall constitute a violation of this Article.
- F. **Retroactive.** The provisions of this ordinance shall apply retroactively. Upon adoption owners of any systems covered under this Section shall be so notified and be given 30 days to comply with the provisions of this ordinance.
- G. **Enforcement and Penalties.** In addition to fines and penalties as outlined in N.J.A.C. 7:9A-12.3, failure to comply with any of the provisions of this ordinance will subject the property owner to additional fines and penalties pursuant to Sections 2421 and Article XXXV: Violations and Penalties of the Alpine Sanitary Code

## ARTICLE XXV: PUBLIC LAVATORIES AND TOILETS

**Section 2501.** The owner, tenant, manager and all other persons maintaining, operating or in charge or control of any public place, shall at all times keep and maintain every such public place, and all parts thereof, in a clean and sanitary condition, and open to inspection by the Board, its officers or any employee of said Board.

**Section 2502.** Every public place shall contain the following:

- (a) Proper lavatory facilities for the use of persons patronizing the place;
- (b) A wash room, comfort station or other place of a like nature;
- (c) A sufficient quantity of toilet tissue;
- (d) Individual towels or forced air hand drying device.
- (e) A sanitary waste receptacle for towels customarily discarded after usage;
- (f) Separate toilets for male and female patrons where required.
- (g) Provisions for the thorough cleansing, boiling and sterilizing of cloth towels, if used; and
- (h) A mechanical dispenser for liquid or powdered soap of a type approved by the Board.

**Section 2503.** In all public places there is prohibited:

- (a) The use of cake soap in common;
- (b) The use of any drinking cup in common; and
- (c) The use of towels in common.

**Section 2504.** Use of cleansing agents containing hydrocyanic acid or other poisonous ingredients is specifically prohibited.

**Section 2505.** Temporary toilet facilities, such as portable watertight, chemical privy vaults, used by the public for outings, picnics, bazaars, or by contractors during construction purposes for workmen shall comply with Article XXIV and each installation shall be approved by the Board of Health.

## ARTICLE XXVI: CEMETERIES AND BURIALS

**Section 2601.** No body of any adult person shall be buried in the Borough so that the box or coffin containing it shall be nearer than four feet to the surface of the ground, or in case of any child less than three and one-half (3½) ft. and no interment or disinterment shall be permitted nor shall interment or disinterment take place at any time without a permit from the Board of Health.

**Section 2602.** There shall not be a church or public funeral for any person who has dies of small pox, diphtheria, plague, yellow fever, typhus fever, leprosy, cholera, or any other disease that may be specified by the Board; but the burial shall take place within twenty-four hours after the death of said person. It shall not be lawful to permit at the funeral of any person who has dies of any of the above mentioned diseases, or at any service connected therewith, any person whose attendance is not necessary, or family members or others under quarantine, without permission of the Board.

**Section 2603.** Every undertaker having notice of the death of any person within the Borough, from any of the above mentioned reportable diseases dangerous or detrimental to the health of the community, or of the bringing of the dead body of one who has dies of any such disease into the Borough shall immediately give notice thereof to the Board.

**Section 2604.** No public coach, cab, taxi-cab, carriage, automobile, nor any other upholstered vehicle used for the conveyance of passengers shall be used to convey the body of any person who has dies of any reportable disease.

## ARTICLE XXVII: MARRIAGES, BIRTHS AND DEATHS

**Section 2701.** In accordance with the Rules of the Department of Health of New Jersey, both contracting parties to a marriage shall appear before the Registrar of Vital Statistics to apply for a license, accompanied by a witness eighteen<sup>17</sup> years of age or older, who knows both applicants, at least seventy-two hours prior to the time the ceremony is to be performed. Information must be furnished on blanks supplied for that purpose before license will be issued.

