

**BOARD OF HEALTH
BOROUGH OF NEW PROVIDENCE
ORDINANCE 2008-01**

“An Ordinance to Prevent the Spread of Infectious Agents, Eliminate Infestation by Arthropods, and Remove Contaminants in Places Frequented by the General Public in the Borough of New Providence in the County of Union, New Jersey”

Summary

Emerging infectious diseases and their spread are, in many cases, preventable. The Center for Disease Control and Prevention’s role in combating infectious diseases includes, among other things, conducting disease surveillance, employing practical tools for control and prevention, and strengthening the public health response.

This Ordinance is consistent with the CDC’s mission and is necessary in a time of threat from: a Pandemic; the outbreak of SARS; the spread of Avian Influenza; and the enormous toll in morbidity and mortality from HIV/AIDS.

Statutory Authority for Enactment and Enforcement of this Ordinance includes:

NJSA 26:3-1 et seq.	Local Boards of Health
NJSA 26:3-31	Powers and Duties of Local Board of Health
NJSA 26-3-64	Enactment of Ordinances and Rules
NJSA 26:4-1 et.seq.	Communicable Diseases
NJSA 26:2-62 et. seq.	Public Places
NJSA 26:3-45 et. seq.	Nuisances Effecting Health
NJSA 26:10-1 et. seq.	Mattresses
NJSA 26:3-19	Health Officer Enforcement Agent of Local Board
NJSA 26:3-59 et seq.	Search Warrant Proceedings
NJSA 26:4-27 et seq.	Venereal Diseases

Regulatory references include:

NJAC 8:57-1.1 et seq.	Reportable Communicable Diseases Code
NJAC 5:28-1.1. et. seq.	NJ State Housing Code
NJAC 8:24-1.1 et. seq.	Retail Food Code
NJAC 8:27-1.1 et seq.	Body Arts Code
NJAC 7:26-3A.1 et seq.	Regulated Medical Waste Code
NJAC 8.26-1.1 et seq.	Recreational Bathing Code

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

I. General Provisions:

A. Purpose:

This ordinance is established to assure sanitation, safety, and disease prevention and control for the protection of the Public's Health and Quality of Life.

B. Scope:

This ordinance shall govern 1) all businesses presently licensed by the New Providence Board of Health, their officers, employees, agents and representatives, and 2) any business not presently licensed by the Board of Health wherein it is reasonable to believe that equipment, accommodations, or other items maintained by the business will be used and/or shared by successive customers, invitees, or other members of the public.

C. Definitions:

"Acceptable" means satisfactory or adequate; fulfilling the needs or requirements of a specified rule.

"Approved" means written acceptance by the Westfield Regional Health Department.

"Business" means a commercial or industrial enterprise with dealings or transactions especially of an economic nature.

Clean or Cleanliness" means the absence of soil, dirt, grim and grease. For the purpose of this ordinance, "clean" or "cleanliness" does not equate to something being disinfected.

"Cleaning" means to rid of dirt, impurities, or extraneous matter.

"Communicable disease" means diseases or conditions diagnosed by a licensed physician as being contagious or transmissible which include, but are not limited to, the following: 1. chickenpox; 2. Diphtheria; 3. Measles; 4. Meningococcal Disease; 5. Mumps; 6. Pertussis (whooping cough); 7. Plague; 8. Rubella; 9. Scabies; 10. Staphylococcal skin infection (boils, infected wounds); 11. Streptococcal infections (strep throat); 12. Tine (ring worm); 13. Tuberculosis.

"Contaminated waste" means any liquid or semi liquid blood or other potentially infectious materials; contaminated items that would release

blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined, N.J.A.C. 7:26-3A.

"Disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

"Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of an establishment.

"Establishment" means a physical place of business, permanent in nature, and includes all areas used by the business, its patrons and invitees.

"Hand-sink" means a fixture equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

"Health Authority" means a Health Officer, or his or her designee.

"Lewd acts" means any conduct resulting in, or likely to result in the exchange of body fluids or contaminated waste, as defined by this ordinance.

"Sanitary" means characterized by or readily kept in cleanliness.

