

CHAPTER 11. HEALTH SANITATION

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ARTICLE 1. REMOVAL OF DEBRIS, PLANT GROWTH, ETC., REQUIRED

11-1. Removal of Debris, Plant Growth, Etc., Required.

Whenever it shall be deemed necessary for the preservation of the public health, safety and welfare, or to eliminate fire hazard, the Director of the Department of Public Works or a designee of the Director shall require any owner, tenant, occupant, managing agent, executor, administrator, or other similar person to remove or destroy brush, weeds (including ragweed), dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris within ten (10) days after receipt of notice to remove or destroy the same.

11-2. Notice.

The Director or his designee shall serve written notice upon any such person described in Section 11-1, describing the condition of the premises and demanding that the condition be abated within ten (10) days of receipt of such notice. Notice shall be made by personal service, or by certified mail, return receipt required. In the event that personal service cannot be effected because the owner or agent is not a resident of the Town, or in the event that service by certified mail is unaccepted, then notice by regular mail shall be sent, and the Director aforementioned or his designee shall post said notice in a conspicuous place on the premises.

11-3. Failure to Remove or Destroy after Notice.

When the owner, tenant or other such person set forth in Section 11-1 shall refuse or neglect to remove or destroy any such brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris within ten (10) days after receipt of notice to remove or destroy the same, he shall, upon conviction, be subject to a fine not exceeding Five Hundred (\$500.00) Dollars. The imposition and collection of a fine shall not bar the right of the Town to collect the cost of removal in the manner provided herein, or by summary action in a court of law.

11-4. Removal by Department of Public Works.

Where the owner, tenant or other person set forth in Section 11-1 above shall have refused and neglected to remove or destroy any such brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris within ten (10) days after receipt of notice to remove or destroy same, or upon the expiration of ten (10) days following posting of notice as provided in Section 11-2 above, the Director aforementioned or his designee shall cause same to be removed or destroyed at the

expense of the owner, tenant, occupant, managing agent, executor, administrator or other similar person, as the case may be.

11-5. Cost of Removal or Destruction by Department of Public Works.

In all cases where brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris are destroyed or removed from any lands under this Ordinance by or under the direction, the Director aforementioned or his designee shall certify the cost thereof to the Town Council, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; the amount so charged shall forthwith become a lien upon said lands and shall be added to and become a part of the taxes next to be assessed and levied upon such lands, to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

ARTICLE 2. CONNECTION WITH SEWER

11-10. Definitions.

As used in this Ordinance, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

A. "Building" means any building or structure heretofore or hereafter constructed and designed or used for dwelling purposes either temporary or permanent, or other use or occupancy by persons.

B. "Sewer" means any sewer or main designated or used for collection or disposal of sanitary sewage and located in any public street or easement in the Town.

C. "Connection Date" when used with respect to a building constructed prior to the date of initial operation, as a part of any sanitary sewage treatment and disposal system in the Town owned or operated by the Town or the Town of Hackettstown Municipal Utilities Authority, of a sewer in the public street upon which said building is located or of a sewer in an easement adjacent to or passing through property upon which said building is located, means the ninetieth (90th) day next ensuing after said date of initial operation, and when used with respect to a building constructed after the date of initial operation, as part of any sanitary sewage treatment and disposal system owned or operated by the Town or said Authority, of a sewer in the public street upon which said building is located or of a sewer in an easement adjacent to or passing through the property upon which said building is located means the ninetieth (90th) day after the date of completion of construction, or the date of initial occupancy of said building, whichever of said dates shall be earlier in point of time.

11-11. Installation of Toilet.

The owner of any building located upon any public street in the Town in which a sewer is now constructed or shall be hereafter constructed shall, prior to the connection date with respect to said building, install a toilet in said building, unless a toilet is already installed therein, and connect such building and every toilet therein with said sewer.

11-12. Requirements and Specifications.

Every connection required by this ordinance shall be made with soil pipe of Extra Heavy Cast Iron, U.S.A. Specification A40.1-1935. Jointing shall be by push joint or leaded and well-caulked, extending from inside the building foundation to a sewer or to a point which is not less than five (5')

feet outside of said foundation, and connection therefrom to a sewer with soil pipe of Extra Heavy Cast Iron pipe with push joints. All soil pipes shall be not less than four (4") inches in diameter, and every connection required by this ordinance shall be made in a manner to discharge into said sewer all sanitary sewage originating in the building.

11-13. Failure to Make Connection.

If the owner of any property in the Town shall fail to make any connection or installation required by this ordinance within the time herein-required, the Town may proceed to make such connection or installation, or cause the same to be made, and charge and assess the cost thereof against such property pursuant to the authority of Section 40:63-54 of the Revised Statutes of New Jersey.