**Section 2702.** Every person having authority to solemnize marriages before whom any marriage shall be solemnized and the clerk or keeper of the minutes of every religious society before which any marriage shall be solemnized in the Borough, shall transmit to the Registrar of Vital Statistics a certificate in writing of every such marriage within five days after the same shall have been solemnized. Said certificate shall be made out of blank forms furnished by the Registrar for that purpose and shall include all facts required by said forms.

**Section 2703.** Any physician or midwife present at the birth of any child born in the Borough and, in case there be no physician or midwife present, then the parent or witness present at said birth shall report in writing to the Registrar of Vital Statistics of the Borough within five days after the date of said birth all particulars concerning said birth called for on the blank forms furnished by said Registrar for that purpose.

**Section 2704.** When any person shall die within the Borough, the physician who may have attended such person during his or her illness shall furnish to the undertaker or any member of the family applying therefor a certificate in writing of such death. Said certificate shall be made out on and shall comprise all the facts required by the blank forms furnished by the Registrar of Vital Statistics for that purpose.

## ARTICLE XXVIII: PUBLIC DRY CLEANING MACHINES

**Section 2801.** No public dry cleaning machine shall be offered for use by the general public unless it has been UL approved, licensed by the Board of Health, and is under the direct continuous personal supervision of an owner or employee of public dry cleaning establishment who is 18 years of age or over.

**Section 2802.** No public dry cleaning machine shall be used by any person who is less than 18 years of age.

**Section 2803.** Each public dry cleaning machine shall be fitted with a device to prevent the opening of the door of such machine:

- a) while such machine is in operation and
- b) until all solvent has been drained and vapors have been removed from any textile, fabric, garment or other article, and from the drum of such machine in which the same are contained.

**Section 2804.** No public dry cleaning machine shall be operated with any solvent of which Perchloroethylene or any chlorinated hydrocarbon is a component part if the odor of the Perchloroethylene or chlorinated hydrocarbon is masked or altered in any fashion. No public dry cleaning establishment using any solvent of which Perchloroethylene or any chlorinated hydrocarbon is a component part shall be open to the public at any time if the concentration of solvent vapor of such Perchloroethylene or chlorinated hydrocarbon is greater than one hundred parts of such vapor to one million parts of air anywhere in such establishment.

**Section 2805.** No public dry cleaning establishment shall be open to the public unless all of the public dry cleaning machines therein are, in the case of wood floors, set in metal pans or, in the case of other floors, set in metal pans or surrounded by dykes or gutters adequate to keep any solvent discharged by such machines from reaching the floor of the public dry cleaning establishment. The said metal pans, dykes or gutters shall be so arranged as to cause solvent to

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<sup>17</sup> Changed from 21 per NJ Department of Health Office of Vital Statistics

drain by means of gravity or flow into a buried drain tank of sufficient size to accept all of the solvent contained in all of the public dry cleaning machines in the establishment.

**Section 2806.** No public dry cleaning machine may be located within twenty-five (25) linear feet of any gas-fired dryer or similar gas-fired device.

**Section 2807.** In any public dry cleaning establishment, solvent storage tanks, power supply and other sources of danger shall be so situated as to be inaccessible to customers.

**Section 2808.** Each public dry cleaning establishment shall have two exits which shall be at least twenty-five (25) feet apart from each other.

**Section 2809.** All sludge removed from public dry cleaning machine filters must be placed and stored in tightly covered containers and may not be disposed of in leeching fields in area having high water tables.

**Section 2810.** Each public dry cleaning machine shall be provided with an exhaust to the outer air which shall terminate in the following manner:

(a) At least seven feet above the roof of the public dry cleaning establishment;

(b) At least five feet from any window or ventilation opening which lies on the same horizontal plane as the exhaust terminal; at least ten feet from any ventilating window or other ventilating opening which faces in the direction of the exhaust terminal;

(c) Each exhaust connection the dry cleaning machine shall be under negative static pressure by reason of a mechanical fan set to operate whenever the door of the public dry cleaning machine is open;

(d) Each direct equipment exhaust or relief vent shall be provided with one or more mesh lint arrestors which shall be kept clean, unless a line trap is provided on the public dry cleaning machine; and

(e) Each public dry cleaning establishment shall prominently display one or more lighted indoor signs warning customers of the danger of inhalation of excess solvent vapor and of skin irritation from unevaporated dry cleaning solvent.