"Vermin" means small common harmful or objectionable animals that are difficult to control.

II. Administration:

A. Pursuant to this ordinance, The Health Authority shall have the following authority:

1. To investigate and inspect, without notice, the business premises of any business governed by this ordinance to ascertain compliance herewith.
2. As part of the aforementioned authority to investigate, the Health Authority shall have access and be allowed to inspect to all rooms, equipment, furnishing, appliances, beds and beddings, and any area deemed necessary to inspect or investigate.
3. Have access and be provide with, upon request, all records, documents, notes, manuals and employee information retained by the business and/or property or facility, or person/entity in charge of the business and/ or property or facility being investigated or inspected for potential infection, communicable diseases, unsanitary condition and/or vermin infestation in order to prevent or contain the spread of communicable diseases.
4. Be permitted to take samples from any area or surface for submission to a contracted laboratory to test for compliance with the standards set forth in this ordinance.

B. Following any inspection or investigation authorized by this act, The Health Authority may, at its discretion, require any of the following:

1. That any person exposed to or in contact with anyone reported to have a disease of a communicable nature, as listed in the most current regulation NJAC 8:57, submit to a physical examination, x-ray, laboratory test, and any other such diagnostic procedure to determine if such person is communicable or is in a carrier state, and shall prohibit any business from allowing any aforesaid person from returning to the business or its facility until such exams are completed.

2. Any person who is ill, infected, infested with a communicable disease may, by virtue of the agent of a communicable disease, type of job function, and/or virulence of the communicable disease, be prohibited from working or appearing in or around a place of business until their communicable disease abates and the person is cleared, in writing, by a Physician to return to work; said written clearance shall be provided to the Health Officer.
3. Quarantine to prevent or control the spread of this disease, provided that any quarantine order be provided in writing and that no period of quarantine exceed the period of incubation of the disease.

III. Health and Hygiene Practices:

1. Health and Disease Controls:

- a. Persons, while affected with any disease in a communicable form, or while a carrier of such disease, or while affected with boils, infected wounds, sores, acute respiratory infection, nausea, vomiting, or diarrhea which could expose other's to infection/infestation shall not work in any area or in any capacity in which there is a likelihood of such person contaminating contact surfaces with pathogenic organisms, or transmitting disease to other individuals and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity.
- b. If the manager or person in charge has reason to suspect that any employee has contracted any disease in a communicable form which could result in the spread of that disease or has become a carrier of such disease, he shall advise the employee to contact his physician for treatment and shall relieve him of duties.
- c. The Health authority shall use the latest edition of the American Public Health Association's text, "Control of Communicable Diseases in Man," as guidelines for the characteristics and control of diseases, unless other rules, guidelines or interpretations are issued by the State Department of Health.

2. Hygiene Practices:

- a. Employees shall not use tobacco in any form while engaged in service.

- b. The employees shall wear disposable medical grade gloves at all times during the clean up and disinfection of contaminated surfaces.
- c. Gloves shall be changed if they become contaminated by contact with any non-clean surfaces, objects, contact with a third person, or torn.
- d. Gloves shall be discarded after completion of each procedure. Under no circumstances shall a single pair of gloves be used on more than one clean up and disinfecting procedure.
- e. At the completion of the procedure, the employee shall dispose of the gloves and the hands shall be thoroughly washed.
- f. Written policies and procedures shall be established for management of employees or clients that have latex allergies.

3. Hand Washing:

- a. The hands of all employees shall be kept clean while engaged in work. Employees shall thoroughly wash their hands and exposed arms with soap and warm water before starting work, and shall wash hands during work hours as often as is necessary to keep them clean, and after smoking, eating, drinking, or visiting the toilet room.
- b. Employees shall keep their fingernails clean and neatly trimmed.
- c. At all times the owner or his designee shall assure the continuous posting of hand washing signs above urinals, on the inside door to toilet stalls and upon the inside of the exit door of all restrooms.

