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# PUBLIC HEALTH AND SANITATION CODES

*Subject to adoption by reference by local Boards  
of Health in accordance with R. S. 26:3-69.1 to 69.6  
and not enforceable until so adopted.*

## The New Jersey Boarding Home For Children Code [1956]



**New Jersey State Department of Health  
Trenton 25, N. J.**

# PUBLIC HEALTH AND SANITATION CODES ADOPTION BY REFERENCE ACT

*Chapter 188 P.L. 1950 (R.S. 26:3-69.1 to 69.6)*

## 26:3-69.1 Definitions

As used in this act, unless the context otherwise requires:

(1) "Local board of health" shall mean a county or municipal board of health, or the board of health of any regional local or special health district, having power to regulate, by ordinance, public health or sanitation.

(2) "Code" means printed code regulations or set of regulations, standards or set of standards concerning, affecting or relating to the subject matter of any such ordinance of substantially uniform character, approved by the State Department of Health.

(3) "Related document" means any printed document or part thereof adopted by reference in a code directly, or by successive adoptions by reference through other printed documents.

(4) "Printed" includes lithographing and any other method of duplicating.

## 26:3-69.2 Adopting certain codes and related documents by reference

Any local board of health may enact, amend or supplement ordinances establishing, amending or supplementing a code or any parts thereof by reference to such code in any such ordinance and without inclusion of the text thereof in such ordinance if the code to be adopted and any related documents are printed in book form and a copy of such printed code and related documents so marked as to indicate plainly what portion thereof, if less than the whole, is intended to be adopted, is annexed to such ordinance and if such code and related documents or such portion thereof as is intended to be adopted is so described in said ordinance as to identify them and there is indicated in said description the common or trade name, if any, of such code and related documents and it is stated in the ordinance that three copies of said code and said related documents, similarly marked, have

been placed on file in the office of the secretary, clerk or other similar officer of said local board of health, upon the introduction of said ordinance and will remain on file there until final action is taken on said ordinance, for the use and examination of the public.

## 26:3-69.3 Publication of adopted codes or related documents unnecessary

It shall not be necessary to publish any such code or related documents, so to be adopted, as part of any such ordinance notwithstanding that printed copies thereof are annexed thereto, either before or after the final passage of such ordinance, if said printed copies are filed as aforesaid.

## 26:3-69.4 Copies of adopted code and related ordinances to remain on file

In event that any such ordinance is adopted, the said copies of said code and related documents shall remain on file in said office, so long as said ordinance is in effect, and three copies shall be placed on file and shall remain on file in the office of any board, body or officer having in charge the enforcement of said ordinance, for the use and examination of the public so long as said ordinance is in effect and printed copies of said ordinance and said code and related documents shall be made available to citizens on request and for which a nominal fee may be charged.

## 26:3-69.5 Copy of adopted code and related documents construed as part of ordinance.

For the purpose of proof of any such ordinance or receipt thereof in evidence in all courts and places, such copy of such code and related documents, so marked and annexed to such ordinance, shall be construed to be part of said ordinance, as fully as though it had been set forth at length therein.

## 26:3-69.6 Short title

This act may be cited as the Public Health and Sanitation Codes Adoption by Reference Act.

# AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE "NEW JERSEY BOARDING HOME FOR CHILDREN CODE (1956)"

*This suggested ordinance indicating the manner in which the "New Jersey Boarding Home for Children Code (1956)" may be adopted should be reviewed by counsel for the local board of health for possible changes that he or the board may desire to make.*

AN ORDINANCE establishing a code regulating boarding homes for children, requiring a license for the operation thereof, providing for the inspection of such establishments and fixing penalties for violations.

BE IT ORDAINED BY THE BOARD OF HEALTH OF .....

COUNTY, NEW JERSEY:

Section 1. A code regulating boarding homes for children, providing for the inspection of such establishments and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6 A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

Section 2. The said code established and adopted by this ordinance is described and commonly known as the "New Jersey Boarding Home for Children Code (1956)."

Section 3. Three copies of the said "New Jersey Boarding Home for Children Code (1956)" have been placed on file in the office of the (Health Officer) (secretary) (clerk) (or other similar officer) of this local board of health upon the introduction of this ordinance and will remain on file there until final action is taken on this ordinance for the use and examination of the public.

Section 4.

(a) No person shall operate a boarding home for children unless a (certificate) (permit) (license) or approval of an existing certificate, permit or license to operate same shall have been issued by this Board of Health. Such (certificate) (permit) (license) or approval of an existing certificate, permit, or license shall be posted in a con-

spicuous place in such establishment.