**Section 2811.** Each public dry cleaning establishment shall prominently display one or more lighted indoor signs warning customers of the danger of inhalation of excess solvent vapor and of skin irritation from unevaporated dry cleaning solvent.

## **ARTICLE XXIX: LAUNDROMATS**

**Section 2901.** No person shall operate or conduct a laundromat in the Borough of Alpine unless he has first obtained a license from the Board of Health.

**Section 2902.** No operator of any laundromat shall not commence earlier than 7:00 A.M. or shall not continue after 10:00 P.M. prevailing time.

**Section 2903.** No laundromat shall be operated in such a manner as to create any noises or vibrations to the detriment of the surrounding neighborhood.

**Section 2904.** No laundromat shall be open to the public unless it is supervised by an attendant at least 18 years of age who shall be present on the immediate premises during all times that the said establishment is open for business.

**Section 2905.** Each laundromat shall be sufficiently and properly painted or covered with non-absorbent paint or cement or other impervious material. There shall be an adequate supply of water for flushing and cleaning purposes available, and flooring shall be properly graded to a trapped inlet having direct connection with an outside drain. All equipment must have UL approval.

**Section 2906.** Any room or building and the furniture and equipment therein used in the operation of a laundromat shall be clean and sanitary at all times. The premises shall be adequately lighted and ventilated.

**Section 2907.** There shall be available at all times, water heated to a minimum of 140 degrees Fahrenheit.

**Section 2908.** No household washing, garments, bed clothes or other articles received for washing shall be accepted by any laundromat from persons or occupants of any house under quarantine by reason of a communicable disease. When the articles to be processed are



brought to the laundromat, inquiry shall be made by the licensee or his agent of the person making the delivery thereto or using the facilities thereof, whether or not the articles to be processed have come from a person or premise under quarantine for a communicable disease.

### **ARTICLE XXX: VENDING MACHINES**

**Section 3001.** No mechanical device for vending any food, beverage, tobacco products, etc., shall be installed, operated or maintained within the Borough of Alpine unless such device be located in a store, restaurant, road stand, refreshment stand, factory, school, theatre, club, lodge or other building and unless a license for the operation of such device has previously been issued by the Board.

**Section 3002.** The Health Officer or Sanitarian shall inspect each device for approval thereof and from time to time thereafter to insure full compliance herewith.

**Section 3003.** Every such device shall be identified on the outside plainly visible, with the name and address of the owner and the number of the license issued to such owner.

**Section 3004.** Every such device shall be maintained in a sanitary manner at all times and in condition satisfactory to the Health Officer or Sanitarian, who shall have access thereto and the interior thereof at all times.

**Section 3005.** Nothing in this ordinance shall be construed to apply to devices selling or dispensing only cigarettes or other tobacco products.

### **ARTICLE XXXI: AIR POLLUTION**

**Section 3101.** Obvious violations of State Regulations on Air Pollution will be referred to the State for investigation and control until a more adequate ordinance is available.

**Section 3102.** Open fires, except for private residential cooking purposes, are prohibited except in connection with an Authorized Fire Department training or demonstration program.

**Section 3103.** No incinerator shall be constructed, installed or altered until a permit has been issued therefor. The application for such permit shall include two copies of complete plans and specifications. Each separate page of such plans and specifications shall be signed by a licensed professional mechanical engineer and embossed with his seal. When a permit is issued one set of plans and specifications will be signed by the Board and returned. No incinerator operated in the Borough shall produce smoke in greater density than Ringelmann #2 for more than 3 minutes during any hour or emit fly gas to exceed 0.85 pounds per 1000 pounds of flue gas corrected to 50% excess air.