ARTICLE 3. PARKING OR ABANDONMENT OF MOTOR VEHICLES

11-20. Definitions.

Certain words in this Chapter are defined for the purpose thereof as follows:

1. "Motor Vehicle" is any self-propelled vehicle or part thereof, machine or part of machine of any nature whatsoever.

2. "Owner" is any person, firm or corporation owning, possessing, occupying or having custody of lands in the Town of Hackettstown.

3. "Parking" shall be deemed to include the parking, placement or storage of any "Motor Vehicle" as hereinabove-defined.

4. "Person", "Owner", "Possessor" or "Occupant" shall mean any individual person, group of persons, partnership, corporation, firm, association, or any other entity.

11-21. Unlawful Act.

A. It is hereby determined and declared that the abandonment, leaving or storing out-of-doors on public or private property of any motor vehicle not currently in use for transportation or not licensed for the current license year with a currently-dated inspection sticker, or any unused machinery, machine, appliance, equipment or parts thereof, is contrary and inimical to the public welfare in that such articles so placed, parked, stored or abandoned attract, or may attract, persons of tender years who, being so attracted, may play in or about such articles and be injured in so doing; and in that such articles so placed, abandoned or left out-of-doors exposed to the elements deteriorate, and in themselves are unsightly and are detrimental to and depreciate the value of properties where they are located.

B. No person shall abandon, leave, keep, store or suffer or permit the abandoning, leaving, keeping or storing of any motor vehicle not currently in use for transportation, or not licensed for the current license year, or any unused machinery, appliance, equipment or parts thereof out-of-doors upon any public or private land in the Town of Hackettstown, or between the right-of-way sidelines of any public thoroughfare therein, except by those businesses regularly engaged in the repair or sale of motor vehicles and only upon the private land of said businesses. Nothing herein-contained shall be deemed to prohibit the placing, keeping or storage of any such article in an enclosed garage.

C. No person shall abandon, leave, keep, store or suffer or permit the abandoning, leaving, keeping or storing of any motor vehicles that are in the process of being repaired, are unregistered or uninsured on any public throughfare except in the event of an emergency breakdown in which case the vehicle must be removed within two hours.

11-22. Violation.

Upon complaint of any resident or property-owner or employee of said Town, or upon the motion of the Building Inspector of the Town of Hackettstown or his designated agent, or the Hackettstown Police Department, the said Building Inspector or his designated agent or the Hackettstown Police Department shall make an investigation of the condition complained of, and if a violation of one (1) or more of the provisions of this Article is determined to exist on said land, the said Building Inspector or his designated agent or the Hackettstown Police Department shall notify the owner, in writing, either personally or by certified mail, return receipt requested, of the existence of such violation, and shall order that the said violation be removed, terminated or otherwise abated within ten (10) days after the service of such notice.

11-23. Failure to Comply.

Upon failure to comply with the written notice and order aforesaid, the Building Inspector or Police Department shall file a complaint in the Municipal Court of the Town of Hackettstown.

11-24. Penalties for Violations.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be liable for a fine not to exceed Five Hundred (\$500.00) Dollars. The imposition of a penalty or penalties for any violation of this Article shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations within a reasonable time. If said violations are not corrected or remedied within a reasonable time, then each ten (10) days thereafter that the prohibited conditions are maintained shall constitute a separate offense hereunder. Such reasonable time shall be determined by the Municipal Judge.

11-25. Appeals for Relief.

Appeals for relief from the provisions of this Chapter shall be made to the Mayor and Council of the Town of Hackettstown, and relief granted by said body by the adoption of a formal resolution may

be upon the finding by said body that such relief is not and will not be detrimental to the public welfare and safety.

ARTICLE 4. RECYCLING

11-40. Definitions.

(a) Newspaper - The term newspaper as used in this Article, shall include paper commonly referred to as newsprint, which is distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Excluded are magazines and glossy newspaper inserts.

(b) Aluminum, Cans and Scrap - shall mean recyclable aluminum cans. Excluded from this classification is foil material.

(c) Container Glass - shall mean all clear, amber or green containers made from silica or sand, soda ash and limestone, which are transparent or translucent, and are used for packaging or bottling of various material and all other material commonly known as glass, excluding, however, blue plate and flat glass, commonly known as window glass, and mirror glass and light bulbs.

(d) Tin Cans - shall mean tin and bi-metal cans commonly used for packaging of food products which have steel sides and aluminum tops or combinations thereof. Specifically excluded are cans used for paints, pesticides or other hazardous products.

(e) Corrugated Paper - shall mean corrugated cardboard or other paper products which are manufactured with folded or parallel and alternating ridges and grooves so as to make them stiff and rigid.