(b) There shall be a charge of \_\_\_\_\_ dollars for such (certificate) (permit) (license) or approval of an existing certificate, permit or license.

(c) (Certificates) (Permits) (Licenses) issued or approved under the provisions of this ordinance shall expire one year from their date of issuance and application for renewal thereof shall be submitted in the form and manner prescribed by Section 2.2 of said code, together with the required fee, 30 days prior to the expiration date.

(d) A (certificate) (permit) (license) or approval of certificate, permit or license, may be suspended or revoked for a violation by the holder of any provision of this ordinance or code after an opportunity for a hearing by the Board of Health or its authorized representative.

(e) A (certificate) (permit) (license) or approval of a certificate, permit or license is not transferable between persons or premises.

Section 5. Any person who violates any provision of, or order promulgated under this ordinance or code established herein shall, upon conviction thereof, be liable to a penalty of not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) for each violation. Each day a particular violation continues shall constitute a separate offense.

Section 6. All ordinances, codes or parts of same inconsistent with any of the provisions of this ordinance and the code established hereunder are hereby repealed to the extent of such inconsistency.

Section 7. In the event that any section, sentence or clause of this ordinance or code shall be declared unconstitutional by a court of competent jurisdiction

THE NEW JERSEY BOARDING HOME FOR CHILDREN CODE (1956)

Correction of printing error: (Section 1, Page 2):

The pertinent citation of the Revised Statutes reads incorrectly: 26:3-69.1 to 60.6. This is a printing error.

Section 1 should read as follows:

Section 1. A code regulating boarding homes for children, providing for the inspection of such establishments and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

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tion such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

Section 8. This ordinance and the code herein established shall take effect 30 days after first publication

## THE NEW JERSEY BOARDING HOME FOR CHILDREN CODE (1956)

Approved by the State Department of Health February 16, 1956

### Section I

#### Definitions

##### 1.1 Definition of Boarding Home

The term "boarding home" as used in this Code shall mean and include any privately owned dwelling or part of a dwelling or other place where one or more children under 16 years of age are placed or regularly received, for any period of time, unattended by parent, adult relative or legal guardian, and foster parent care is provided excepting those places which are operated, maintained, licensed, or regulated, or in which a child is placed, pursuant to statute by:

- (a) The State Board of Child Welfare
- (b) The State Board of Education
- (c) Any aid society of a properly organized and accredited church or fraternal society organized for aid and relief to its members.
- (d) Any charitable society incorporated under the laws of this State having as one of its objects the prevention of cruelty to children or the care and protection of children.

### Section II

#### Administration

##### 2.1 License Required to Operate and Maintain Boarding Homes

Boarding homes shall not be operated or maintained by any person until the Board of Health has given formal approval therefor by issuance of a license.

##### 2.2 Application for License

Application for license to operate or maintain a boarding home shall:

- (a) be written in a form and manner as may be prescribed by the Board of Health, include a statement that the boarding home will be conducted, operated and maintained under the applicants personal supervision and direction, signed by the applicant therefor and contain such information as may be requested by said Board including the following data: location of proposed boarding home; a description of its general layout, facilities, and accommodations; number, age and sex of children to be boarded; names of persons who will be responsible for the care of the children; names of persons who will live in the home and persons who will work in the home; sources of income; names of two character references.
- (b) have attached thereto a certificate by the municipal official responsible for fire protection that the proposed boarding home and its premises conform to existing fire laws and ordinances.
- (c) have attached thereto a certificate signed by a physician attesting to the mental and physical condition of the applicant and others residing and working in the house-

hold; said certificate to be based upon a medical examination and, for persons over 16 years of age, chest x-rays.

### 2.3 Investigation and Approval of Application for License

Upon receipt of an application for a boarding home license, an investigation shall be conducted to determine whether the Boarding Home, its facilities and accommodations are in conformity with this Code and that its operation or maintenance by the applicant, his family or assistants will permit adequate and proper foster parent care of its children boarders. Upon assurance by the Board of Health of such facts, a license shall be issued

### 2.4 Content of License

- (a) Licenses issued under this Code shall be limited to a particular person and premises and the maximum number of children, specified as to age range, that may be boarded or cared for on the premises at any one time.
- (b) A boarding home may use premises other than those licensed for a period not longer than four weeks with the written consent of the Board of Health and without issuance of another license.

### 2.5 Restrictions on Number of Children

Licenses shall not be issued for boarding more than 4 children under 16 years of age. The total number of children, including those of the owner, residing in a boarding home shall not exceed 5 under the age of 16 nor 2 children under one year of age. The Board of Health may permit an exception to this provision in those cases wherein it is considered desirable to keep members of one family together.

