

Borough of Florham Park
Legal Notice
Ordinance #26-01
NOTICE OF FIRST READING PENDING ORDINANCE ADOPTION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Board of Health of the Borough of Florham Park, County of Morris, State of New Jersey on March 11, 2026. It will be further considered for final passage after a public hearing thereon, at a meeting of the Board of Health to be held on May 13, 2026 at 7:00p.m., 111 Ridgedale Avenue, Florham Park, NJ 07932.

Ordinance #26-01

AN ORDINANCE AMENDING THE BOROUGH OF FLORHAM PARK CODE, PART II, BOARD OF HEALTH LEGISLATION, SPECIFICALLY CHAPTERS 259 (RETAIL FOOD ESTABLISHMENTS), 260 (PUBLIC RECREATIONAL BATHING), 265 (SANITATION), AND 266 (BODY ART ESTABLISHMENTS), AND UPDATING SUCH CHAPTERS IN ACCORDANCE WITH LAW

WHEREAS, the Borough of Florham Park Board of Health has reviewed certain changes to the Borough Code that are under the jurisdiction of the Board of Health, such changes being recommended by the Borough Health Officer; and

WHEREAS, the Borough of Florham Park Board of Health has determined that changes as proposed are consistent with the Board’s mission to promote the health, safety, and welfare of the residents of the Borough.

BE IT ORDAINED by the Board of Health of the Borough of Florham Park in the County of Morris, State of New Jersey, as follows:

Section 1. Revisions to Chapter 259.

A. Section 259(E)(1), “Mobile Food and Drink (1) Definition” is replaced in its entirety to read as follows:

Any person who sells, or offers, solicits or displays for sale, or disposes of or delivers or purveys any box lunches, sandwiches, coffee, tea, ice cream, ice cream product, water ices, frozen water products or frozen confectionery products or other food or nonalcoholic beverages suitable for immediate consumption, in or from any cart, bicycle, trailer, wagon, automobile or other vehicle of any kind, including hand-carried portable containers. Mobile food and drink shall be stationary in an area only for such period of time as is necessary to complete sales transactions with customers, not to exceed 30 minutes at any given area, specific location, or address on any given day.

B. Section 259(F)(1) “Temporary retail food establishment (1) Definition, ”is replaced in its entirety to read as follows:

Any food establishment that operates at a fixed location for a temporary period of time not to exceed seven contiguous days in connection with a fair, carnival, circus, public exhibition, or similar organizational meetings.

C. Section 259(I) “Food establishment plan review fee” is hereby deleted in its entirety.

D. A new subsection shall be added to Section 259, to be entitled “Farmer’s Market Seasonal Event,” and shall read as follows:

(1) Definitions

(a) "Farmer's market" is a public and recurring assembly of food vendors that include farmers or their representatives who are selling food grown, raised, and/or harvested or prepared, produced, and/or packaged from the food grown, raised, or harvested by the farmer directly to consumers. To comply with New Jersey health regulations, prepared foods must be prepared in licensed, inspected kitchens, meet all other requirements of N.J.A.C. 8:24, and comply with the provisions set forth in this chapter. Farmers must be highlighted or central to the event, but the organizer may invite any number of other food or non-food vendors to participate in the event.

(b) "Seasonal Event" is a public and recurring assembly of food vendors conducted as a series of events at the same address, for the same purpose or cause, and by the same organizer within the annual license period.

(2) License required. No person shall participate, sell, carry on, conduct or operate within the farmer's market or seasonal event without first obtaining a farmer's market or seasonal event vendor's license from the Health Officer or his/her designee.

(a) License fee. The annual license fee for a farmer's market or seasonal event vendor's license shall be \$50.00. The licensing fees set forth in this chapter shall be waived for those farmer's market or seasonal event vendors who sell only fresh, whole, uncut produce or those food vendors who are bona fide civic, veteran, religious, and/or nonprofit organizations.

(b) License term and location. The farmer's market and seasonal event vendors' licenses granted by the Health Officer shall expire on the 31st day of December of each year. The farmer's market and seasonal event vendor's license shall authorize a vendor to participate and operate at that specific farmer's market or seasonal event that is conducted at the same location and by the same organizer/sponsor within the annual license period.

