

**BOARD OF HEALTH
CITY OF ENGLEWOOD
ORDINANCE NO. 09-08**

AN ORDINANCE REVISING CHAPTER 13 OF THE HEALTH CODE OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, "RETAIL FOOD SERVICE ESTABLISHMENTS".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF HEALTH OF THE CITY OF ENGLEWOOD, THAT CHAPTER 13 OF THE HEALTH CODE BE REVISED AS FOLLOWS;

Chapter 13. RETAIL FOOD SERVICE ESTABLISHMENTS.

NOTE: Retail Food Service Establishments are regulated by Chapter 24 of the New Jersey State Sanitary Code entitled "Construction, Operation and Maintenance of Retail Food Establishment."

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Article 1. LICENSES AND PERMITS FOR RETAIL FOOD SERVICE ESTABLISHMENTS

13-1. Licenses required.

It shall be unlawful for any person to operate a retail food service establishment within the City of Englewood who does not possess a valid license issued by the Board.

Only a person who complies with the requirements of the Code shall be entitled to receive and retain such a license. Licenses shall not be transferable from one person or place to another person or place. A valid license shall be posted in every retail food service establishment. Licenses for temporary retail food establishments shall be issued for a single location and a period of time not to exceed seven (7) days within any month except at the discretion of the Board.

13-2. Application procedure.

Any person desiring to operate a retail food service establishment shall make written application for a license on forms provided by the Health Department. Such applications shall include: the applicant's full name and post office address and whether such applicant is an individual, firm or corporation, and, if a partnership, the names of the partners, together with their addresses, shall be included; the location and type of the proposed retail food service establishment; and the signature of the applicant or applicants. If the application is for a temporary food service establishment, it shall also include the inclusive dates of the proposed operation.

13-3. Inspection required.

Upon receipt of an application pursuant to this article, the Health Officer or designee [a licensed Registered Environmental Health Specialist] shall make a pre-opening inspection of the retail food service establishment to determine the compliance with the provisions of the Code

and Chapter 24 of the New Jersey State Sanitary Code at least 72 hours in advance of opening. When an inspection reveals that the applicable requirements of the Code and the State Sanitary Code have been met, a license shall be issued to the applicant by the Board.

13-4. Hazards to public health, corrective action.

Notwithstanding the other provisions of this Code whenever the Health Officer finds unsanitary or other conditions in the operation of a retail food service establishment which, in the Health Officer's judgment, constitutes a substantial hazard to the public health, the Health Officer may, without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition, specifying the corrective action to be taken, and specifying a time period within which such action shall be taken; and, if deemed necessary, such order shall state that the license is immediately suspended, and all food service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Health Officer, shall be afforded a hearing pursuant to Chapter 8 of this Code.

Article 2. EQUIPMENT AND FLOOR STANDARDS.

13-5 Food service equipment and Floors.

13-5.1 Food Service Equipment.

Equipment to be installed in new or remodeled establishments and replacement equipment for existing retail food establishments shall comply with design standards established by the National Sanitation Foundation.

13-5.2 Floors

Floors in retail food service establishments shall be constructed or covered with cleanable, non-absorbent and durable floor surface materials.

13-5.3 Handsinks

Handsinks must be installed in food preparation areas according to Chapter 24. This sink must be accessible at all times with working hot water and be stocked with paper towels, hand soap and a sign to remind employees to wash hands.

13-6 Maintenance of premises and Code compliance.

13-6.1 Maintenance of premises

(a) Food service establishment premises shall be maintained in a clean and safe condition and shall be free from standing water.

(b) The premises shall be maintained so as to eliminate and prevent rodent and insect harborage. All doors leading to the outside are required to be closed or fitted with a self-closing device. They may, however, be fitted with a self-closing door screening of not less than 16 mesh between April 15 and October 15.

(c) Roofs, exterior walls, doors, skylights and windows shall be in good repair and maintained in a clean condition.

(e) All plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition. Each water heater shall be equipped with a thermostatic temperature control and a pressure relief valve, both of which shall be in good working condition.

13-6.2 Code compliance

Every retail food service establishment shall be in compliance with all applicable building, plumbing and fire safety requirements.