### 2.6 Denial or Suspension of Licenses

Licenses required by this Code may be denied or suspended for failure to comply with its provisions.

### 2.7 Inspection

All rooms of Boarding Homes and premises on which they are conducted shall be open to inspection by a representative of the Board of Health at all reasonable hours.

## Section III

### Health and Safety Requirements of Premises

#### 3.1 Compliance with State and Municipal Laws and Regulations

Boarding homes shall conform to all State and municipal laws and regulations including those relating to housing, fire, potable water, and sewage disposal.

#### 3.2 Heating

- (a) Boarding homes shall be maintained at a temperature of not less than 68° throughout the year.
- (b) Kerosene stoves shall not be used in boarding homes for any purpose.
- (c) Fire places and stoves shall be guarded with fire screens.
- (d) Gas heaters may be installed only with permanent connections and protectors and properly vented.

#### 3.3 Rooms Used for Preparation of Food

Those portions of boarding homes or rooms used in the preparation of food shall be kept clean and free of litter or rubbish and:

- (a) No person or persons shall be allowed to use such rooms for sleeping quarters.
- (b) Running hot and cold water under pressure shall be easily accessible.

#### 3.4 Food Storage

All food and drink and the food and contact surfaces of utensils used to store, prepare or serve same shall be protected from adulteration or contamination by pesticides, human, animal or rodent discharges of all types, or contamination

by dirt, dust, droplets, condensate or leakage of overhead structures or pipes.

### 3.5 General Sanitation

- (a) All garbage, refuse, trash and other wastes shall be kept in suitable tightly covered metal receptacles and disposed of in such manner as not to constitute a health hazard or nuisance.
- (b) Boarding homes shall be provided with:
  1. proper lighting, drainage, plumbing, ventilation, and kept clean, orderly and free of insects and vermin.
  2. adequate, properly and conveniently located toilet and hand washing facilities and bathing facilities.
  3. proper screening at outer doors and windows to exclude flies.

### 3.6 General Safety

- (a) Boarding homes and their grounds shall be maintained and equipped in such a manner that their use shall not be hazardous to children and constant vigilance shall be exercised by the person to whom a license is issued under this Code to prevent accidents.
- (b) Boarding homes shall provide both adequate and proper space for indoor and outdoor play of boarding children.
- (c) Every child shall have proper adult supervision befitting his age at all times.

## Section IV

### Sleeping Accommodations

#### 4.1 Room Location, Equipment and Maintenance

Physical properties and accommodations of rooms assigned to children for sleeping purposes shall be:

- (a) adequately ventilated and lighted with both natural and artificial light. One or more windows shall open directly to the outside air.
- (b) on or above the ground level.
- (c) containing at least 30 square feet of space for each bed, cot or crib, and at least 500 cubic feet of air space for each person using such rooms for sleeping purposes.
- (d) arranged and maintained in such fashion that beds, cots or cribs are at least two feet apart and air circulates freely under them.
- (e) equipped with a separate bed or crib, mattress, mattress cover, blanket, clean bed linens for each child assigned to such rooms. Pillows shall be provided for all children except young infants. A crib shall be provided for all infants below the age of two. A cot may be provided for a child, above the age of two only when he or she is a day boarder not staying overnight. Cots, when so provided, shall be equipped with at least a sheet, blanket or other cover appropriate for the room temperature.

#### 4.2 Restrictions on Use of Sleeping Rooms

The following provisions shall be applicable to all rooms assigned to children for sleeping purposes.

- (a) children over the age of one shall not be permitted to sleep regularly in the same room with any adult couple.
- (b) children of different sex above the age of three years shall not be permitted to sleep in the same room except by written consent of the Board of Health.
- (c) no more than three persons, including children, shall be

permitted to sleep in the same room regardless of age and a child or children above the age of three shall not be permitted to sleep in the same room used by an adult of the opposite sex.

#### Section V

### Food and its Preparation

#### 5.1 General

Food supplied to boarding children shall be served at proper intervals, adequately balanced, and in sufficient amount and variety to meet their nutritional needs. It shall be kept clean, wholesome, free from spoilage, free of added toxic materials of all types, and shall be so prepared as to be safe for human consumption.

#### 5.2 Pasteurized Milk

Only milk which has been pasteurized may be offered to boarding children or used in the preparation of their food.

#### 5.3 Infant Feeding

All infant feeding formulas shall be as prescribed by a licensed physician. Water, formula, bottles and nipples shall be sterilized in the proper preparation of such formula.

