



MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

ORDINANCE NO. 2022-1

AN ORDINANCE AMENDING CHAPTER 2 OF THE ADMINISTRATIVE CODE OF THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

WHEREAS, the Commission has established an Administrative Code of the Monmouth County Regional Health Commission No. 1; and

WHEREAS, Chapter 2 of the Administrative Code is the Food Establishment Regulation Code; and

WHEREAS, the Commission finds that it is in the best interest of the public health and its contract municipalities that Chapter 2 of the Code be amended.

NOW, THEREFORE, BE IT ORDAINED by the Monmouth County Regional Health Commission No. 1, created and operating pursuant to N.J.S.A. 26:3-83 et seq., as follows:

Section 1. Sections 2-2 and 2-3 of Chapter 2 “Regulations, Food Establishments” of the Administrative Code of the Monmouth County Regional Health Commission No. 1 shall be amended as follows (underlines represent additions, ~~strikethroughs~~ represent deletions):

2-2 Enforcing Officials

The said Regional Commission, and its agents or employees, including but not limited to, its Health Officer, shall have the right of entry, at any reasonable hour, into and upon any public or private building, or premises for the purpose of enforcing the provisions of such Code and of this Ordinance, or determining whether such provisions or the rules and regulations of this Regional Commission are being complied with and obeyed. No person shall oppose such entry or hinder or interfere with this Regional Commission or any of its agents or employees, or Health Officer, all as aforesaid, in the performance of their duties.

2-3 Fees

The said Regional Health Commission Food Establishment Ordinances No.1, hereby fixes the following fees:

2-3.1 Minimum Fees for Licensing of Retail Food Establishments

2-3.1a Mobile Vehicles (License is valid for one (1) year) \$150.00 per year

2-3.1b Special Events

Vendors \$ 50.00 per vendor/event -

2-3.1c Establishments Other Than Licensed Restaurants:

(1) Minimum Fee for Minor Amounts of Pre-Packaged, Non-Potentially Hazardous Foods \$75.00 per year

Minimum Fee for All Establishments (Including retail food portion of an establishment) \$150.00 per year

(2) Between 4,000 and 10,000 square feet \$400 per year

(3) Over 10,000 square feet \$700 per year

(4) Farmer's Market Vendors \$350.00 per year

2-3.1d Restaurants:

(1) Seating Capacity Up to 50 \$150 per year

(2) Seating Capacity From 51 to 100 \$250 per year

(3) Seating Capacity Over 100 \$400 per year

2-3.1e Food License Late Fee

A late fee charge will be levied by the licensing municipality on those food establishment owners and/or operators who do not renew their license within 90 days after the expiration date. The late fee charge will be in addition to the cost of the establishment's annual food licensing fee. The late fee charge is set as follows: the late fee equals 20% of the food establishment's annual licensing fee per month, except that the minimum late fee charge shall be set no lower than \$20.00 per month.

2-3.1f Re-inspection Fee

(1) Retail food establishments which fail to achieve a "Satisfactory" and/or are issued a "Conditional or Unsatisfactory" rating after the first re-inspection shall be subject to a

Re-inspection Fee of \$175.00 which shall be paid to the MCRHC prior to re-inspection of the establishment to determine if the cause for the less than “Satisfactory” rating has been corrected.

- (2) A second occurrence of a “Conditional” or “Unsatisfactory” rating for a food establishment within two years of the first “Conditional “or “Unsatisfactory” rating shall be charged a fee of \$350.00. The fee shall be paid to the MCRHC prior to the re-inspection of the establishment to determine if the cause for the less than “Satisfactory” rating has been corrected.
- (3) For a third or more occurrences of a “Conditional” or “Unsatisfactory” rating for a food establishment within two years of the first “Conditional “or “Unsatisfactory”, a fee of \$700.00 shall be charged for each subsequent event. The fee shall be paid to MCRHC, prior to the re-inspection of the establishment to determine if the cause for the less than “Satisfactory” rating has been corrected.
- (4) A fourth occurrence within two years will require the owner/representative to submit a corrective action plan with specific dates for compliance to the Health Officer or an authorized agent. If the submitted plan is unacceptable, the Health Officer or authorized agent may take administrative action as deemed appropriate, which may include the issuance of summonses, hearing before the MCRHC and/or possible closure of the establishment.
- (5) The owner or representative of a retail food establishment may request that an appeal be taken of the decision of the Health Officer or authorized agent before the Commission on this section.
- (6) The location of all rating certificates for food establishments are to be in a prominent location as determined by the authorized agent of the Commission.

2-3.2 Fees for the Plan Review of Retail Food Establishments

Hereby fixed as follows: (Plans must also be submitted in a digital format such as on a disk, thumb drive or other media acceptable to MCRHC)

2-3.2a Establishments Other Than Restaurants:

- | | | |
|-----|--|----------------------------|
| (1) | Between 0 and 4000 square feet
(Including the retail food portion of the establishment) | \$275 per plan |
| (2) | Between 4,001 and 10,000 | \$500 per plan square feet |
| (3) | Over 10,001 square feet | \$825 per plan |
| (4) | Farmer’s Market | \$50 per plan |

(5) Temporary Food Application \$50 per plan

2-3.2b Restaurants:

(1) Seating capacity Up to 100 \$275 per plan

(2) Seating Capacity Over 100 \$550 per plan

2-3.2c Limited establishment alterations \$150 per plan

2.3.2d Special Food Handling Procedures Requiring a HACCP Plan \$250.00

(Sushi and Sushi Rice Preparation)

2.3.2e Special Food Handling Procedures Requiring a HACCP Plan \$500.00

Note: Plan must be from a Recognized/Certified Processing Authority

(Such as R.O.P., Sous Vide, Ceviche etc.) Requiring a HACCP Plan)

Section 2. The remainder of Chapter 2 “Regulations, Food Establishments” of the Administrative Code of the Monmouth County Regional Health Commission No. 1 shall remain unchanged.

Section 3. The Health Officer and Commission Secretary are hereby authorized and directed to take any ministerial action consistent with the intent of this Ordinance.

Section 4. REPEALER. All prior Ordinances or parts of same consistent and/or inconsistent with any of this Ordinance established hereunder are hereby repealed.

Section 5. SEVERABILITY. In the event that a court of competent jurisdiction shall declare any section, sentence or clause of this Ordinance unconstitutional, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

Section 6. EFFECTIVE. This Ordinance shall take effect thirty (30) days after the first publication thereof after final adoption as provided by law.

Leonard Giles, DMD
Dr. Leonard Giles,
President MCRHC No. 1

Marita Kresge
Marita Kresge
Commission Secretary, MCRHC No. 1

INTRODUCTION:

MOVED: Sea Bright (Roman)
SECONDED: Allenhurst (Campagna)
IN FAVOR: 11
OPPOSED: 0
ABSTAINED: 0

ADOPTION:

MOVED: Sea Girt (Anthony)
SECONDED: Little Silver (Sullivan)
IN FAVOR: 9
OPPOSED: 0
ABSTAINED: 0

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