**Section 3104.** An auxiliary burner may be used to eliminate smoke and a gas scrubber or washer to eliminate objectionable odors and/or fly ash.

**Section 3105.** No incinerator shall be operated after sunset or before sunrise. In the event that the Board finds three violations within any consecutive 12-month period the permit shall be revoked and the incinerator shall be sealed and shall not be operated until the Board shall be satisfied that alterations have been made so that it is capable of being operated without violating the foregoing requirements.

### **ARTICLE XXXII: NON PUBLIC SCHOOLS**

**Section 3201.** Any school (other than a school operated by the Board of Education) operating in Alpine for the education and training of children (under the age of 18 years) must have a school physician and a school nurse, and shall maintain pupil and personnel health record cards.

**Section 3202.** No pupil shall be admitted to any such school until he shall furnish evidence of preventive treatments against diphtheria, whooping cough, tetanus, small pox,

measles, and poliomyelitis, together with a certificate from a physician that a physical examination as made within 60 days prior to such admission, specifying any hearing, mental, sight or body deficiencies or abnormalities that may have been found or observed.

**Section 3203.** For the purpose of locating cases of tuberculosis, each pupil attending such school in grades 1, 5, 9 and 12 shall be Tine tested yearly and any positive reactors shall be promptly x-rayed; all adult personnel shall be examined by chest x-ray at least every second year.

**Section 3204.** The physician or nurse serving any such school shall report to a parent or guardian any medical condition requiring treatment, shall check to ascertain that the condition has been appropriately treated and shall report to the Board of Health any failure or refusal to appropriately treat any such condition.

**Section 3205.** Each such school shall be periodically inspected by Board of Health personnel to insure that it complies with not only the provisions of this Article but with all of the other applicable laws of the State of New Jersey pertaining to the operation of such institution.

**Section 3206.** When a non-public school is classified as a nursery school by the Board of Health for children with normal pre-school age, the medical personnel prescribed by Section 3201 need not be in full time attendance on the premises provided such nursery school shall adhere to any other applicable laws of the State of New Jersey pertaining to the operation of such institution.

### **ARTICLE XXXIII: ISSUANCE, SUSPENSION OR REVOACTION OF LICENSES, PERMITS OR CERTIFICATES**

**Section 3301.** It is intended that the terms "license" or "permit" wherever used herein be synonymous if, in the interpretation of any part hereof, such synonym is required to carry out the manifest intent and purpose of this Code.

**Section 3302.** Each application for a license, permit or certificate shall be made at the office of the Board during regular office hours, on approval forms where required by the Board, and any fee shall be paid in advance at the time of making such application. An application for the renewal of a license shall be marked "renewal".

**Section 3303.** The granting of any licensee, permit or certificate may be withheld at the discretion of the Board or the Health Officer 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.

**Section 3304.** Each license, permit or certificate issued under any Article of this Code shall be valid only for the balance of the calendar year in which it is issued, unless otherwise herein provided. No such license, permit or certificate shall be transferable or assignable. All yearly license renewals must be applied for not later than January 31<sup>st</sup> of any given year.

**Section 3305.** The Board 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 vehicle so licensed, if that be material or required, and such other information as the Board may deem pertinent.

**Section 3306.** Every license, permit or certificate issued by the Board for any premises or vehicle shall be displayed in a conspicuous place therein or thereon for the period that the said license, permit or certificate shall be in force unless the board shall otherwise prescribe.

**Section 3307.** The Health Officer and/or the Sanitarian may inspect any licensed premises or vehicle at any and all reasonable times and may require any person engaged in any activity regulated by this Code to produce or display any license, permit or certificate required to engage in such activity.

**Section 3308.** Every license, permit or certificate issued hereunder may at any time during the term for which the same is so issued, with the exception of those licenses and permits issued by the Registrar of Vital Statistics pertaining to Vital Statistics, be suspended by the Board or by its Health Officer pending a hearing to be granted the holder thereof pursuant to a notice

to show cause to the Board why the said license, permit or certificate should not be suspended further or revoked.

