TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY

ORDINANCE NO. 2017-13

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOARD OF HEALTH OF THE TOWNSHIP OF CRANFORD, COUNTY OF UNION, STATE OF NEW JERSEY, AS PART III OF THE TOWNSHIP CODE; PROVIDING FOR THE MAINTENANCE OF PART III OF THE TOWNSHIP CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH PART III OF THE TOWNSHIP CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Board of Health of the Township of Cranford, County of Union, State of New Jersey, as follows:

§ 440-1. Adoption of Part III of the Township Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Board of Health of the Township of Cranford of a general and permanent nature, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 446 through 472, are hereby approved, adopted, ordained and enacted as "Part III, Health Legislation, of the Code of the Township of Cranford," hereinafter known and referred to as "Part III of the Township Code."

§ 440-2. Code supersedes prior ordinances.

This ordinance and Part III of the Township Code shall supersede all other general and permanent Board of Health ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 440-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 440-4. Copy of Code on file.

A copy of Part III of the Township Code in loose-leaf form has been filed in the office of the Secretary of the Board of Health and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Secretary of the Board of Health of the Township of Cranford by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Secretary of the Board of Health, to be made available to persons desiring to examine the same during all times while Part III of the Township Code is in effect.

§ 440-5. Amendments to Code.

Any and all additions, amendments or supplements to Part III of the Township Code, when passed and adopted in such form as to indicate the intent of the Board of Health to make them a part thereof, shall be deemed to be incorporated into Part III of the Township Code so that reference to "Part III of the Township Code of the Township of Cranford" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 440-6. Publication; filing.

The Secretary of the Board of Health of the Township of Cranford, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of Part III of the Township Code shall be maintained in the office of the Secretary for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of Part III of the Township Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 440-7. Code book to be kept up-to-date.

It shall be the duty of the Secretary or someone authorized and directed by the Secretary to keep up-to-date the certified copy of the book containing Part III of the Township Code required to be filed in his or

her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 440-8. Sale of Part III of the Township Code.

Copies of Part III of the Township Code, or any chapter or portion of it, may be purchased from the Secretary, or an authorized agent of the Secretary, upon the payment of a fee authorized by the Township. The Secretary shall also arrange for procedures for the periodic supplementation of Part III of the Township Code.

§ 440-9. Altering or tampering with Part III of the Township Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of Part III of the Township Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Board of Health of the Township of Cranford to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than $500, in the discretion of the Judge imposing the same.

§ 440-10. Severability of Part III of the Township Code provisions.

Each section of Part III of the Township Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 440-11. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 440-12. Inconsistent ordinances repealed.

Except as provided in § 440-13, Ordinances saved from repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in Part III of the Township Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Board of Health of the Township of Cranford which is not in conflict with the provisions of Part III of the Township Code shall be deemed to remain in full force and effect.

§ 440-13. Ordinances saved from repeal.

The adoption of Part III of the Township Code and the repeal of ordinances provided for in § 440-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance adopted subsequent to May 23, 2017.

B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.

E. Any license, right or privilege heretofore granted or conferred by the Board of Health.

F. Any ordinance or resolution authorizing the Board of Health of the Township of Cranford to enter into, execute or assume a contract or contracts.

G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.

H. Any pension or tenure right of any officer or employee of the Department of Health of the Township of Cranford or any pension or benefit of any retired officer or employee.

I. Any provision of any ordinance or resolution or employment agreement providing for the payment of compensation, salary or wages of, or the method of payment to, any Department of Health official, officer or employee, or providing for additional compensation with respect thereto, or providing for any other benefit or allowance, whether monetary or otherwise.

J. Any provision of any ordinance or resolution creating any position or office, or fixing the duties or responsibilities thereof, which is not provided for in Part III of the Township Code and which is not in conflict with or inconsistent with the provisions of Part III of the Township Code.

§ 440-14. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Board of Health that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. In addition, the changes, amendments or revisions as set forth below are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

(1) Chapter 465, Sanitary Standards.

(a) Section 465-10A is amended as follows: "The Public Health Nuisance Code of New Jersey (1953) is hereby adopted, with the exception of Section 2.1a and b."

(b) Original § 250-11A and B which adopted the Retail Food Establishment Code of New Jersey (1965) are repealed.

(c) The definition of "food handler's certification" in § 465-11D(1) is amended to read "food handler's certificate" and to change "Board of Health of Westfield" to "Board of Health of Cranford."

(d) Section 465-12 is amended to read as follows: "Public swimming pools shall be subject to the State Sanitary Code, N.J.A.C. 8:26, Public Recreational Bathing."

(e) Section 465-13 is amended to read as follows: "Food and beverage vending machines shall be subject to the State Sanitary Code, N.J.A.C. 8:24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines."

(f) Original § 250-15, Weed control, is repealed.

(2) Chapter 472, Tobacco Products and Smoking. Section 472-1 is amended to change "a minor under the age of 18 years" to "a minor under the age of 19 years."

NOTICE IS HEREBY GIVEN that the foregoing ordinance was finally passed at a meeting of the Township Committee of the Township of Cranford, New Jersey on October 24, 2017.

Tara Rowley
Municipal Clerk