(f) Plastic Beverage Containers - shall mean liter soda bottles made of polyethylene Terephthalate and milk or water containers made of high density polyethylene.

(g) High Grade Paper - shall mean uncontaminated paper of the type commonly used in industrial, institutional and commercial offices, such as white bond, white stationery, white note pad paper, computer printout paper and white paper forms, excluding carbon or carbonized paper.

(h) Waste Oil - shall mean all petroleum products removed from cars, buses, trucks, motorcycles, lawn mowers, tractors or other devices using internal combustion engines.

(i) White Goods - shall mean bulky, residentially used appliances such as refrigerators, washers, dryers and other kitchen appliances.

(j) Leaves - the lateral outgrowth from a plant stem that constitutes foliage of a plant, excluding yard waste such as grass clippings, brush, and branches.

(k) Residential Dwelling Unit - shall mean housing structures of one to five units.

(l) Multi-Family Dwelling Unit - shall mean housing structures of six or more units.

(m) Commercial - shall mean businesses engaged in retail, warehousing, light industrial or industrial operations.

(n) Institutions - shall mean and include, but not necessarily be limited to, schools, agencies of local and state government and hospitals or other health care facilities.

(o) Regulations - shall mean, and include such rules, implementation dates, schedule of time and such other times promulgated by the Mayor and Council by resolution as may be necessary to carry out the purposes and objectives of this Article.

11-41. Separation of Materials.

(a) All occupants of residential dwelling generating solid waste within the boundaries of the Town of Hackettstown shall source separate from the solid waste stream the following recyclable materials: Newspaper, aluminum cans, container glass, tin cans, corrugated paper, plastic beverage containers and waste oil. Aluminum cans, container glass, tin cans, plastic soda containers, plastic milk or water containers shall be bundled separately and placed curbside for collection on the day designated for pickup by the Hackettstown Recycling Coordinator or delivered to the Hackettstown Recycling Center during hours the center is open to the public. The recyclable materials as designated by the Recycling Coordinator shall be separated and placed at curbside or delivered to the Hackettstown Recycling Center. Waste oil shall be delivered to a public waste oil collection site or other approved location.

(b) All occupants of multi-family dwellings generating solid waste within the boundaries of the Town of Hackettstown shall source separate from the solid waste stream the following recyclable materials: Newspapers, aluminum cans, container glass, tin cans, plastic beverage containers, waste oil and any other materials designated in the Warren County Recycling Plan as mandatorily recyclable. The above recyclable materials shall be bundled separately and delivered to the Hackettstown Recycling Center for recycling, or shall be delivered as otherwise required in accordance with all applicable regulations. Waste oil shall be delivered to a public waste oil collection site or other approved location.

Owners of multi-family dwellings generating solid waste within the boundaries of the Town of Hackettstown are responsible for source separating from the solid waste the recyclable materials generated by the occupants of their dwellings. Owners of multi-family dwelling units must provide suitable containers and equipment to the occupants for the source separation of recyclable materials.

(c) All owners, operators and occupants of commercial businesses generating solid waste within the boundaries of the Town of Hackettstown shall source separate from the solid waste stream the following recyclable materials: Newspaper, aluminum cans, container glass, tin cans, high grade paper, waste oil and any other materials designated in the Warren County Recycling Plan as mandatorily recyclable. The above recyclable materials shall be bundled separately and delivered to the Hackettstown Recycling Center for recycling, or shall be delivered as otherwise required in accordance with all applicable regulations. Waste oil shall be delivered to a public waste oil collection site or other approved location.

(d) All owners, operators and occupants of any institution generating solid waste within the boundaries of the Town of Hackettstown shall source separate from the solid waste stream the following recyclable materials: Tin cans, aluminum cans, container glass, high grade paper and any other materials designated in the Warren County Recycling Plan as mandatorily recyclable. The above recyclable materials shall be bundled separately for delivery to the Hackettstown Recycling Center for recycling, or delivered as otherwise required in accordance with all applicable regulations.

11-42. Delivery of Separated Recyclables.

Owners, occupants and operators of residential dwellings, multi-family dwellings, commercial properties and institutional properties shall prepare designated recyclable materials in strict conformity with the following specifications:

1. Newspapers and corrugated paper shall be separated and secured in bundles not exceeding 12 inches in height.
2. Aluminum cans, container glass, tin cans, plastic beverage containers, and high-grade paper shall be separated prior to being placed curbside or prior to drop off and contained in suitable containers or clear bags. All containers shall be rinsed and all metal rings and caps removed.
3. All glass must be sorted by color.

4. Waste oil shall be deposited at any public waste oil collection site or other approved location.

5. Leaves shall be raked to a curbside location for collection at a time designated by the Recycling Coordinator between September 1st and January 1st. Leaves placed at curbside shall not interfere with parking or traffic flow.