(c) License application process. Application for a farmer's market or seasonal event vendor's license shall be submitted on forms furnished by the Health Officer or his/her designee. The application shall be accompanied by:

(1) The license fee in cash, check, or money order.

(2) The vendor's business/organization name, address, phone number, email address, and name of contact person.

(3) All required documentation specified on the license application and any additional information needed to verify compliance with N.J.A.C. 8:24 and the provisions of this chapter.

(4) Letter verifying approval from the event organizer confirming the vendor is authorized to participate in the event.

(d) License issuance.

The farmer's market and seasonal event vendor's license shall be granted by the Health Officer or his/her designee upon completing all licensing requirements set forth in this chapter. The license shall set forth:

[1] Type of license.

[2] Date of issuance.

[3] Name of licensee.

[4] Purpose for which issued.

[5] Address/location of vendor's operation.

[6] Date of expiration.

(e) License non-transferability, display, and maintenance of the site

(1) A farmer's market or seasonal event vendor's license issued under this chapter shall not be transferable to any other person, organization, group, business, or corporate body and is not valid at any other address/location or for any other events conducted by a different organizer or sponsor.

(2) A farmer's market or seasonal event vendor's license shall be conspicuously displayed at all times by the vendors at the vendor's assigned location within the market or event.

(3) The health inspection placard shall be conspicuously displayed at all times by the vendors at the vendor's assigned location within the market or event.

(4) A farmer's market or seasonal event vendor licensee shall keep their assigned location neat, clean, and sanitary at all times. Garbage and refuse must be properly contained and removed from the premises daily.

(f) License signage required for local fresh produce. Those vendors who are representing to be farmers and growers and selling local fresh produce and ingredients must conspicuously display signage for public view that discloses the source from which the vendor obtained all produce, eggs, honey, bulk beverages and juices, smoked, cured, or raw meats, and the primary ingredients of soups, quiches, and baked goods. The signage must be clearly legible in English with lettering in a larger font size of no less than 1/4 inch.

E. Section 259-7, "Food Handler's Certificate" is replaced in its entirety to read as follows:

Certified food protection manager; Certification requirements.

A. The certified food protection manager requirements set forth in N.J.A.C. 8:24-2.1 for Risk 3 establishments shall also apply to every risk 2 and risk 4 establishments. A certified food protection manager shall be defined in this chapter as an on-site supervisory employee of a risk 2, 3, or 4 retail food establishment, responsible for overseeing food preparation, food safety procedures, sanitation, service, and staff.

B. The designated certified food protection managers must show their proficiency in the required food safety information through obtaining a food safety certificate. Certified food protection managers shall accomplish this by passing a food safety certification course and examination administered by an accredited certifying program recognized by the Conference for Food Protection. Certified food protection managers shall maintain the currency of the food safety certificate by following the accredited certifying program's requirements for renewal.

C. No later than 180 days after the effective date of this chapter, every risk 2, 3, and 4 retail food establishment shall have at least one certified food service manager physically on the premises of the establishment whenever the establishment is open for business.

D. Proof of the certified food protection managers' current certifications must be on the premises of the retail food establishment at all times. The certifications must be presented immediately upon the request of the Health Department.

F. A new subsection shall be added to Section 259, to be entitled "Extermination," and shall read as follows:

(1) All establishments covered by this section shall be required to obtain the services of a state-licensed and/or state-registered pest control expert at least once a month to insure against the existence of rodents, insects and other vermin, except that any establishment selling or otherwise dispensing only prepackaged foods shall be required to obtain such services once every three months or more frequently as may be deemed necessary by the Health Officer or his/her designee.

(2) Only such state-licensed and/or state-registered extermination experts shall be allowed to treat food establishments and use pesticides, insecticides, rodent bait, or poisons on site.

(3) No aerosol cans of insecticides shall be stored on site at the said retail food establishment.

Section 2. New Chapter 260

Chapter 260, currently designated as "Reserved" in Part III, Board of Health, of the Borough Code, shall now be entitled "Public Recreational Bathing" and read in its entirety as follows:

§ 260-1 Public Recreational Bathing; Adoption of Standards

The Borough of Florham Park Board of Health hereby adopts in its entirety the provisions of N.J.S.A. 26:1A-7 et seq. and the provisions of the New Jersey Administrative Code, N.J.A.C. 8:26-1.1 through 8:26-8.11, and the amendments and supplements thereto.

