

BOARD OF HEALTH
BOROUGH OF NEW PROVIDENCE
ORDINANCE 2007-01

**“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 333 OF THE
CODE OF THE BOROUGH OF NEW PROVIDENCE ENTITLED
‘SANITARY STANDARDS’ “**

BE IT ORDAINED by the Board of Health of the Borough of New Providence,
County of Union and State of New Jersey, as follows:

SECTION 1. Section §333-8 of Article II of the Sanitary Standards Code of the Borough
of New Providence entitled “Enumeration Of Businesses Requiring Permit
And Annual Fees” is amended as follows:

The particular, commercial services or enterprises for which a permit must be obtained
and displayed are enumerated, but not limited to, as follows:

- C. Public Swimming Pools permit fee: \$250
- D. Nursery School/Day Care:
 - (1) Nursery School Permit Fee: \$100
 - (2) Additional Food Service Permit: \$50
- E. Schools other than nursery school/day care:
 - (1) Grammar School Food Service Permit: \$100
 - (2) Middle and High School Food Service Permit: \$150
- F. Private and semipublic institutions:
 - (1) Food Service Permit: \$150
- K. Mobile/temporary food establishments:
 - (2) Temporary permit fee: \$75
- L. Food and/or beverage vending machines:
 - (1) Machine owner permit fee: \$25 per machine
- N. Permanent, retail food establishments. Fees in accordance with the following
schedule shall be paid before any license required in this article shall be issued,
except that payment of a fee may be waived by the Board of Health at its
discretion for any municipal facility, church, school or building that does not
receive any remuneration for the dispensing of food or drink, upon receipt of a
written request for a fee waiver from the person(s) conducting, maintaining or
operating such an establishment. If any food service establishment does not
exactly fit the following descriptions, the Board of Health will make the final
determination as to which fee is applicable:
 - (1) Pre-packaged foods only; no food preparation; no seating \$75

(2)	Retail food establishments (food stores 9,999 square feet or less)	\$125
(3)	Retail food establishments (food stores over 10,000 square feet)	\$375
(4)	Restaurants (49 seats or less)	\$125
(5)	Restaurants (over 50 seats)	\$375

Non-profit organizations, serving or selling food for any events, must obtain an annual Board of Health license. The fee may be waived upon written request to the Board of Health for a waiver of the licensing fee, based on non-profit status.

Licenses issued under the provisions of this article, unless sooner forfeited or revoked by the Board of Health, shall expire annually on December 31st of each year. A late fee of \$50.00 per month shall be assessed for each month after January 31st of each year that the license fee is not paid.

SECTION 2. Section §333-9 of Article II of the Sanitary Standards Code of the Borough of New Providence entitled "Permit application; inspections; issuance" is amended as follows:

B. Temporary Food Vendor is defined as any person(s) who transports food or food containers, who engages in food preparation or service or who comes in contact with any food, utensils or equipment and operates for a period of no longer than five (5) consecutive days in the Borough, at a location that is not considered a permanent establishment.

Temporary food vendors must apply and pay for a permit no later than five (5) business days prior to the event where they are selling food and/or beverages. If the Health Inspector grants a permit after review, observance of the sanitary standards and compliance of Chapter 24 of the New Jersey State Sanitary code shall be strictly upheld and enforced. The operation shall be subject to inspection at any time.

C. Seasonal Farmers Market - generally, but not limited to, operation from June 1st to October 31st of each year. Fee for Seasonal Farmers Market vendors is \$50.00 per vendor, per season.

SECTION 3. Section §333-10 of Article II of the Sanitary Standards Code of the Borough of New Providence entitled "Violation, revocation; prosecution" is amended as follows:

D. There shall be a mandatory Board of Health hearing for any food establishment, after the third inspection rating is deemed other than satisfactory, within twelve months. This is in recognition of the fact that repeated "conditionally satisfactory" and/or "unsatisfactory" ratings represent a hazard to public health and repeat inspections are costly to taxpayers. Repeat inspections and cost reimbursement fees shall not in any way preclude, preempt, interfere with, or be a substitute for

legal action in the courts or before the Board of Health to assure correction of violations. Such fees are in addition to the annual license fee and shall not be considered penalties, but such fees shall be charged and shall be paid to offset the costs and expenses of such reinspection by the Board of Health.

SECTION 4. This ordinance shall take effect as of January 1, 2008.

Introduced: October 16, 2007
Hearing: November 8, 2007
Adopted: November 8, 2007

BOROUGH OF NEW PROVIDENCE
BOARD OF HEALTH
STATE OF NEW JERSEY
COUNTY OF UNION

Larry Corsi, President

Attest:

Marilyn A. Gorgia
Secretary