**Section 3309.** No such license, permit or certificate shall be suspended unless the Health Officer or Sanitarian shall file with the Board a complaint or charges listing one or more violations of this Code.

**Section 3310.** Every suspension ordered under this Article shall automatically terminate two (2) weeks from the date thereof, unless the continuance of such suspension shall be ordered by the Board and then such suspensions shall continue only during the period of any such continuance so ordered by the Board.

**Section 3311.** During the period of any such suspension, or ordered continuance thereof, 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 activity thereunder.

**Section 3312.** Any license, permit or certificate issued under the provisions of this Code may be suspended or revoked at any time by the Board for just cause, including violation by the licensee, permittee or certificate holder, or any employee, agent or servant of said licensee, permittee or certificate holder of any provisions of this Code or of the Sanitary Code of the Department of Health of the State of New Jersey.

**Section 3313.** Before any license, permit or certificate is revoked the holder thereof shall be given a hearing and an opportunity to be heard on the complaint made or violation charged.

**Section 3314.** The time and place for such hearing shall be fixed at the discretion of the Board; provided, however, that an unreasonable time shall not be permitted to elapse between the date of any suspension of license and the date fixed for the hearing.

**Section 3315.** Notice of the time and place of any such hearing shall be given by the Board to the holder of the license, permit or certificate so involved in writing and served either personally or sent to him by registered mail addressed to him at the address stated in the license, permit or certificate.

**Section 3316.** A licensee, permittee or certificate holder who fails to appear at the time and place fixed for such hearing shall not be entitled to any further hearing and his license, permit or certificate may be forthwith revoked.

#### **ARTICLE XXXIV: FEES (See also Chapter 109-3 of Borough Code for Fee list as appended)**

**Section 3401.** All of the fees required to be paid, or paid under the terms hereof, are annual fees and when paid shall cover only the balance of the calendar year during which the same are so paid or payable, unless otherwise herein provided. There shall be no apportionment or abatement of the fee for any license, permit or certificate granted after the first day of January in any year.

**Section 3402.** All yearly license renewal fees shall be paid by January 31<sup>st</sup> of any given year.

**Section 3403.** The annual fees for the several licenses, permits or certificates referred to in this Code are fixed according to the Board of health fee schedule.

**Section 3404.** Whenever pursuant to the provisions of this Code a license, permit or certificate is required and no specific fee is established therefor, the fee therefor shall be Ten Dollars (\$10.00).

**Section 3405.** No fee for any permit, license or certificate issued pursuant to the provisions of this Code shall be required of any person declared by State law to be exempt from the Payment of any such fee.

**Section 3406.** The Registrar will supply information concerning marriage licenses, births, deaths, burials and other matters related to vital statistics upon payment of the fees established by the State Registrar of Vital Statistics, which fees are incorporated herein by reference.

**Section 3407.** Dog licenses shall be issued according to law and the respective fees paid to the Borough as prescribed by law.

**Section 3408.** For good reason shown, the Board may waive or reduce the license fees in any particular case or class of cases.