§ 260-2 License required; fee; noncompliance.

Licenses issued pursuant to this chapter shall expire annually on December 31 of each year, and the fee therefor shall not be prorated from the date of issuance. Applications for renewal shall be submitted, together with the required fee, prior to December 15th of each year for year-round facilities, and by May 15th for seasonal facilities. A late fee in the amount of \$50.00 is required for any license not renewed before February 1st for year-round facilities and by July 1st for seasonal facilities.

260-3 License Fees

A. Public recreational bathing license.

(1) Public bathing beach: \$100.

(2) Public hot tub or spa: \$50.

(3) Public swimming pool: \$75.

(4) Public wading pool: \$50.

260-4 Reinspection Fees

The fee for the reinspection of any public recreational bathing facility that is necessitated by a conditional or unsatisfactory rating shall be an amount equal to the annual license fee for that establishment. The establishment shall be subject to the reinspection fee for each reinspection performed until the

establishment is returned to a satisfactory rating. The fee shall be paid within 10 days of the notification of the said re-inspection requirement.

Section 3. Revisions to Chapter 265.

Section 265-29 is revised such that the word “permit” is replaced in all instances in Section 265-29 with the word “license.

Section 265-30 is replaced in its entirety as follows:

A Board of Health license shall be obtained and displayed by every business or enterprise for which the N.J.A.C. provides for jurisdiction or authority by a local Board of Health. These include, but are not limited to:

Animal kennels, pounds, and shelters.

Body Art Establishments.

Hotels and rooming houses.

Ice vendors and ice-vending machines.

Pet shops and other places where animals, birds, fowl, or reptiles are raised or kept for sale.

Public Recreational Bathing Facility: Pool, Wading Pool, Bathing Beach, Hot Tub/Spa

Retail Food Establishments.

Section 265-35 is revised such that the word “permit” is replaced in all instances in Section 265-35 with the word “license.”

Section 4. New Chapter 266

A new Chapter 266, to be entitled “Body Art”, shall be added to Part III, Board of Health, and shall read in its entirety as follows:

266-1 Body Art; Adoption of Standards

The Borough of Florham Park Board of Health hereby adopts in its entirety the provisions of 8:27-1.1 et seq. and the amendments and supplements thereto.

§ 266-2 License expiration, renewal; late fee

Licenses issued pursuant to this chapter shall expire annually on December 31 of each year, and the fee therefor shall not be prorated from the date of issuance. Applications for renewal shall be submitted, together with the required fee, prior to December 15 of each year. A late fee in the amount of \$50.00 is required for any license not renewed before February 1st.

266-3 Licensing requirements.

A. It shall be unlawful for any person to engage in the business of operating an establishment where body art is performed without first obtaining a license from the 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 \$200 for tattooing and permanent cosmetics and \$100 for body piercing. Any change of ownership shall require a new application and license with payment of fees therefor.

C. The renewal license fee for engaging in the business of operating a body art establishment shall be \$100 \$200 per year for tattooing and permanent cosmetics; and \$50 \$100 per year for body piercing. All licenses shall expire on the last day of each calendar year. Temporary body art establishments are prohibited.

266-4 Reinspection fees.

Should a Body Art establishment be found to be in violation of N.J.A.C. 8:27-1.1 et seq. or other provisions of this chapter and the Health Department determines that a re-inspection is necessary, a re-inspection fee shall be an amount equal to the annual license fee for that establishment and shall be required to be paid by the operator for every re-inspection performed until the violation(s) have been corrected. The fee shall be paid within 10 days of the notification of the said re-inspection requirement.

Section 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

Section 6. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

Section 7. This Ordinance shall take effect upon final publication as provided by law.

A copy of this Ordinance is available by request by contacting the Office of the Borough Clerk at Tel: (973) 410-5304 or the following email dlewis@florhamparknj.gov

Danielle M. Lewis, RMC, CMC, CMR

Borough Clerk