

**BOROUGH OF WESTWOOD  
BOARD OF HEALTH  
NOTICE**

NOTICE IS HEREBY GIVEN that the following proposed Ordinance was introduced and passed on first reading at a meeting of the Board of Health of the Borough of Westwood in the County of Bergen, New Jersey held on the 12<sup>th</sup> day of October, 2016 and that said Ordinance will be further considered on second and final reading at a meeting thereof to be held on November 9, 2016 at 7:30 PM, or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning the same.

**ORDINANCE 16-01**

AN ORDINANCE REGULATING RETAIL FOOD SAFETY

Be it ordained by the Board of Health of the Borough of Westwood in the County of Bergen.

**SECTION 1. Purpose**

The purpose of this Ordinance is to protect and promote the health of the people of Westwood and those who utilize Westwood's food establishments. The Westwood Board of Health recognizes the importance of safe food handling practices and sanitation in all Westwood establishments.

**SECTION 2. Definitions**

As used in this Ordinance, the following terms shall have the meanings indicated:

**"Food Handler"** shall mean any person working with packaged or unpackaged food or beverage, food equipment or utensils or food-contact surfaces.

**"Food Handler Certification"** shall mean a certificate, degree or documentary proof obtained for satisfactory completion of a minimum three hour course of instruction in safe food handling as approved by the Health Officer.

**"Food Manager Certification"** shall mean a certificate, degree, or documentary proof obtained when passing a food manager safety examination administered by an agency accredited by the Conference of Food Protection.

**"Person-in-Charge"** shall mean the individual present at a retail food establishment who is responsible for the operation at the time of inspection.

**"Retail Food Establishment"** shall mean an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption.

**SECTION 3. Food Safety Certifications Required.**

Each retail food establishment shall obtain or have an appropriate individual obtain each of the certifications herein listed:

**A. Risk Type 2 Retail Food Establishment (as defined by N.J.A.C. 8:24-1.5).**

During all hours of operation the person-in-charge is required to hold a valid food manager certification as approved by the Health Officer.

**B. Risk Type 3 Retail Food Establishment (as defined by N.J.A.C. 8:24-1.5).**

During all hours of operation the person-in-charge is required to hold a valid food manager certification as approved by the Health Officer. When additional personnel are engaged in the process of food handling under the supervision of the person-in-charge, at least one of said additional employees must hold a valid food handler certification as approved by the Health Officer. In addition, for each of the following types of Risk Type 3 retail food establishments, the following certifications shall be required:

- a) **Supermarkets:** The manager of each department that handles, stocks, prepares, and/or packages foodstuffs (including, but not limited to bakery, deli, hot or cold foodservice, meat, produce and seafood departments) must hold a valid food manager certification as approved by the Health Officer.
- b) **Hotels, Banquet or Catering Facilities:** Personnel designated as the manager or person-in-charge of each venue within a facility operating under a single license must hold a valid food manager certification as approved by the Health Officer.
- c) **Other Establishments, Venues or Situations not herein defined:** As determined by the Health Officer.

**C. Risk Level 4 Retail Food Establishments (as defined by N.J.A.C. 8:24-1.5).**

- 1. During all hours of operation the person-in-charge is required to hold a valid food manager certification as approved by the Health Officer.
- 2. All food handlers employed by the establishment must hold a valid food handler certification approved by the Health Officer.

**SECTION 4. Validity and Non-Transferability of Food Safety Certification.**

- A. No person to whom a food manager or food handler certificate is issued shall give, loan, transfer or permit same to be used by any other person for any purpose whatsoever.
- B. A food handler certificate shall, unless otherwise specified, be considered valid for a period of (2) two years from the date of issuance.
- C. A food managers certificate shall, unless otherwise stated, be considered valid for a period of (5) five years from the date of issuance.

**SECTION 5. Violations and Penalties.**

A. Any establishment not in compliance with any provision of this ordinance shall be subject to fines and costs of not less than \$100.00 or more than \$1,000.00 per violation. The Board of Health may close the establishment and suspend the retail food establishment license of any person, partnership, corporation or establishment in violation of this Ordinance for a period to be determined by the Health Officer pursuant to the authority of the Board of Health to license and regulate retail food

establishments as provided by N.J.S.A. 26:3-31.

B. The Health Officer may, at her/his discretion and when deemed necessary, require any food handler in any licensed retail food establishment to obtain a food handler certification.

**SECTION 6. Severability**

If any section or provision of this Ordinance be adjudged invalid or unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the same shall not affect the validity of the ordinance as a whole or any other section or provision hereof.

**SECTION 7. Repealer**

All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such conflict or inconsistency.

**SECTION 8. Effective Date**

This Ordinance shall take effect after publication at the time and in the manner directed by law.

Approved:

Betsy Beckman

Westwood Board of Health President

Attest:

Sharon Blehl,  
Secretary