#### **ARTICLE XXXV: VIOLATIONS AND PENALTIES**

**Section 3501.** Except as otherwise provided in this Article, any person who shall:

- (a) Do or commit any act prohibited by the terms of this Code; or
- (b) Do or commit any act for which a license, permit or certificate is required, without having secured and being in possession of a valid license, permit or certificate at the time for the doing or commission thereof; or
- (c) Omit to do or perform any act required by him to be so done or performed by this Code; or
- (d) Maintain any place, establishment, vehicle, conveyance, equipment or article in violation of any of the provisions thereof; or
- (e) Violate any of the provisions of any of the several articles or sections thereof; or
- (f) Fail to maintain any condition, equipment or facility required therein to be maintained; or
- (g) Fail to install any article of a particular type, kind, quality or specification, where such installation is required; or
- (h) <sup>18</sup>In any manner, by deed, act, act of commission or act of omission, violate any one or more of the provisions of this Code; shall upon conviction thereof, or upon conviction of any violation of the provisions hereof, be subject to a penalty or judgment of not more than One Thousand Dollars (\$1,000.00) and not less than Twenty-five dollars (\$25.00), and upon conviction and refusal or neglect to pay the amount of said penalty or judgment, to be committed to the County Jail for a period not exceeding ninety (90) days, or if he shall have been twice convicted within the space of six (6) months of the violations of this Code and due proof of that fact is made, he may be imprisoned in the County Jail or County workhouse for any number of days not exceeding one day for each dollar of the penalty, in addition to the imposition of the penalty prescribed above, all in the discretion of the Municipal Magistrate or other officer before whom the complaint shall be brought.

**Section 3502.** Any person convicted of violating any provision of Article III shall be liable to a penalty for each offense of not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00), and for each second and every subsequent offense to a penalty of not less than Twenty-Five (\$25.00) nor more than One Hundred Dollars (\$100.00), and if upon such conviction the said defendant shall refuse or neglect to pay the amount of such penalty or judgment, he may be committed to the County Jail for a period not to exceed ten (10) days for the first conviction and in the case of conviction for a second or subsequent violation, for a period of not less than ten (10) nor more than thirty (30) days, all in the discretion of the Magistrate or other officer before whom the complaint shall be brought. If judgment is rendered against a body corporate, execution shall be issued against the goods and chattels of such body corporate.

**Section 3503.** Each day that a nuisance is allowed to exist in violation of Article III hereof, shall constitute a separate violation or offense.

**Section 3504.** Any person convicted of violating the provisions of Section 2407 of this Code shall be liable to a penalty of Twenty-Five Dollars (\$25.00) and for an additional penalty of Ten Dollars (\$10.00) for each day of delay beyond the period specified or granted pursuant to the provisions of said Section 2407.

**Section 3505.** In the event that any violation of this Code shall also be a violation of the New Jersey State law, for which a greater penalty or judgment is provided than that contained in this Code, the Municipal Magistrate or Trial Judge, before whom any complaint is brought, based upon such violation, shall, in his discretion, have the right to impose, in the place and in lieu of any penalty provided for herein, that so provided for in the New Jersey State law which has been so violated.

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<sup>18</sup> As amended by Board of Health Ordinance adopted 10/2/2017

**Section 3506.** Every act herein designated as being unlawful, is hereby prohibited and every act herein expressly prohibited is hereby designated as being unlawful.

#### **ARTICLE XXXVI: GENERAL PROVISIONS**

**Section 3601.** In the event that any section, paragraph, sub-division, clause or provision of this Code shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, sub-division, clause or provision so adjudged invalid, and the remainder of this Code shall be deemed valid, effective and in full force and effect.

**Section 3602.** The Board may, from time to time, adopt such rules and regulations as by law is permitted, authorized or empowered to so adopt and which shall in its judgment, aid in the proper understanding and general enforcement of the Code.

**Section 3603.** The Board shall and may, from time to time, amend, supplement or implement this Code by other provisions amendatory thereof or supplementary thereto.

**Section 3604.** The Board may from time to time, by general resolution, suspend or declare inoperative any provisions of this Code, which, in its judgment, are not for the time being required for the protection of the health of the Borough.

**Section 3605.** All previous Codes, Ordinances or Regulations, or parts thereof, inconsistent with this Code, are hereby repealed to the extent that said Code, Ordinances or Regulations are inconsistent herewith.

**Section 3606.** This Code shall take effect July 15, 1974 provided thirty (30) days has expired after its passage and publication as required by law.

**Section 3607.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and where, by the terms of this Ordinance, specific sections of certain Articles have not been deleted, the existing provisions corresponding in numerical sequence from the Code of 1950 shall still obtain.