Article 3. PLAN REVIEW FOR NEW OR REMODELED RETAIL FOOD SERVICE ESTABLISHMENTS.

13-7. Plan review required.

Whenever a retail food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a retail food service establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the Board of Health for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas and the type or model of proposed fixed equipment, garbage and refuse disposal, lighting, ventilation and storage facilities. The Board of Health shall approve the plans and specifications if they meet the requirements of all applicable State and local health codes and regulations. No retail food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Board of Health.

Article 4. RETAIL FOOD SERVICE MANAGER CERTIFICATION.

13-8. Policy Statement.

Food service to the public provides opportunity for transmission of food-borne illnesses. Therefore, controls have been established to minimize health risks, to assure service of wholesome foods, and to meet consumer expectations. Since managers of retail food service establishments are most influential in the conduct of daily food service operations and have relatively stable employment patterns, it is desirable and necessary for retail food service establishments to employ certified food service managers.

13-9. Certification program.

The Health Officer shall approve a public education course for food service manager certification or shall conduct a program of food service manager certification, re-certification, training, examination, and evaluation of food service managers. The Health Office shall also grant reciprocity to other manager training courses determined to be equivalent to the Department's course. In addition, the Health Officer shall provide for revocation or suspension of certification; and shall otherwise implement these code requirements.

13-10. Certification requirements.

(a) Every retail food establishment within the city of Englewood shall have at least one Certified Food Service Manager, meeting requirements set forth in Article 4 of the Health Code in the City of Englewood, physically on its premises at all times during operation. Certification must be obtained within six (6) months of issuance of Certificate of Occupancy. The Board of Health may exempt categories of retail food service establishments from the certification requirement if the Board determines that such exemption will not jeopardize the public health.

(b) Establishments shall notify the Health Officer within ten (10) days when the certified manager's employment is terminated and, at the same time, shall indicate what measures are being taken to comply with this Article.

(c) Persons to be employed as, or promoted to, retail food service establishment manager shall be certified prior to employment or promotion, or the establishment owner or owner's representative must register said person for participation in the next available training course.

(d) A certificate issued by the Department shall be valid for 36 months from the date of issue unless it is revoked or suspended by the Board. Certified retail food service establishment managers shall be re-certified prior to expiration of the valid certificate.

13-11. Certification procedures.

(a) Responsibilities:

(1) Maintain retail food service establishment to comply with Chapter 24 of the New Jersey State Sanitary Code.

(2) Train all retail food service establishment personnel in the principles and practices of food service sanitation as they apply to individual employee's work assignments.

(3) Conduct a minimum of one self-inspection of the retail food service establishment every three (3) months. The findings of the self-inspection shall be recorded on forms provided by the Health Officer, and retained at the establishment for a minimum of one (1) year. Said reports shall also be made available for review by the Health Officer or a Registered Environmental Health Specialist upon request.

(4) Upon the completion of each self-inspection, the certified retail food service establishment manager shall initiate improvements needed to the extent of his or her authority, and shall bring the remaining deficiencies and suggestions for their correction to the owner's attention at the earliest possible occasion.

(5) The certified retail food service establishment manager shall be responsible for communications with representatives of the Department.

(6) The certified retail food service establishment manager shall promptly notify the Health Officer of known or suspected food borne illnesses of employees or customers immediately and in no event more than 48 hours after the first knowledge of the illness.

(b) Effectiveness:

(1) The effectiveness of certified retail food service establishment managers in carrying out their responsibilities shall be evaluated by the Department. This evaluation may include a review of Chapter 24 inspection reports, a review of self-inspection records, and determination of food sanitation knowledge of employees as may be made by periodic oral or written quizzes or observations of work performance.

(2) If the certified retail food service establishment manager has not demonstrated satisfactory performance of the enumerated responsibilities, the department may counsel said manager, advise the establishment owner, or initiate proceedings to suspend or revoke the manager's certificate. If the certificate is revoked, the manager's name and related information shall be removed from the Register of Certified Food Service Managers.

(c) Register:

(1) The department shall maintain a Register of Certified Food Service Managers who have been issued certificates by the Health Officer. The initial register may contain names of food service managers who have applied for certification.