### Section VI

### Children's Clothing and Toilet Articles

#### 6.1 Toilet Articles

All boarding children shall be provided with individual toilet articles including individually marked wash cloth, towels, comb, and tooth brush. Adequate and proper space shall be provided for the storage of these articles and the same shall be kept therein or thereon when not in use.

#### 6.2 Clothing

All boarding children shall be provided with individual clothing adequate and sufficient for all types of weather. Adequate and proper storage space shall be provided for such clothing and other personal belongings of each child boarded.

#### 6.3 Diapers

Adequate facilities shall be available

for proper handling and cleansing of soiled diapers, bed linens and personal clothing. All soiled diapers shall be thoroughly washed and boiled after each use.

### Section VII

### Medical and Health Services

#### 7.1 Medical Examination

Prior to admittance to a boarding home a child shall have been examined by a licensed physician or surgeon for freedom from any communicable disease or other condition that might jeopardize the health, welfare or safety of other children. The examination shall be recorded on a form provided by or acceptable to the Board of Health and signed by the physician or surgeon.

#### 7.2 Vaccination

All children prior to admission to a boarding home shall be vaccinated against smallpox and inoculated against diphtheria, whooping cough, tetanus and poliomyelitis and such other diseases where similar protection is indicated unless there exists medical contra-indication to such protection and the Board of Health grants written permission to the contrary.

#### 7.3 Health Supervision Program

Every child shall receive adequate health supervision suitable for his age, by a licensed physician. This supervision shall include periodical health examinations, administration of booster immunizations against diphtheria, whooping cough, tetanus, and smallpox, and such other diseases as require similar protection. Provision shall also be made for adequate dental supervision by a licensed dentist.

#### 7.4 Emergency Care and Treatment

The parent, guardian or other agency responsible for placing a child in a home shall be immediately notified when such boarding child is injured or becomes ill and prompt arrangements made for proper care and treatment of that child.

## Section VIII

### Conditions of Admission and Removal

#### 8.1 General

No child shall be accepted in or removed from a boarding home without written request or permission therefor by the parent, guardian or other person or agency primarily responsible under authority of the law for the custody of that child.

#### 8.2 Out-of-State Children

No child shall be accepted for boarding care from outside the State of New Jersey unless evidence is submitted to and accepted by the Board of Health that such consent as may be required by statute has been granted for the importation of that child by the State Department of Institutions and Agencies.

#### 8.3 Responsibility for Professional Services

No child shall be accepted in a boarding home for boarding care until an agreement has been signed by the parent, guardian or other person responsible under the law for the care and custody of that child which shall include assumption of financial responsibility for services of the boarding home and services of physicians, surgeons or dentists as may be necessary for the child and required under this Code.

## Section IX

### Register, Records, Reports

#### 9.1 Register

A register shall be maintained in all boarding homes. This register shall contain the following information regarding each child boarded therein. Such information shall be posted as events occur and indicate the date and time of occurrence.

- (a) Name and address of each child, its parents if known, guardian or agency placing child in the home and the particular person from whom the child was received.

- (b) Religion of child and parents if known.
- (c) Birth, sex and race of child.
- (d) Date of reception of child into the boarding home.
- (e) Name and address of the person to whom a child is delivered from the boarding home and reason therefor.
- (f) Causes of illness, injury or death of child.
- (g) Place at which parent or guardian can be reached during the hours when the child is in the care of the boarding home.
- (h) Date of discharge of child from the boarding home.

#### 9.2 Register Inspection

The register shall be available for examination at all reasonable hours by the Board of Health or its representative.

#### 9.3 Reports of Admissions and Discharges and Illness

- (a) A written report of each child admitted or discharged from a boarding home shall be forwarded within 24 hours of such admission or discharge to the Board of Health. Such report shall include the name, sex and date of birth of the child and the name and address of the parent, guardian or agency placing or removing the child.
- (b) Unusual or extended absences or illnesses of a child boarder, member the household, attendant or licensee shall be reported by telephone immediately to the Board of Health and supplemented by a written report to the Board of Health that that same day.

## Section X

### Restricted Uses of Boarding Homes

- 10.1 Work or business of any nature which is hazardous to the health, safety or welfare of children shall

not be conducted in boarding homes.

- 10.2 No child may be placed for board in a home which maintains adult boarders except with the written consent of the Board of Health or its authorized agent.
- 10.3 Children of normal or superior in-

telligence shall not be boarded in boarding homes where any member of the household or attendant of the home is mentally deficient. Children suffering from mental disorders shall not be received in a boarding home for care or treatment.