



# JERSEY SHORE REGIONAL HEALTH COMMISSION

## CHAPTER 2

### Regulations, Food Establishments

#### 2-1 Food Establishment Regulation Code

**Editor's note:** Prior ordinance codified herein include versions of Ordinance No. 1, original version published July 1983, beginning 03-01 adopted and edited through 18-01.

##### 2-1.1 Definitions

- a. *Food Establishment.* The term “Food Establishment” shall mean a business that stores, prepares, packages, serves or provides food for people to eat.
- b. *Limited Establishment Alteration,* shall be considered as any alteration in a business entity including but not limited to any change in menu or any other alteration of retail food establishments facility which does not directly call for municipal permits to be issued by its various departments or agencies prior to alterations being made
- c. *Minimal Pre-Packaged, Non-Potentially Hazardous Food Vendor* shall be any vendor whose sales of food product consist of pre-package, non-potential hazardous foods which are shelf stable, and do not exceed 10% of total business revenue.
- d. *Risk Type 1, 2, 3 & 4 food establishment* shall be defined as found in NJAC 8:24-1.5 of Chapter 24: Sanitation in Retail Food Establishments and Food and Beverages Vending Machines,” New Jersey State Sanitary Code.
- e. *Vendor.* The term “Vendor” shall mean a person or company offering something for sale.

##### 2-1.2 Adoption by Reference

A code regulating retail food establishments and fixing penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 to 69.6 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.

##### 2-1.3 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, and Cottage Food Operations” New Jersey State Sanitary Code, found at New Jersey Administrative Code 8:24.



## 2-1.4 **Public Record**

Three copies of the said “Sanitation in Retail Food Establishments and, Food and Beverage Vending Machines, and Cottage Food Operations” 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

## 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 **Permanent Retail Food Establishments**

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|--|-------------------|
| (1) Minimum Fee for Minor Amounts of Pre-Packaged, Non-Potentially Hazardous Foods | \$100.00 per year |
| (2) Risk Level Type 1 Annual License   | \$150.00 per year |
| (3) Risk Level Type 2 Annual License   | \$250.00 per year |
| (4) Risk Level Type 3 Annual License   | \$300.00 per year |
| (5) Risk Level Type 4 Annual License   | \$400.00 per year |
| (6) Mobile Vehicle Annual License  | \$200.00 per year |

Note: Mobile vehicle(s) must have an Established Commissary where all food products are prepped, and stored. Contracts for such must be submitted to the Commission on a yearly basis.



### 2-3.1b **Retail Food Establishments participating at a Special Event**

For purpose of this section a Special Event (S.E.) may be considered any event that occurs for seven (7) continuous days or less, unless otherwise defined different by the governing body of the Municipality where a S.E. is occurring:

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|-------------------------------------|-------------------|
| (1) Risk Level Type 1 S.E. Licenses | \$50.00 per year  |
| (2) Risk Level Type 2 S.E. Licenses | \$100.00 per year |
| (3) Risk Level Type 3 S.E. Licenses | \$125.00 per year |
| (4) Risk Level Type 4 S.E. Licenses | \$175.00 per year |

### 2-3.1c **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.

### 2-3.1d **Re-inspection Fee**

The following schedule of fees and penalties shall be applied to any retail food establishment where an inspection is conducted by this Regional Health Commission, whether periodically or sporadically, the establishment fails to receive a "satisfactory" rating for that inspection, and subsequent reinspection is required:

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|---|----------|
| (1) First Reinspection  | \$175.00 |
| (2) Second Reinspection   | \$350.00 |
| (3) Third Reinspection<br>and any subsequent reinspection that follow | \$700.00 |

**Note:** All reinspection fees are to be paid to directly to JSRHC prior to completion of a given reinspection. Failure to furnish fees within Thirty (30) days of inspection which failed to receive a "satisfactory" rating may be considered to be in Violation of this section and may be subject to penalties as expressed in 2-6.1 of this code



### 2-3.1e **Additional Remediation actions in connection to reinspections**

In addition to the indicated fees for reinspection's as expressed in 2-3.1d, the following actions are to be taken by the given business entity and its representatives.

- (1) Upon failure to meet standards that would result in gaining a satisfactory rating by the end of a second reinspection, the retail food establishment's owner/representative shall 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 JSRHC and/or possible closure of the establishment.
- (2) Upon failure to meet standards that would result in gaining a satisfactory rating by the end of a third reinspection, the business would be closed automatically and remain as such until a satisfactory rating was obtained through inspection.

### 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 JSRHC)

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|---|----------|
| (1) Minimum Fee for Minor Amounts of Pre-Packaged, Non-Potentially Hazardous Foods  | \$50.00  |
| (2) Risk Level Type 1   | \$150.00 |
| (3) Risk Level Type 2   | \$250.00 |
| (4) Risk Level Type 3   | \$300.00 |
| (5) Risk Level Type 4   | \$450.00 |
| (6) Special Food Handling Procedures Requiring a HACCP Plan (Sushi and Sushi Rice Preparation)  | \$200.00 |
| (7) Special Food Handling Procedures Requiring a HACCP Plan<br>Note: This includes but is not limited to R.O.P., Sous Vide, and Ceviche.<br>Each plan reviewed separately and must be from a<br>Recognized/Certified Processing Authority | \$350.00 |
| (8) Limited Establishment Alteration  | \$150.00 |
| (9) Farmer's Market   | \$50.00  |
| (10) Special Event – Retail Food  | \$50.00  |



## 2-4 **Compliance**

All retail food establishments shall be operated in compliance with the provisions of the aforesaid Code of this Ordinance and Title 24, Revised Statutes of New Jersey.

## 2-5 **Enforcement**

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.

## 2-6 **General Penalties; Continuing Violations**

### 2-6.1 **Violations and Penalties**

Any person who violated any provisions of this Ordinance or Code established herein shall, upon conviction thereof, be liable to a penalty of not less than Fifty (\$50.00) nor more than One Thousand (\$1,000.00) 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 in the discretion of the Municipal Magistrate or other officer before whom the complaint shall be brought.

### 2-6.2 **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 or her 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.

## 2-7 **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.

## 2-8 **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.



## 2-9 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.

## 2-10 Billing and Payment

The license fees covered in 2-3.1a through 2-3.1c et. Seq. of this Ordinance and Sections 2-6.1 shall be paid to such respective local Board of Health of such municipality participating in the Regional Health Commission within which such fees are assessed and collected.

## 2-11 Collection of Fees and Penalties

The plan review fees covered pursuant to Section 2-3.2 and 2-6.1 et. Seq. of this Ordinance shall be paid directly to the Jersey Shore Regional Health Commission.

## 2-12 Transferability

The license of any retail food establishment covered under this Ordinance is not transferable upon the sale of such retail food establishment and the new owner of any such retail food establishment must apply for a new license and pay the appropriate fee provided for in Section 2-6.1 et. Seq. of this Ordinance.

## 2-13 Effective Date

This Ordinance and the Code herein shall take effect thirty (30) days after the first publication thereof after final passage as provided by law.

<b>Ordinance History</b>	<b>Adoption Date</b>
03-01	May 21, 2003
05-01	November 9, 2005
08-01	September 29, 2008
9-01	October 21, 2009
12-01	July 24, 2012
14-01	November 25, 2014
15-01	June 23, 2015
18-01	November 27, 2018
<a href="#">Chapter 2. Regulations, Food Establishments</a>	June 25, 2019
<a href="#">2022-1</a>	August 23, 2022
<a href="#">2024-1</a>	December 17, 2024