

**ORDINANCE 5-2017**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RE-ESTABLISHING THE BOARD OF HEALTH AND RE-ADOPTING EXISTING BOARD OF HEALTH LEGISLATION UNDER THE CODE OF THE TOWNSHIP OF HANOVER**

**WHEREAS**, in 2016, the Township Committee of the Township of Hanover abolished the then existing Board of Health pursuant to the governing statutes; and

**WHEREAS**, the Township Committee was acting as the Board of Health pursuant to N.J.S.A. 26:3-9; and

**WHEREAS**, the Township Committee has determined that a Board of Health should be re-established pursuant to N.J.S.A. §26:3-1 *et seq.*; and

**WHEREAS**, the Mayor and Township Committee have determined that it is in the best interests of the Township to reestablish the Board of Health.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

**Section 1. Re-establishment of the Board of Health.**

Part I, Administrative Legislation, of the Code of the Township of Hanover, Chapter 27, Board of Health, is hereby re-established as follows:

§ 27-1. Adoption of statutory provisions.

The provisions of Subdivision B. of Article 1, Chapter 3, Title 26, of the Revised Statutes of New Jersey are hereby adopted in and for the Township of Hanover, and the Township of Hanover shall hereafter be subject to the provisions thereof and not to the provisions of Subdivision C. of said Article.

§ 27-2. Establishment.

There is hereby established in the Township of Hanover a Board of Health, which shall consist of five (5) members to be appointed by the Township Committee.

§ 27-3. Terms; vacancies.

A. Members of the Board shall be appointed for terms of three (3) years.

- B. Initial appointments to the Board shall be as follows: one (1) member shall be appointed for a term of one (1) year; two (2) members shall be appointed for terms of two (2) years; and two (2) members shall be appointed for terms of three (3) years. Thereafter, all appointments shall be made for full terms of three (3) years. The terms of not more than two (2) members shall expire in any one (1) year.
- C. If any vacancy shall occur on the Board, it shall be filled in the same manner in which the original appointment was made, but for the unexpired portion of the term only.
- D. Alternate members. All alternate members shall be appointed and serve in accordance with the provisions of Chapter 282 of the Code.

#### § 27-4. Election of officers.

The Board shall elect on the day of its organization a President, Vice President and Secretary from among its members, who shall serve as such until the first regular meeting of the Board in January of the following year. A President, Vice President and Secretary shall be elected annually by and from among the members of the Board at each regular meeting in January thereafter.

#### § 27-5. Employment of personnel.

- A. The Board may employ such personnel as it may deem necessary, including health officers, public health nurses, public health laboratory technicians, plumbing inspectors, food and drug inspectors, milk inspectors and meat inspectors, of the classes and grades provided for by law, to carry into effect the powers vested in it. It shall fix the terms, duties and compensation of every appointee. No person shall be appointed as hereinabove provided who is not the holder of a proper license as such where a license is required by law.
- B. The appointees of the Board shall hold their offices during the term for which they are severally appointed, unless the provisions of Subtitle 3, Title 11, Civil Service, of the Revised Statutes of New Jersey is operative as to any such appointment, and shall not be removed except for cause and after an opportunity has been given them for a hearing.

#### § 27-6. Registrar of Vital Statistics.

- A. The Board shall appoint a local Registrar of Vital Statistics. The term of office of the Registrar shall be three years, and he shall serve until his successor has been appointed and qualified. No physician, midwife or undertaker shall be appointed Registrar.

- B. The Registrar shall be subject to the rules and regulations of the State Registrar and to all the provisions of Chapters 6 and 8 of Title 26 of the Revised Statutes of New Jersey.

§ 27-7. Powers and duties; adoption of ordinances.

- A. The Board shall have all the powers and duties granted to local health boards by the statutory laws of this state and may adopt and amend ordinances and make rules and regulations pursuant thereto for the protection of the public health in the Township of Hanover.
- B. All ordinances of the Township of Hanover concerning public health now in existence shall remain in full force and effect until and unless amended or repealed by the Board.

§ 27-8. Health officers to be general agents.

Any health officer appointed by the Board shall, subject to the superior authority of the Board, be its general agent for the enforcement of its ordinance and the sanitary laws of the state.

§ 27-9. Appropriation estimate; expenditures.

- A. The Board shall, each year before the budget of municipal taxes to be levied for the year shall be determined, present to the Township Committee an estimate of the appropriation which it believes necessary for health purposes. The Township Committee shall thereupon appropriate the amount of such estimate or such other amount as it may determine.
- B. Every expenditure of money shall be presented by an itemized bill, approved by the President and Secretary of the Board, to the usual disbursing officer of the Township, who shall pay the same.

Part III, Board of Health Legislation, of the Code of the Township of Hanover, Chapter 308, Officers and Employees, Article II Salaries and Compensation will be reestablished as follows:

§ 308-5. Rate of compensation.

The rate of compensation to be paid to the officers and employees of the Board of Health of the Township of Hanover shall be in accordance with the schedules set forth in the ordinance adopted by the Township Committee of the Township of Hanover entitled, "An Ordinance to Provide and Determine the Rate of Compensation to Officers and Employees to the Township of Hanover, County of Morris and State of New Jersey"

(Ordinance No. 4-75, adopted March 13, 1975) as amended and supplemented from time to time.

§ 308-6. Resolution of Board of Health setting actual rate.

The actual rate of compensation of each officer and employee shall be set forth by an appropriate resolution of the Board of Health each year. Said compensation shall be within the salary ranges established by the Township Committee in the aforesaid ordinance.

§ 308-7. Employee benefits.

The employee benefits (vacations, holidays, sick leave, etc.) set forth in the aforesaid ordinance of the Township Committee of the Township of Hanover shall be applicable to all officers and employees of the Board of Health that are paid on an annual salary or hourly rate.

§ 308-8. Fee-basis employees.

Those employees, if any, that receive compensation on a fee basis shall not be entitled to any benefits such as vacations, holidays, sick leave, etc.

**Section 2. Continuation of prior ordinances.**

The remaining Chapters of Part III, Board of Health Legislation, of the Code of the Township of Hanover, as heretofore adopted by the Board of Health and amended by the Township Committee, are hereby readopted in their entirety.

**Section 3.** If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

**Section 4.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**Section 5.** This Ordinance shall take effect in accordance with law.

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATE OF INTRODUCTION: February 23, 2017

DATE OF ADOPTION: March 9, 2017

## **NOTICE OF INTRODUCTION**

**NOTICE IS HEREBY GIVEN**, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 23<sup>rd</sup> day of February, 2017, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 9<sup>th</sup> day of March, 2017, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATED: March 1, 2017