11-43. Exemptions.

The Town of Hackettstown may exempt persons, firms or corporations occupying commercial, multi-family residential, and institutional premises from the requirements of this Article if those persons, firms, or corporations have otherwise provided for the recycling of all designated materials. To be eligible for such an exemption, the person, firm or corporation annually shall provide to the Town written documentation as to the method of separation and collection, and the total number of tons recycled.

11-44. Disposal of Recyclables.

The Recycling Coordinator of the Town of Hackettstown subject to the approval of the Mayor and Common Council shall promulgate reasonable regulations establishing the commencement dates for mandatory separation of recyclables, and the manner, dates and times for the drop off, collection, sorting, transportation, sale and/or marketing of same in accordance with the terms of this Article. A copy of such regulations, as approved, modified or amended, shall be available for public inspection in the Office of the Town Clerk during regular office hours.

11-45. Ownership of Recyclable Materials.

Recyclable materials deposited for recycling at the Hackettstown Recycling Center, deposited curbside or deposited at other locations as required by regulations shall be the property of the Town of Hackettstown.

11-46. Selling or Donating Recyclables.

Anything herein to the contrary notwithstanding, any person may donate or sell recyclables to any person, partnership or corporation acting as, or on behalf of, a charity or non-profit organization. All charities or nonprofit organizations collecting recyclables agree to provide the Recycling Coordinator with weight slips showing the total number of tons recycled in any given year.

11-47. Unauthorized Pickup Prohibited.

After the time of placement of recyclable materials at the Hackettstown Recycling Center or other location designated in the regulations, it shall be a violation of this Chapter for any person unauthorized by the Town of Hackettstown to collect or pickup or cause to be collected or picked up any such recyclable materials. Each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense.

11-48. Enforcement.

The Recycling Coordinator of the Town of Hackettstown, or his/her authorized agent is hereby authorized and directed to enforce this Article.

11-49. Violation.

Any person, business or institution that fails to separate the designated recyclable materials from their household, residential, commercial, or institutional trash shall be in violation of this Article. It shall be a violation to place any designated recyclable material curbside for collection or into the solid waste stream unless it is being collected for the purpose of recycling.

11-50. Penalties.

Any person, business or institution which violates any provision of this Article, or any of the regulations promulgated pursuant thereto, shall upon conviction thereof, be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00).

ARTICLE 5. HAZARDOUS MATERIAL SPILLS

11-60. Definitions.

(a) Expendable Items - Any items used to contain any leak or spill involving any hazardous material, which cannot be reused or cannot be replenished without cost after that particular leak or spill. These include but are not restricted to fire-fighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums and specialized protective equipment, to include but not be restricted to acid suits, acid gloves, goggles and protective clothing.

(b) Hazardous Material - Any material, solid or liquid listed as such under the National Fire Protection Association Guide of Hazardous Materials or Department of Transportation Guide Book.

(c) Vehicle - Any motorized equipment, registered or unregistered, including but not limited to passenger cars, motorcycles, trucks, tractor trailers, buses, construction equipment, farm machinery and trains.

(d) Vessel - Any container, drum, box, cylinder or tank used to hold, contain, carry or store any hazardous material.

11-61. Purpose.

(a) This chapter provides for the replacement or reimbursement of the specialized and sometimes nonreusable equipment required by state and federal regulations to be made available by the Town in case of leakage or spillage involving hazardous material.

(b) This chapter allows the Town of Hackettstown to obtain reimbursement for any expendable items used by the Town or any wages paid by the Town to stop any leak or control any spill of hazardous materials.

(c) This chapter also requires any owner of or person in possession of a hazardous material that has been spilled or leaked to notify the Town within one (1) hour of such time as the owner should have known of the spill or leak.

11-62. Reporting of Discharge.

(a) It shall be unlawful for the owner or other person in possession or control of any hazardous materials to fail to report any unauthorized discharge, spill, leak or any recognizable loss of toxic or hazardous materials from any storage facility, vehicle or vessel to the Town within one (1) hour of the time such owner or other person had sufficient evidence that he knew or should have known of

said unauthorized discharge, spill, leak, loss of failure. A report to the Town shall not be deemed compliance with any reporting requirement of any other federal, state or local law.

(b) Failure of said owner or person in possession or control of any hazardous material to notify and report to the Hackettstown Police Department and the Hackettstown Fire Department shall be a violation of this chapter.

(c) A report to the Town shall not be deemed compliance with any other federal, state or local reporting requirement.

11-63. Responsibility for Reimbursement to the Town for Expendable Items and Cost of Labor.

Reimbursement to the Town for any expendable items or labor provided by the Town shall be made by the following parties:

(a) The owner or operator of any vehicle responsible for any discharge, leak or spill of hazardous material.

