

Chapter 1. GENERAL PROVISIONS. ANALYSIS

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1-1. Designation.

This Ordinance and all Ordinances supplementary hereto and amendatory hereof may be cited as the “Revised Health Code” or the “Revised Health Code of the City of Englewood (2003)”.

1-2. Conflict of laws.

In case of conflict with any provision of the State Sanitary Code or any other State or Federal law or regulation, the more restrictive provision shall prevail. The higher standard shall be enforced in order to promote and protect the health and safety of the inhabitants of the City of Englewood.

1-3. General rules of construction.

In the construction of this Code, or any amendments hereof or any supplements hereto, words and phrases shall be read and construed:

- (a) Within their context and, unless inconsistent with the manifest intent of the Board, as expressed herein.
- (b) Unless another or different meaning is expressly indicated, such words or phrases shall be given the meaning expressed herein, or if no such meaning be given, their generally accepted meaning, according to the approved usage of the language, shall be applied.
- (c) Technical, trade or commercial words and phrases, and words and phrases having a special or accepted meaning in the law, shall be construed in accordance with such technical, trade, commercial or special and accepted meaning.
- (d) Unless otherwise indicated by the context, the definition herein contained shall apply to the terms used in the other definitions.
- (e) Unless otherwise indicated by the context, the singular shall include the plural and one gender shall include the other gender.

1-4. Definitions.

In addition to the definitions included in some of the following chapters of this Code, the following definitions shall apply in the interpretation and enforcement of this Code:

- (a) “Board” shall mean the Board of Health of the City of Englewood, New Jersey.
- (b) “City” shall mean the City of Englewood, New Jersey.

(c) "Cleaning" shall mean the thorough removal of contaminating material or materials.

(d) "Code" shall mean the Revised Health Code of the City of Englewood, unless some other code is expressly indicated.

(e) "Department" shall mean the Department of Health of the City of Englewood, New Jersey.

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

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

(h) "License" or "Permit" shall mean a duly authorized license or permit granted by the Board and issued in accordance with this code, the regulations of the Board of applicable state statutes or regulations.

(i) "Member" shall mean one of the persons who shall constitute the Board of Health of the City of Englewood.

(j) "Nuisance" shall mean any condition which is dangers to human life or health or which renders air, water, soil, or any type of food hazardous or injurious to human life or health, including but not limited to those things enumerated in Chapter 10 of this Code.

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

(l) "Public Place" shall mean a place which is visited by many persons and is usually accessible to the neighboring public and in which the public has an interest as affecting the safety, health, morals and welfare of the community.

(m) "Retail Food Service Establishment" shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order café; luncheonette; grill; tea room; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public or non-profit organization or institution serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market, or similar place in which food or drink is prepared for retail sale or for service on the premises or elsewhere; and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge; except that agricultural markets, covered dish suppers or similar type of church or non-profit type institution meal service shall meet the special provisions of Chapter 12 of the New Jersey State Sanitary Code.

(n) "Rules and Regulations" shall mean those rules and regulations prescribing or directing action or forbearance which are required to be followed by this code.

(o) "State Department" shall mean the New Jersey State Department of Health.

(p) "State Health Code" shall mean the New Jersey State Sanitary Code promulgated by the New Jersey State Department of Health which has the force and effect of law and is enforceable by the State Department of Health, the local boards of health, local police authorities, and other enforcement agencies.

1-5. References to chapters, articles and sections.

All references in the Revised Health Code to chapters, articles or sections are to chapters, articles or sections of the Revised Health Code. Such references to chapters or articles shall be construed to refer to all the sections within the chapters are articles to which such references are made, unless otherwise expressly provided.

1-6. Analyses, section headings, source references, and notes not part of the Revised Health Code.

In the construction of the Revised Health Code or any part thereof, no analysis of any chapter or part thereof, no cross-reference or cross-reference note, no indication of a source by parenthetical material after a section, no note, no footnote, and no section heading, shall be deemed to be part of the Revised Health Code.

1-7. Effect of repeal of certain ordinances.

Whenever an ordinance that repeals an earlier ordinance or part thereof is itself repealed, such repeal shall not revive the former ordinance or part thereof, unless specific provision is made therefor.

1-8. Severability.

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.

1-9. Rules and regulations.

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

1-10. Amendments.

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

1-11. Resolutions to suspend.

The Board may from time to time, by general resolution, suspend or declare inoperative any provisions of this Code, which, in their judgment, are not for the time being required for the protection of the health of the residents of the City of Englewood.

1-12. Posting of premises.

Whenever the Health Officer determines that a retail food service establishment or other public or private premise contains a health hazard or is in violation of this Code or of applicable State or Federal statutes, Codes or rules to that a public health hazard is present or a public health emergency may result, in addition to actual notice of the hazard or violation to the owner or operator, the Health Officer may post the premises with a notice to the public indicating the health hazard or violation and the date. The posted notice shall not be removed except by the Health Officer after an inspection has shown the hazard has been eliminated or the violation removed.