

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2013-20

AN ORDINANCE TO AMEND CHAPTER 088 ENTITLED "FOOD AND BEVERAGE" OF THE CODE OF THE TOWNSHIP OF PEQUANNOCK

BE IT ORDAINED by the Township Council of the Township of Pequannock, County of Morris and State of New Jersey that Chapter 088 entitled "Food and Beverage" of the Township Code is hereby amended as follows:

SECTION 1. Section 088.03 is hereby amended to read as follows:

088.03 Fee Established.

There shall be a license fee established to operate pursuant to this Chapter:

- a. **Retail Food Establishments for each fixed location**
- b. **Retail Food Establishments for each vehicle classified as a Mobile Food & Drink**
- c. **Vending Machines**

Retail Food Establishment Licenses and associated fees shall be defined as follows:

"Risk type 1 food establishment" means any retail food establishment that:

1. Serves or sells only pre-packaged, nonpotentially hazardous foods;
2. Prepares only non-potentially hazardous foods; or
3. Heats only commercially processed potentially hazardous foods for hot holding and do not cool potentially hazardous foods. Such retail establishments may include, but are not limited to, convenience store operations, hot dog carts, and coffee shops.

Annual Fee: \$100.00

"Risk type 2 food establishment" means any retail food establishment that has a limited menu; and

1. Prepares, cooks, and serves most products immediately;
2. Exercises hot and cold holding of potentially hazardous foods after preparation or cooking; or
3. Limits the complex preparation of potentially hazardous foods, including the cooking, cooling, and reheating for hot holding, to two or fewer items. Such retail establishments may include, but are not limited to, retail food store operations, schools that do not serve a highly susceptible population, and quick service operations, depending on the menu and preparation procedures.

Annual Fee: \$200.00

"Risk type 3 food establishment" means any retail food establishment that:

1. Has an extensive menu which requires the handling of raw ingredients; and is involved in the complex preparation of menu items that includes the cooking, cooling, and reheating of at least three or more potentially hazardous foods; or
2. Prepares and serves potentially hazardous foods including the extensive handling of raw ingredients; and whose primary service population is a highly susceptible population. Such establishments may include, but are not limited to, full service restaurants, diners, commissaries, and catering operations; or hospitals, nursing homes, and preschools preparing and serving potentially hazardous foods.

Annual Fee: \$400.00

"Risk type 4 food establishment" means a retail food establishment that conducts specialized processes such as smoking, curing, canning, bottling, acidification designed to control pathogen proliferation, or any reduced oxygen packaging intended for extended shelf-life where such activities may require the assistance of a trained food technologist. Such establishments include those establishments conducting specialized processing at retail.

Annual Fee: \$400.00

"Mobile Food & Drink" means any motor vehicle or any vehicle cart, or bicycle of any kind including hand carried portable containers, in which food or drink is transported, stored or prepared at temporary locations.

Annual Fee: \$100.00

"Temporary Retail Food Establishment" means any food establishment which operates at a fixed location for a temporary period of time not to exceed seven (7) days in connection with a fair, carnival, circus, public exhibition or similar organizational meetings.

Annual Fee: \$50.00

"Vending Machine" means any self-service device which, upon insertion of a coin, paper currency, token, card, key or by any other means, dispenses unit servings of food, either in bulk or in packages without the necessity of replenishing the device between each vending operation.

Annual Fee:

Pre-packaged only \$20.00
Gum-ball \$5.00
All others \$40.00

"Non-Profit" means any food establishment which has been provided with a Federal Internal Revenue Service Tax Exemption number and prepares or handles food and drink and serves to the general public; and, any school food establishment operated by employees of a Board of Education.

Annual Fee: \$0.00

SECTION 2. Section 088.06 is hereby amended to read as follows:

088.06 Revocation of license.

License issued pursuant to this chapter may be revoked by the Township Board of Health for any good or sufficient reason, provided that due notice thereof shall be given to the licensee, and a hearing held before the Board of Health, at which time an opportunity shall be afforded the licensee to show cause why the license should not be revoked.

SECTION 3. Chapter 088 is hereby supplemented with the addition of the following subsection:

088.07 Food Handler's Certificate.

088.07.010 Certificate Required.

Any person engaged or employed in the business or service of preparing, processing or serving food or drink intended for human consumption at Risk Type 2, 3, or 4 food establishments shall apply to the Pequannock Township Health Department within seven days of the commencement of his said employment for a Food Handlers' Certificate. Applicants will be required to attend the next regularly-scheduled food handlers' training course given by the Township's Health Department or a comparable course approved by the Township Health Department. Existing employees shall have six months from enactment of this ordinance to attain a food handler's certificate

088.07.020 Course of instruction required.

The food handler's certificate shall not be issued or granted to any person unless the person seeking such food handler's certificate shall have first completed a course of general instruction in health education, sanitation, personal hygiene, food protection, dishwashing procedures and other related health matters.

088.07.030 Records of employees to be maintained by employer.

All employers engaged in the business or service of preparing and processing food intended for human consumption shall at all times keep and maintain accurate records of the name and address of each employee, date of employment and date of issuance and certificate number of said food handler's certificate, which records shall be available at all times for inspection by the Health Officer or his duly authorized representatives.

088.07.040 Employment of persons without certificates prohibited.

No employer shall continue to employ any person in connection with the preparation, processing or service of food and drink intended for human consumption at a retail level unless the person so employed shall have applied for and obtained a food handler's certificate within the period as specified in Section 088.07.

088.07.050 Renewal of certificates.

All food handlers' certificates shall be renewed every two years after completion of a food handler's course as identified in section 088.07.

088.07.060 Exemptions.

The requirement for a food handler's certificate shall not apply to: a temporary retail food establishment; any employee who is a Certified Food Protection Manager as recognized by the Conference for Food Protection; or, persons engaging in food handler's activities on behalf of nonprofit institutions, churches or other charitable organizations unless the said food handling activities are conducted on a regular basis.

088.07.070 Food Handler Training Fees Established.

A. Food Handler's Certificate Course..... No fee until
January 1, 2016

B. Certified Food Protection Manager's Course as recognized by the Conference for Food Protection sponsored by the Pequannock Township Health Department..... \$200.00

SECTION 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 5. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: September 10, 2013

Adopted: October 8, 2013



Joseph J. Delaney, Jr., Township Clerk



Richard Phelan, Mayor