**Section 3608.** Should any regulation, license, requirement, article, section or any other portion of this Ordinance and the materials incorporated by reference therein be declared invalid, it is the intent that all remaining portions shall stand, notwithstanding the fact that a portion has been so declared invalid.

**Section 3609.** In conjunction with the provisions of N.J.S.A. 26:3-69.2 et seq. the standard Codes or Regulations incorporated by reference in Sections 4, 28, 29 and 30 of this ordinance have been filed and will remain on file in triplicate in the Office of the Board of Health of the Borough of Alpine, along with copies of this Ordinance.

**Section 3610.** This Ordinance shall become effective when adopted.

INTRODUCED: Feb. 25, 1974  
ADOPTED: July 15, 1974  
REVISED: Dec. 31, 1994

§ 109-3 **Board of Health fees.**

[Adopted by the Board of Health 12-13-2004; amended 12-4-2007; 3-13-2013; 10-7-2014; 10-4-2016; 10/2/2017]

The following Schedule of Fees shall be the fees and charges to be collected in the Borough of Alpine for all matters under the jurisdiction and control of the Board of Health.

<b>Application</b>	<b>Fee</b>
Septic installers license examination	\$200
Septic installer license	\$250
Septic installation permit (with five inspections)	\$250, per system
Septic installation - additional inspection	\$50
Septic repair permit (with one inspection)	\$100
Septic repair - additional inspection	\$50
Water test for septic field	\$500 per field
Site test hole witnessing	\$100 per test hole, minimum charge of \$200.00
Diversion drain permit	\$200
Well installation permit fee	\$100
Food vendors license	\$50
Milk delivery license	\$50
Restaurant license - under 50 people	\$200
Restaurant license - 50 people and over	\$400
Swimming pool license public or club	\$200
Marriage license	\$28
Domestic partnership	\$28
Civil union	\$28
Certificate of marriage	\$10, \$5 each additional
Certificate of domestic partnership	\$10, \$5 each additional
Certificate of civil union	\$10, \$5 each additional
Certificate of birth	\$10, \$5 each additional
Certificate of death	\$10, \$5 each additional
Burial permit	\$15
Filing of death certificate	\$15
Limited convenience store license	\$200
Application for License for a hoofed animal	\$250, \$125 each additional (non-refundable)
Application for License for live poultry	\$ 50 (non-refundable)
For the filing of an application and plans to permit the repair, extension or alteration of an existing septic system that does not need a soil moving application	\$500.00 engineering escrow
Annual license to operate an active sewage treatment system incorporating advanced wastewater treatment devices as part of an individual subsurface sewage disposal system:	
• Initial application	\$100.00
• Annual Renewal	\$ 75.00
• Realty Transfer	\$ 50.00
• Late Fee (for applications received after January 30 <sup>th</sup> or more than 14 days after realty transfer	\$ 50.00

Revision List

6/11/2019 Amend Article XXIV changing title and updating sections 2406,2408 and 2410

1/8/2018 Correction typo detected Section 2416 per original "with" to "without" line 5  
And typo Section 2417 "personal" should be "person"

10/2/2017 Amend Article XXIV Adding 2425 Advanced Wastewater Pretreatment Devices  
Amend Article XXXV Violations and Penalties  
Amend Schedule of Fees for Board of Health

10/4/2016 Amend Article XIX Keeping of Live Poultry or Other Fowl  
Amend Article XX Keeping of Cattle and Horses  
Amend Article XXIV Septic Tanks, Cesspools  
Section 2408 Installation Permit, Performance Bond  
Amend Chapter 109-3 Board of Health Fees

10/4/2014 Amend Chapter 109-3 Board of Health Fees

3/13/2013 Amend Chapter 109-3 Board of Health Fees

12/4/2007 Amend Schedule of Fees for Board of Health

12/13/2004 Amend Schedule of Fees for Board of Health

4/21/1998 Amend Schedule of Fees for Board of Health

4/13/1981 Amend Schedule of Fees for Board of Health

5/16/1974 Amend Schedule of Fees for Board of Health