(2) The Register shall contain information the Health Officer deems necessary, including the name and certificate number, the establishment of employment, the date of certificate expiration, and the name of the approved training course if applicable.

(3) Initial Register: within sixty (60) days of adoption of these rules, each retail food establishment shall submit to the department a completed application for at least one food service manager employed at that establishment.

(4) The department shall keep the Register current by addition and deletion of names of managers or by revising information on status of managers' employment or training.

(5) The Register shall be available for review at the main office of the Department.

13-12. Training of food service managers.

(a) Training program:

The Department's Retail Food Service Managers' Training Program shall be developed by the Health Officer, consistent with this Article. The training program shall include, but shall not be limited to, topics such as employee health and personal hygiene, food borne diseases and poisonings, etiologic agents, safe food handling principles and procedures, cleaning and sanitizing, vermin control, employee training techniques, self-inspection procedures, and responsibilities of a Certified Retail Food Service Establishment Manager.

(b) Training program procedures:

An applicant for the Training Course shall submit a completed application form within thirty (30) days after appointment as a retail food service establishment manager except that where there are food borne disease outbreaks or after an informal or formal hearing, a manager shall submit a completed application within 72 hours after notification by the Health Officer that he or she must attend the training course.

(c) Examinations:

(1) Examinations for the training course shall be prepared by the Department.

(2) The minimum passing grade shall be established by the Health Officer. The standard shall include, but not be limited to, an evaluation of the information contained on the application, evaluation of attendance and participation in the training classes, and an evaluation of the written examination or examinations.

(3) Applicants who fail to pass the initial examination may repeat the examination once. Applicants who fail to pass the second examination shall be required to repeat the training program.

(d) Food Handling Standards:

(1) Notwithstanding the requirements of other provisions of New Jersey State Law and Administrative Regulations, food service establishments shall require the use of tongs, forks, spoons, picks, spatulas, scoops, disposable gloves and other suitable utensils and shall be provided and shall be used by employees to reduce manual contact with food to a minimum.

(2) Employees engaged in the preparation of food, and other persons who may come in contact with these operations, shall use effective, sanitary hair coverings, such as a hat, cap or hair net, as effective hair restraints, to prevent the contamination of food. Service personnel shall take steps necessary to keep their hair from the food and food contact premises.

13-13. Registration Fee for training of food service managers.

The fee for the training program, which shall include a textbook, hand-outs, food safety thermometer, examination scoring, and certificate shall be \$185.00 (one hundred eighty-five dollars) per person. There shall be established an early registration date, for the purpose of determining the procurement needs for the class, for each training course to which this fee shall apply. Each late registration shall be assessed an additional \$15.00 (fifteen dollars) fee, for a total of \$200.00 (two hundred dollars).

Article 5. RETAIL FOOD HANDLER CERTIFICATION.

13-14. Policy statement.

In addition to every establishment having a Certified Food Manager, kitchen staff shall be certified as Food Handlers as well. Not only shall kitchen staff be trained in food safety as it relates to their assigned duties by their Food Manager, but they also must be aware of the guidelines and requirements set forth in Chapter 24 of the New Jersey Sanitary Code.

13-15. Training of food handlers.

The chief aspects of food safety that shall be covered in a food handler's course are proper cooking temperatures, correct storage of food in the refrigerator, appropriate cooling and re-heating practices and the primary causes of food-borne illness. Other aspects of the course include how to wash, rinse and sanitize food contact surfaces, personal hygiene, how to correctly use and calibrate thermometers and test the strength of a sanitizing solution. These items, along with a thorough understanding of the New Jersey Sanitary Code, are what the City wants its food establishment workers to obtain in a food handler's course.

13-16. Registration Fee for training of food handlers.

The fee for the training program, which shall include a hand-outs, food safety thermometer, examination scoring, and certificate shall be \$75.00 (seventy-five dollars) per person.

This Ordinance shall take effect upon final passage and publication as required by law.

Nelson Xavier Cruz
Secretary to the Board

Introduced: October 14, 2009

Adopted: December 9, 2009