IV. Sanitary Controls:

1. Hand Washing Facilities:

- a. Hand washing facilities shall be adequate in size and number and shall be so located and maintained as to permit convenient and expeditious use by all employees.
- b. Hand washing facilities shall be located within or immediately adjacent to all toilet rooms or vestibules.
- c. Hand washing facilities shall be in accordance with N.J.A.C. 5:23-1, New Jersey Uniform Construction Code.
- d. Each hand washing facility shall be designed to provide hot and cold or tempered water (90 degrees Fahrenheit to 105 degrees Fahrenheit).
- e. An adequate supply of hand cleansing soap or detergent shall be available at each hand washing facility. An adequate supply of towels, or an approved hand drying device shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the hand washing facilities.
- f. All components of the hand washing facilities shall be kept clean and in good repair.
- g. Hand washing facilities shall be used only for hand washing purposes.

2. Toilet Facilities:

- a. Each establishment shall be provided with adequate, conveniently located toilet facilities accessible to the public and employees at all times.
- b. Toilet facilities shall be installed in accordance with N.J.A.C. 5:23-1, New Jersey Uniform Construction Code.
- c. Water closets and urinals shall be of a sanitary design and be cleanable.
- d. Toilet rooms shall be easily cleanable, completely enclosed, and shall have tight-fitting, self-closing doors. Such doors shall not be

left open except during cleaning or maintenance. If vestibules are provided, they shall be kept in a clean condition and in good repair.

- e. Toilet facilities, including toilet rooms and fixtures, shall be kept clean and in good repair, and free of objectionable odors.
- f. A supply of toilet tissue shall be provided at each toilet at all times.
- g. Hand washing signs stating "Wash Hands Before Resuming Work" or words of similar meaning shall be posted conspicuously in all toilet rooms and at each separate lavatory facility. It is also recommended that a statement concerning disease transmission be included. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material.

3. Shower Facilities:

- a. Showers shall conform to the requirements of the New Jersey Uniform Construction Code, N.J.A.C. 5:23.
- b. Shower stall floors which are located adjacent to walkways shall be lower than the level of the walkways.
- c. The cross-sectional area of the floor drains in shower rooms and stalls shall be at least twice the cross-sectional area of the outlet pipe to which it is connected.
- d. Wood slats or wood flooring material and slopes which are conducive to slipping, tripping, or falling shall not be used.
- e. Showers shall be cleaned and periodically disinfected especially when there is a change in occupancy or use.

4. Garbage And Rubbish Disposal Facilities:
- a. All garbage and rubbish shall be kept in leak proof, nonabsorbent containers constructed of durable metal or other approved types of material, which do not leak and do not absorb liquids.
 - b. All containers while being stored, shall be provided with tight fitting lids or covers and shall, unless kept in a special vermin proofed room or enclosure or in a waste refrigerator, be kept covered.
 - c. There shall be sufficient receptacles in rooms and areas to hold no more than one day's solid waste.
 - d. These receptacles shall be emptied daily.
 - e. Containers and receptacles shall be changed and disinfected at the change of occupancy.
 - f. Liners maybe used but they must be changed daily and the container shall be cleaned and when necessary disinfected.
 - g. Plastic bags shall be used for the removal of soiled waste.
 1. Bags shall be of sufficient strength to safely contain waste from point or origin to point of disposal and shall be effectively closed prior to disposal.
 2. Outside storage containers for solid waste shall be kept covered and shall comply with local ordinances.
5. Medical Waste: Items saturated and/or dripping with blood or body fluids shall be handled, stored, packaged, labeled, transported and disposed of in accordance with the provisions and standards found at N.J.A.C. 7:26-3A, as Medical Waste.

V. Environmental Controls:

1. Floors, Walls and Ceilings:

- a. All floors shall be kept clean and in good repair.
- b. The floor surfaces in all rooms and areas including dressing or locker rooms, and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable.
- c. Floors that are water-flushed for cleaning or that receive other fluid waste shall be constructed only of sealed concrete, terrazzo, ceramic tile or similar materials, and shall be graded to drain.
- d. Carpeting, if used as a floor covering, shall be of closely woven construction, properly installed, easily cleanable, and shall be kept clean as to sight, touch and smell and maintained in good repair. Carpeting is prohibited in toilet room areas where urinals or toilet fixtures are located. Carpeting must be vacuumed with a HEPA unit, and is cleaned and sanitized after each occupancy or use.