(b) The owner or person responsible for any vessel containing hazardous materials involved in any discharge, leak or spill on public or private property, whether stationary or in transit, whether accidental or through negligence.

(c) The owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence.

(d) Any person responsible for any leak or spill of hazardous material on public or private property, whether accidental or through negligence.

11-64. Reimbursement for Services.

Any person or company responsible for any leak or spill involving a hazardous material must provide reimbursement for services rendered by any recovery company, trash disposal company, dumping fees, towing company or other technical assistance called for by the Town to handle such incident.

11-65. Time Limit for Payment.

Any person, owner or company responsible for any leak or spill of hazardous materials shall reimburse the Town for the full price of any expendable items and the cost of any labor paid for by the Town used to stop or contain such a leak or control such a spill within a period of forty-five (45) days after receipt of a bill for such items from the Town of Hackettstown.

11-66. Violations and Penalties.

Any person, owner or company responsible for any fire, leak or spill of hazardous materials who fails to reimburse the Town within the time set forth in this chapter shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per day or to imprisonment for a period of not to exceed ninety (90) days, or both. Each day of continued violation shall be considered as a separate offense.

ARTICLE 6. LITTERING

11-70. Littering Prohibited.

It is unlawful for any person to throw, drop, discard, or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle.

"Litter" means any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof including, but not limited to: any bottle, jar or can, or any top, cap, or detachable tab of any bottle, jar, or can; any unhitched cigarette, cigar, match or any flaming or glowing material; or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material; but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

11-71. Illegal Dumping.

It is unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.

11-72. Open or Overflowing Waste Disposal Bins.

It is unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

11-73. Construction Sites.

It is unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during, or immediately following completion of any construction or demolition project. It is the duty of the owner, agent, or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas, and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage or refuse.

11-74. Commercial Establishments and Residences.

It is the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleys free of litter.

ARTICLE 7. SMOKING PROHIBITED AT ALL RECREATIONAL FACILITIES (1997)

11-80. Smoking Prohibited.

It is unlawful for any person to smoke tobacco at any recreational facility, sports field or recreational property owned, leased or operated by the Town of Hackettstown or by Hackettstown Recreation Commission.

11-81. Signs.

All places affected by this ordinance shall be identified by signs posted with letters at least one inch in height stating "Smoking Prohibited" or with the international symbol for "Smoking Prohibited."

11-82. Violations and Penalties.

Any person violating this chapter shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

ARTICLE 8. PIERCING AND TATTOO PARLORS

11-90. Definitions.

A. The term "health officer" shall mean the appointed licensed health officer or his authorized representative.

B. The term "certificate of inspection" shall mean written approval from the health officer or his authorized representative that said tattooing or body piercing establishment has been inspected and meets all of the terms of this ordinance.

C. The term "operator" shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing or body piercing is performed and any individual who performs or practices the art of tattooing or body piercing on the person of another.

D. The term "tattoo", "tattooed" or "tattooing" refer to any method of placing designs, letters, scrolls, figures, symbols or any marks under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to puncture the skin.

E. "Body piercing" shall mean the placing of a permanent or temporary foreign object in a person's body, such as ears, nose, lips, genitals, nipples, or parts thereof, for a decorative or other nonmedical purpose by a person not directly under the supervision of a licensed physician.

F. Tattoo "establishment" means the location wherein tattooing is performed.

G. A "tattoo artist" is one who engages in tattooing.

H. "Body piercing area", within a body piercing establishment, shall mean the immediate vicinity where body piercing is performed.

I. "Body piercing artist" shall mean a person engaged in the practice of body piercing.

J. "Body piercing establishment" shall mean the building or structure where body piercing is practiced.

K. "Facility" shall refer to either a place where tattooing or body piercing is conducted.

L. "Artist" shall refer to a person who does tattooing or body piercing.

11-91. Applicability.

The standards in this section apply to both temporary and permanent body piercing and tattooing establishments. This Article shall not apply to licensed medical physicians.

11-92. Licensing Requirements.

A. It shall be unlawful for any person to engage in the business of operating an establishment where tattooing or body piercing is performed without first obtaining a license from the Hackettstown Board of Health to engage in such business in accordance with the provisions hereof.

B. An application for an initial license shall be accompanied by a fee in the amount of two hundred (\$200.00) dollars. Any change of ownership shall require a new application and license with payment of fees therefore. All applicants shall submit plans for the establishment to the Hackettstown Health Department prior to initiation or construction.

C. The renewal license fee for engaging in the business of operating a tattoo or body piercing establishment within Hackettstown shall be \$100.00 per year. All licenses shall expire on the 31st day of December annually. If renovations of the tattoo or body piercing establishment occur, plans must be submitted to the Hackettstown Board of Health and the applicant will be required to comply with Section 11-94. The late fee for failure to renew the license shall be \$50.00 a month if not paid by the final due date of January 31st annually.

