



JERSEY SHORE REGIONAL HEALTH COMMISSION
628 Shrewsbury Avenue, Tinton Falls, NJ 07701



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that Ordinance 2024-1 amending Chapter 2, "Regulations, Food Establishments," to revise, restructure, and clarify the collection of fees from retail food establishments for various reasons, including annual licenses, special events, re-inspections, and plan review, had its Public Hearing and its Final Adopted on December 17th, 2024, during the Jersey Shore Regional Health Commission Regular Scheduled meeting of Commissioners.

A copy of Ordinance 2024-1 is provided starting on page 2 of this document.



JERSEY SHORE REGIONAL HEALTH COMMISSION

ORDINANCE NO. 2024-1

AN ORDINANCE AMENDING CHAPTER 2 OF THE ADMINISTRATIVE CODE OF THE JERSEY SHORE REGIONAL HEALTH COMMISSION

WHEREAS, the Commission has established an Administrative Code of the Jersey Shore Regional Health Commission; 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 JERSEY SHORE REGIONAL HEALTH COMMISSION, created and operating pursuant to N.J.S.A. 26:3-83 et seq., as follows:

Section 1. Chapter 2 “Regulations, Food Establishments” of the Administrative Code of the JERSEY SHORE REGIONAL HEALTH COMMISSION (JSRHC) shall be amended as follows (underlines represent additions, ~~strikethroughs~~ represent deletions):

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.



b.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 ~~12~~ 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, 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

2-3.1a ~~Special Events~~ Permanent Retail Food Establishments



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 <u>\$100.00</u> 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) <u>Risk Level Type 1 Annual License</u> | <u>\$150.00</u> per year |
| (3) <u>Risk Level Type 2 Annual License</u> | <u>\$250.00</u> per year |
| (4) <u>Risk Level Type 3 Annual License</u> | <u>\$300.00</u> per year |
| (5) <u>Risk Level Type 4 Annual License</u> | <u>\$400.00</u> per year |
| (6) <u>Mobile Vehicle Annual License</u> | <u>\$200.00</u> 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) <u>Risk Level Type 1 S.E. Licenses</u> | <u>\$50.00</u> per year |
| (2) <u>Risk Level Type 2 S.E. Licenses</u> | <u>\$100.00</u> per year |
| (3) <u>Risk Level Type 3 S.E. Licenses</u> | <u>\$125.00</u> per year |



(4) Risk Level Type 4 S.E. Licenses

\$175.00 per year

2-3.1ec **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.

2-3.1fd **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~~
- ~~(2) 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.~~
- ~~(3) 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.~~
- ~~(4) 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.~~
- ~~(5) 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.~~

~~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.~~

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:

(1) First reinspection

\$175.00



(2) Second reinspection	\$350.00
(3) Third reinspection and any subsequent reinspection that follow	\$700.00

Note: All reinspection fees are to be paid 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 reinspections 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 per each plan reviewed: (Plans must also be submitted in a digital format such as on a disk, thumb drive or other media acceptable to MCJSRHC)

2-3.2a ~~Establishments Other Than Restaurants:~~ Retail Food Establishments

(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
(1) <u>Minimum Fee for Minor Amounts of Pre-Packaged,</u>	
<u>Non-Potentially Hazardous Foods</u>	<u>\$50.00</u>
(2) <u>Risk Level Type 1</u>	<u>\$150.00</u>
(3) <u>Risk Level Type 2</u>	<u>\$250.00</u>
(4) <u>Risk Level Type 3</u>	<u>\$300.00</u>
(5) <u>Risk Level Type 4</u>	<u>\$350.00</u>



(6) Special Food Handling Procedures Requiring a HACCP Plan \$250.00 200.00
(Sushi and Sushi Rice Preparation)

(7) Special Food Handling Procedures Requiring a HACCP Plan \$500.00 350.00
Note: This includes but is not limited to R.O.P., Sous Vide, and Ceviche.
Each plan reviewed separately and must be from a Recognized/Certified
Processing Authority

(8) Limited Establishment Alteration \$150.00

(~~4-9~~) Farmer's Market \$50.00 per plan

(~~5-10~~) Temporary Special Event – Retail Food Application \$50.00 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: must be from a Recognized/Certified Processing Authority
(Such as R.O.P., Sous Vide, Ceviche etc.) Requiring a HACCP Plan)

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2-10 Billing and Payment

The license fees covered in 2-3.1a through 2-3.1e et. Seq. of this Ordinance (~~with the exception of Section 2-3.1b (a portion of)~~ 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 ~~Monmouth County~~ Jersey Shore Regional Health Commission ~~No. 1 within that health agency's jurisdiction which such fees are assessed and collected.~~



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.

Section 2. The remainder of Chapter 2 “Regulations, Food Establishments” of the Administrative Code of the JERSEY SHORE REGIONAL HEALTH COMMISSION 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 upon passage and publication according to law.

Leonard Giles, DMD
Dr. Leonard Giles,
President JSRHC

Marita Kresge
Marita Kresge
Commission Secretary, JSRHC

INTRODUCTION:

MOVED: Tom Rogers (Rumson)
SECONDED: Bryan Dempsey (Spring Lake)
IN FAVOR: 8
OPPOSED: 0
ABSTAINED: 0

ADOPTION:

MOVED: Tom Rogers (Rumson)
SECONDED: Chris York (Fair Haven)
IN FAVOR: 7
OPPOSED: 0
ABSTAINED: 1

Ordinance Introduced on: N o v e m b e r 26 , 2024
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