2. Housekeeping:

- a. Adequate facilities shall be provided for the orderly storage of employees' clothing and personal belongings. Dressing rooms or designated areas shall be provided.
- b. Adequate lockers within dressing rooms or other suitable facilities shall be provided and used for the storage of employees' coats, clothing and personal belongings.
- c. Dressing rooms or areas, and lockers, shall be kept in a clean condition.
- d. All parts of the establishment and its premises shall be kept neat, clean, and free of litter and rubbish.

- e. Vacuum cleaning, wet cleaning shall be used; or dust arresting sweeping compounds and push broom shall be employed: and all such cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of exposure to the public.

3. Pest/Vermin Control:

- a. Controls shall be used to minimize or eliminate the presence of rodents, flies, roaches, and other vermin. The premises shall be kept in such condition as to prevent the breeding, harborage, or feeding of vermin.
 - 1. The application of pesticide shall conform to the requirements of the New Jersey Pesticide Control Rules N.J.A.C. 7:30.
- b. No live animals shall be kept or allowed in any room. An exception shall be made for service animals, which shall be permitted for the purpose of accompanying physically disabled persons.
- c. All openings to the outer air shall be effectively protected against the entrance of insects by self-closing doors, closed windows, screening, controlled air currents, or other effective means.
- d. Screening material shall not be less than 16 mesh to the inch or equivalent.

4. Decontamination Of Environmental Surfaces:

- a. Body fluid spills on environmental surfaces shall be cleaned as specified in the Occupation Safety and Health Administration (OSHA) Rule 29 CFR part 1910.1030, Occupational Exposure to Blood borne pathogens.
- b. Aluminum foil or plastic covers shall be used to protect items and surfaces (for example, light handles) that may become contaminated by blood or saliva and that are difficult or impossible to clean and disinfect. Between clients coverings shall be removed, discarded, and replaced with clean material.

- c. A low-level disinfectant shall be used on general environmental surfaces.
 - 1. Surfaces shall be disinfected after each use.
 - 2. Horizontal surfaces shall be disinfected daily.
 - 3. Restrooms shall be disinfected daily.

5. Standards Of Cleanliness:

- a. If, following investigation or inspection conducted by the Health Authority pursuant to this act, a contracted laboratory determines that a sample obtained from the premises of any business governed by this ordinance, contains evidence of any blood, semen, vaginal secretion, body fluid, or other contaminated waste, then the facility will have failed to maintain a Standard of Cleanliness and shall be in violation of this ordinance.
- b. If, following investigation or inspection conducted by the Health Authority pursuant to this act, a contracted laboratory determines that a sample obtained from the premises of any business governed by this ordinance, contains evidence of an unacceptable level of bacteria or virus then the facility will have failed to maintain a Standard of Cleanliness and shall be in violation of this ordinance.
- c. If, following investigation or inspection conducted by the Health Authority pursuant to this act, the officer or his designee, makes direct observation of unacceptable levels of soil, dirt, vermin, organic matter, or odor the business shall be deemed in violation of this ordinance.

VI. Emergency Response:

1. Outbreak Notification:

a. Pursuant to N.J.S.A. 26:13-1 et seq. the New Jersey Emergency Health Powers Act or N.J.S.A. 26:4-2 when and Pandemic, Epidemic, endemic or outbreak is declared the Westfield Regional Health Department shall:

1. Strictly enforce reporting requirements of N.J.A.C. 8:57-1.1 et. Seq.
2. Investigate all suspected cases of illness.
3. Trace all contacts of the index cases.
4. Impose as may be required Social Distancing.
5. Requiring medical examinations as maybe required of those ill or exposed.
6. Isolate anyone ill with the suspected disease.
7. Quarantine anyone who has been exposed and assuring monitoring for signs of illness.
8. Order the Disinfecting of any area, item, equipment, etc. that has been or may be contaminated.