D. All existing establishments will be considered renewal applications provided that they apply for renewal of said license within one (1) month after the effective date of this ordinance. Establishments failing to apply within the specified time period will be considered new applicants and will be subject to the provisions of Subsection B of this Section.

E. The provisions of this ordinance and all licensing fees shall be due immediately upon enactment of this ordinance.

F. The application accompanied by the license fee herein after fixed shall set forth:

1. Local and permanent addresses and telephone numbers of applicant and manager.

2. If applicant is a corporation, the name, address and telephone numbers of its registered agent and officers.

3. Certification that all dyes and inks used in tattooing are non-toxic.

4. Applicant to comply with O.S.H.A. Bloodborne Pathogen Standard and Medical Waste Disposal Regulations.

11-93. General Provisions.

A. Age. It shall be a violation of this ordinance for anyone or any tattoo or body piercing business to tattoo or body pierce an individual under 18 years of age without authorization signed by the parent or legal guardian and witnessed by the operator. The operator shall be responsible for maintaining the original consent form and copies of all consent information for a period of two (2) years beyond the recipient's twenty-first (21st) birthday. The operator shall obtain a copy of a photo ID of the individual being tattooed.

B. Each person wishing a body piercing or tattoo must fill out an application which will include name, date of birth, address and telephone number of the client as well as the locations of the tattoo or body piercing and the name of the operator. All records are to be maintained for a minimum of two (2) years and shall be available to the Health Officer or his authorized representative upon request.

C. If the applicant is suspected to be under the influence of alcohol, drugs or any other behavioral modifying substance, the operator must refuse the applicant. If an applicant is suspected of having an infectious disease in a communicable stage, the operator shall refuse service.

D. Written guidelines shall be established for the care of the body site. Each client shall receive a written copy of the guidelines for care of body piercing or tattoo sites. The guidelines shall be reviewed with the client by the operator and the client shall sign a written acknowledgement that they have received, reviewed and understood the guidelines. Care instructions must include the following minimum recommendations for body piercing:

1. Wash the body piercing gently with mild soap and water and pat dry;
2. Apply an antibacterial cleaner at least twice daily;
3. Avoid swimming or soaking of the body piercing until healed;
4. Avoid scratching, picking or touching of the body piercing;
5. If redness or swelling develops, contact your doctor.

11-94. Sanitary Requirements.

A. Each facility shall have a bathroom accessible to the public and staff. Each bathroom shall be equipped with a commode and a sink with the sink being connected to hot and cold running water. Soap and sanitary towels, or other approved hand drying devices, shall be available at the sink at all times. Common towels are prohibited. In addition to the above, each cubicle or work station

must be provided with a sink connected to hot and cold running water. This area shall also be provided with soap and appropriate hand drying facilities.

B. The chair or seat reserved for the person receiving the body pierce or tattoo shall be of a material that is smooth and easily cleanable and constructed of material that is nonabsorbent. Any surfaces on the chair that becomes exposed to blood or body fluids must be cleaned and sanitized prior to use by the next customer.

C. The work table or counter used by the operator shall be smooth and easily cleanable and constructed of material that is non-absorbent. There shall be a covered junction between the table/counter and the wall if the table/counter is to be placed against the wall. This table/counter must be cleaned and sanitized, utilizing a method approved by the Warren County Health Department, between customers.

D. The walls in the work area shall be smooth and easily cleanable and constructed of a non-absorbent material.

E. The floor in the work area shall be of a durable material that is non-absorbent and is smooth and easily cleanable. Floors shall be kept clean.

F. Lighting within the work area shall be adequate so as to provide a minimum of 100 foot candles in all areas.

G. The work area reserved for the application of the tattoo or piercing shall be separated from other areas of the establishment by walls or durable partitions extending at least 6 foot in height and so designed to discourage any persons other than the customer and the operator from being in the work area.

H. Any surfaces in the establishment that become exposed to blood or body fluids must be cleaned and sanitized, utilizing a method approved by the Hackettstown Board of Health.

I. All products used in cleaning, sanitizing and sterilizing procedures must be clearly marked and stored in an acceptable manner in accordance with the Hazard Communications Regulations. Smaller working containers filled on-site from larger containers must be clearly marked with the name of the product.

J. Proper waste receptacles shall be provided and waste disposed of at appropriate intervals in a safe manner.

K. All medical waste shall be disposed of according to state standards. All records shall be kept on site and shall be available for inspection. All medical waste records be maintained for at least three (3) years after manifest as required by N.J.A.C. 7:26-3A21.

L. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

11-95. Regulation.

