



MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1

CHAPTER 5

Food and Beverage Vending Machines

5-1 Regulation of Food and Beverage Vending Machines

Editor's note: Prior ordinances codified herein include versions of Ordinance No.4, original version published August 1991, adopted and edited through 08-04.

5-1.1 Definitions

- a. *Vending Machine.* The term "Vending Machine" shall mean, a self-service device which when activated dispenses unit servings of food or beverage without requiring replenishing between each vending operation. In general, a vending machine could encompass, but not limited to, those that sell soft drinks, packaged snacks, hot-and-cold cup beverages, refrigerated prepared food, and handfuls of nuts or candy.

5-1.2 Adoption by Reference

A code regulating food and beverage vending machines and fixing fees for licensing thereof and penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 and Revised Statutes 26:3-92 and 26:3-93. A copy of the said Code is annexed hereto, and made a part hereof without the inclusion of the text thereof herein set forth.

5-1.3 Title of Code

The said Code established and adopted by this Ordinance is commonly known as the "Chapter 24-Sanitation In Retail Food Establishments and Food and Beverage Vending Machines," New Jersey State Sanitary Code.

5-1.4 Public Record

Three copies of the said “Chapter 24-Sanitation In Retail Food Establishments and Food and Beverage Vending Machines,” New Jersey State Sanitary Code, have been placed on file in the Office of the Health Commission 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.

5-2 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 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.

5-2.1 Enforcing Health Department

This Ordinance may be enforced by and in the name of this Regional Health Commission by proceedings instituted and prosecuted in a court having jurisdiction of such proceedings in the Regional.

5-3 Conditions of Operation

The said Regional Health Commission No. 1 hereby declares that it shall be unlawful for any person, firm, or corporation to conduct or engage in the operation of a food or beverage vending machine without having obtained a health license. All food and beverage vending machine licenses shall commence as of January 1st and expire on December 31st of each year.

5-4 Fees and Licensing

The said Regional Health Commission No. 1 hereby fixes the fees for the licensing of food and beverage vending machines as follows:

5-4.1 Fixed Fees

Fees for licensing of food and beverage vending machines are fixed at \$50.00 per machine per year.

5-5 License Application

Applications for licenses shall be made to the Monmouth County Regional Health Commission No. 1 in accordance with the provisions of “Chapter 24- Sanitation in Retail Food Establishments and Food and Beverage Vending Machines”. Applicants shall submit an application on a form provided by the Regional Health Commission along with a fee of fifty (\$50.00) dollars for each food and beverage vending machine by January 1 of each year. Any person, firm or corporation intending to conduct or engage in the operation of a food and beverage vending machine must submit the license application and proper fee prior to beginning operation. All license fees covered pursuant to Section 6 et seq. of this Ordinance shall be paid directly to the Monmouth County Regional Health Commission No. 1.

5-6 Transferability

No license of any food and beverage vending machine may be transferred to any other person, firm, corporation or location.

5-7 State Compliance

All food and beverage vending machines shall be operated and maintained in compliance with the provisions of “Chapter 24-Sanitation In Retail Food Establishments and Food and Beverage Vending Machines,” in compliance with the provisions of this Ordinance and in compliance with the Title 24, Revised Statutes of New Jersey.

5-8 Suspension

License issued under this Ordinance may be suspended or revoked by the Monmouth County Regional Health Commission No. 1 in accordance with the provisions of “Chapter 24-Sanitation In Retail Food Establishments and Food and Beverage Vending Machines”.

5-9 General Penalties; Continuing Violations

5-9.1 Violations and Penalties

Any person who violates any provision of this Ordinance or Code established herein shall, upon conviction thereof, be liable to a penalty of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each violation, each day a particular violation continues shall constitute a separate offense. Upon refusal or neglect, upon and after conviction, to pay the amount of said penalty or fine, the person so convicted shall be subject to be committed to the County Jail for a period not exceeding ninety (90) days, all at the discretion of the Municipal Magistrate or other officer before whom the complaint shall be brought.

5-9.2 **Violation of State Law**

In the event that any violation of this Code shall also be a violation of a New Jersey State Law, for which a greater penalty is provided for than that contained in the aforesaid Code and this Ordinance, the Municipal Magistrate, before whom the complaint is brought, based upon such violation, shall in his discretion, have the right to impose, in the place and in lieu of any penalty provided for herein, that is so provided for in the New Jersey State Law which has been so violated.

5-10 **Unlawfulness**

Every act in such Code or herein designated as being unlawful is hereby prohibited and every act herein expressly prohibited, is hereby designated as being unlawful.

5-11 **Repealer**

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.

5-12 **Severability**

In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

5-13 **Effective Date**

This Ordinance and the Code herein established shall take effect thirty (30) days after the date of its adoption.

Ordinance History	Date Adopted
08-04	November 12, 2018
Chapter 5. Food and Beverage Vending Machines	June 25, 2019