2. Investigations:

The Health Officer or his designee shall investigate any person, or persons and any environment to determine:

1. If a single case or an outbreak of a communicable disease exists; and
2. Ascertain the source and spread of the infection; and
3. Identify household, work and social contacts of the ill person, or persons.
4. Determine and implement appropriate control measures to contain remediate, and abate the outbreak.

3. Medical Examination:

The Health Officer or his designee may order in writing any person who maybe ill or may have been exposed to submit to a medical examination including but not limited to an x-ray, laboratory samples, and other diagnostic as maybe deemed necessary.

1. Any person who is ill with a communicable disease or whose illness is suspected to be communicable maybe removed by the Health Officer by written order cause the ill person to be removed to a hospital or other such medical care facility for

isolation. This order shall remain in force until terminated by the Health Officer.

2. The Health Officer may by written order restrict any person or persons who have been exposed to a communicable disease, under conditions specified by the Health Officer for the period not to exceed the incubation of the disease.

a. Restrictions may include but are not limited to:

- i) Quarantine in house or at a Quarantine center;
- ii) Social distancing in the Community which shall result in:
 - 1. Closing of schools.
 - 2. Canceling public transportation.
 - 3. Suspending public gatherings.
 - 4. Imposition and Enforcement of Enteric, Universal and/or Respiratory Precautions.

4. Disinfection:

The Health Officer may by an order in writing, require high level disinfection of all surfaces, equipment, areas, rooms, HVAC systems, etc where highly pathogenic agents may pose a bio-hazard.

VII. Prohibitions:

It shall be unlawful for any person or business to prevent, impede or interfere with the Health Authority in an inspection or an investigation being conducted pursuant to this act.

- 1. It shall be unlawful to offer for sale; rent, use or accommodate any articles of clothing, furniture, bedding, equipment or other goods and items which a person knows, or reasonably should have known, was contaminated from bacteria, mold, viruses, vermin, body fluids or pathogenic substances.
- 2. It shall be unlawful to negligently maintain any environment, including a room, common area, area, equipment, bed and/or furnishing, in a condition determined to be unsanitary, infested, unclean, or unsuitable for the health, safety, welfare and comfort of those who occupy use or visit said environments.
- 3. It shall be unlawful to negligently allow rooms, beds, furnishings, equipment, areas and environments that have been previously used or occupied by others without first providing: clean, laundered and

disinfected bedding; a cleaning to eliminate the presence of foreign matter, vermin, blood, body fluids, fecal matter or any source of contamination until the source is eliminated, cleaned and sanitized.

4. It shall be unlawful to knowingly allow an employee, patron, invitee and/or visitor who is ill with a communicable disease, vermin infestation, or source of infection to use, frequent or occupy any area, equipment, bedding, furnishing, etc., unless that individual has been treated medically and is no longer a reservoir of infection/infestation and no longer communicable.
5. It shall be unlawful to knowingly permit, authorize or allow lewd acts on the premises of any business governed by this act.
6. It shall be unlawful for anyone to knowingly release, convey, transfer, spread, or expose another person or persons or to allow for a person to spread or expose another person to any communicable disease, agent or vermin that may result in the spread of disease.
7. It shall be unlawful for anyone to knowingly release, convey, transfer, spread, or expose another person or persons or allow for a person to spread or expose another person to any communicable disease, infectious agent or vermin that is capable of causing disease.
8. It shall be unlawful for any business to maintain its facilities or place of business in violation of section IV (Sanitary Conditions,) and Section V above.

VIII. Violations:

Any entity or person violating or failing to comply with the provisions of this Ordinance shall upon conviction thereof, be punishable by a fine of no less than \$100.00 nor more than \$1,000.00, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service as determined in the discretion of the Municipal Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violations may be punished as provided above for each separate offense.

IX. Severability:

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, clause, or provision so adjudged and the remainder of the

Ordinance shall be deemed valid and effective.

X. Effective Date:

This Ordinance shall become effective immediately after publication in the manner provided by law.

INTRODUCTION: March 20, 2008
PUBLIC HEARING: May 8, 2008
ADOPTION DATE: May 8, 2008

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

Larry Corsi, President
Board of Health

Attest:

Marilyn A. Gorgia, Secretary
Board of Health

2008-05-08 10:00:00 AM