A. Operator

1. Hepatitis B pre-exposure vaccination or proof of immunity is required for all operators. Any accidental needle stick shall be reported to the Warren County Health Department. If a person cannot obtain the vaccination for medical reasons, he shall submit to the Board of Health a letter from his physician certifying that the individual does not have Hepatitis B and the vaccination is contraindicated. This certification shall be annually renewed and shall be available upon request during inspection.

2. All future operators shall pass an examination showing knowledge of sterile technique and universal precautions to assure that infection and contagious disease shall not be spread by work practices. Once a year under the auspices of the Board of Health a course leading to certification may be given for any person seeking to be a tattooist or body piercer.

In lieu of the above, documentation of education or training previously received shall be satisfactory if determined to be of equivalent quality by the Health Officer.

3. Before working on each patron, each artist shall scrub and wash his/her hands thoroughly with hot water and an E.P.A. approved germicide cleaning material using his/her individual hand brush. Fingernails shall be kept clean and short.

4. Disposable gloves shall be worn by the artists during preparation and application to prevent contact with blood or body fluids. Universal precautions as required by 29 CFR 1910.1030 Section d, l shall be followed. All materials shall be disposed of in accordance with Section 11-100 of this ordinance after contact with each patron. Hands shall be washed immediately after removal of gloves. Any skin surface that has contact with blood shall be washed immediately. Medical waste shall be disposed in compliance with latest State regulations.

5. Immediately after treating a patron, the operator shall advise the patron on the care of

the tattoo or body area pierced and shall instruct the patron to consult a physician at the first sign of infection. Printed instructions regarding these points shall be given to each patron as described in Section 11-93, D of this ordinance.

6. All infections resulting from the practice of tattooing or body piercing which become known to the operator shall be reported to the Health Officer by the person owning or operating the establishment or by the artist within 24 hours.

11-97. Skin Preparation.

A. Only disposable razors shall be used for the skin preparation. Razors shall be disposed of after each use. A new razor shall be used for each patron.

B. Following shaving, the area shall be thoroughly cleaned and scrubbed with tincture of green soap or its equivalent and warm water. Before working on the patron's skin, the area shall be treated with 70% alcohol and allowed to air dry.

C. No piercing of the tongue shall be permitted.

D. No piercing or tattooing shall be done on skin surface that has rash, pimples, boils, infections or manifests any evidence of unhealthy conditions.

E. Ear piercing guns may not be used for body piercing, but may only be used for piercing ear lobes. If the ear piercing gun is reused, it must be cleaned and sanitized between patrons. An ear piercing gun may only be used to apply studs in a patron's ears, following manufacturer's instructions. The use of an ear piercing gun to apply a stud or any other jewelry to other areas of the body is prohibited.

F. Satisfactory lubricants or antiseptic ointments shall be applied to the tattoo area prior to tattooing. The ointment shall be applied in a satisfactory manner, disposing of the utensil after spreading. Collapsible tubes of ointment or jelly may also be used.

11-98. Technique.

A. Tattooing

1. Design stencils shall be thoroughly cleansed and rinsed in an E.P.A. approved Germicide effective against tuberculosis for at least 20 minutes or disposed of following each use. Effective against TB is the standard because it then is more effective against HBV and HIV.

2. Only non-toxic dyes or pigments may be used. Pre-mixed sterile materials are

preferred. Pre-mixed dyes shall be used without adulteration of the manufacturer's formula. It shall be the responsibility of the operator to provide certification to the Hackettstown Board of Health of the non-toxicity of the dyes or inks at the time of license application and renewal.

3. Single service or individual containers of dye or ink shall be used for each patron and the container disposed of immediately after completing work on each patron. Any dye in which the needles are dipped shall not be used on another person.

4. The completed tattoo shall be washed with sterile gauze and a solution of tincture of green soap or its equivalent, then disinfected with 70% alcohol. The area shall be allowed to air dry and antiseptic ointment applied and spread with sterile gauze and sterile dressing attached.

B. Body Piercing

1. Jewelry Preparation - Jewelry or an insertion taper that has been autoclaved and never worn must be placed in a medical antibacterial prep soak for ten minutes and dried thoroughly before insertion. Jewelry previously worn by the patron must be soaked in a medical antibacterial prep scap for ten minutes in a separate container that is disposed of or sterilized immediately after the service. Jewelry worn by a person other than the patron must be cleaned and sterilized before insertion.

2. Linen Cleaning and Storage - Cloth towels, robes and similar items used in conjunction with body piercing must be laundered in a washing machine with hot water, laundry detergent and chlorine bleach between uses. A closed, dustproof container must be provided for the storage of clean towels and linen. A hamper or similar container must be provided for the storage of soiled towels and linen.

11-99. Needles and Instruments.

A. Only single-service sterile needles and needle bars shall be used for each patron.

B. If solder is used in manufacturing needles, needle bars or needle tubes, it must be free of lead.

C. Any needle or sharp object that penetrates the skin shall be immediately disposed of in accordance with sections 11-99 and 11-100 of this ordinance and applicable State laws.

D. Needle tubes shall be soaked with soapy water, then scrubbed with a clean brush and then rinsed clean. Needle tubes shall be sterilized, stored in sterile bags and maintained in a dry,

closed area as required by this ordinance.

E. Each item to be sterilized shall be individually wrapped using indicator bags or strips. Sterilization shall be by steam sterilization. The sterilizer shall be well maintained with a tight fitting gasket and a clean interior. The manufacturer's operation instructions and sterilization specifications shall be at hand. The sterilizer shall conform to the sterilization cycle. Proper functioning of sterilization cycles shall be verified by the weekly use of biologic indicators (i.e. spore tests). A bound log book of these weekly test results shall be available, and a test may be required to be done during any inspections. A loose leaf log book or one that permits additions or deletions shall not be used.

F. If the primary source of sterilization malfunctions, the Warren County Health Department shall be notified within 24 hours. In an emergency situation, the Warren County Health Department may approve alternative sterilization techniques.

G. Needles and bars shall not be bent or broken prior to disposal. Tattoo artists shall take precautions to prevent injuries from contaminated needles or tubes.

11-100. Disposal of Wastes.

A. All used needles, needle bars or other tools used in the tattooing process, as well as gloves, gauze and other materials contaminated with blood or body fluids shall be sterilized in accordance with Sections 11-99 and 11-94, K of this ordinance and then discarded in a disposable rigid container. In lieu of this requirement, contracting with an authorized service for the disposal of infectious waste shall be acceptable. All medical waste regulations shall be adhered to.

B. All noninfectious waste shall be disposed of in accordance with Section 11-94, J of this ordinance.

11-101. Holders of Other Licenses.

A. Nothing in the foregoing shall be construed so as to affect the practice of medicine or any other recognized profession or occupation by a person duly licensed by the State of New Jersey to engage in such practice, profession or occupation and whose license would lawfully authorize the piercing of the body.

11-102. Penalty Provisions.

A. Not less than \$100.00 nor more than \$1,000.00 for each violation of this ordinance. Each day that the violation exists is considered to be a separate offense.

B. Reasonable counsel fees incurred by the Board of Health in the enforcement of this ordinance shall be paid by the defendant. The amount of such reimbursement fees and costs shall be determined by the Court hearing the matter.

C. This ordinance shall preempt any municipal ordinance inconsistent herewith.

11-103. Suspension or Revocation of License.

A. In addition to being subject to the penalties provided in Section 11-102 of this ordinance, any license issued under this ordinance may be revoked or by the Mayor and Common Council for any misstatement in any application or for any violation of this ordinance. No license shall be revoked or suspended until the licensee has been afforded a hearing before the Mayor and Common Council of the Town of Hackettstown. Notice of the filing of a complaint which seeks to suspend or revoke any license issued under this ordinance shall be served on the defendant personally or on the manager, registered agent or officer of the corporation by certified mail or personal delivery to the business establishment's address or house address of a responsible party. The notice will establish a date for a hearing to be held not more than fifteen (15) days from the date of such notice, at which time the defendant shall have the right to be represented by counsel, call witnesses, cross-examine witnesses produced in support of the complaint, as well as such other rights necessary in order to insure due process. Should any license be revoked or suspended, no part of the license fee shall be returned.

11-105. Ear Piercing Establishments.

A. Establishments that exclusively perform ear piercing and do not perform any body piercing or tattooing shall be exempt from the requirements of this Article except for the requirements of paragraphs C through E below.

B. Ear Piercing is defined as the piercing of an ear with a pre-sterilized, encapsulated, disposable, single use earring stud that is mechanically inserted into the ear.

C. It shall be unlawful for any person to engage in the business of ear piercing without first obtaining a license from the Hackettstown Board of Health.

D. The annual license fee for exclusively ear piercing establishments shall expires on the 31st of December annually.

E. The application shall set forth:

1. Local and permanent addresses and telephone numbers of the registered agent and registered address.
2. If the applicant is a corporation, the name, address and telephone number of the registered agent and registered address.
3. Written evidence that the ear piercing procedure being used is exempt from compliance with the OSHA Bloodborne Pathogen standards for employees.
4. Written or physical evidence showing that the ear piercing system used involved the piercing of the ear with a pre-sterilized, encapsulated, disposable, single use earring/stud that is mechanically inserted into the ear.
5. The penalty, suspension and revocation procedures of Sections 11-102 and 11-103 shall apply to ear piercing establishments.