

**TOWNSHIP OF MONTVILLE BOARD OF HEALTH
ORDINANCE 2021-01**

**THE CODE OF THE TOWNSHIP OF MONTVILLE, NEW JERSEY
CHAPTER 419 "FOOD AND BEVERAGES"
ARTICLE II "RETAIL FOOD ESTABLISHMENTS"**

[Adopted by BOH Ord. No. 1999-1 as Ch. 17.32 of the 1998 Code]

§ 419-8 Compliance with state standards.

All retail food establishments shall comply with the New Jersey State Sanitary Code^[1] relating to the construction, operation and maintenance of retail food establishments, and all violations are hereby declared to be nuisances hazardous to health.

[1]

Editor's Note: See N.J.A.C. 8:24-1.1 et seq.

§ 419-9 Definitions. As used in this article, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

Food – as defined by N.J.A.C. 8:24 "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines.

Food truck – a vehicle operating as a retail food establishment.

Mobile retail food establishment – as defined by N.J.A.C. 8:24 "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines.

Retail food establishment – as defined by N.J.A.C. 8:24 "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines.

Temporary retail food establishments – as defined by N.J.A.C. 8:24 "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines.

Vehicle – motorized or non-motorized means of conveyance or transport, including, but not limited to, cars, trucks, vans, carts, wagons, watercraft, motorcycles, scooters, and bicycles.

§ 419-10 License requirements and fees.

A.

No person or entity shall operate a retail food establishment, or mobile retail food establishment, or temporary retail food establishment, without first having obtained the appropriate annual food and drink license(s) or temporary food and drink license(s) from the Board of Health in such form or forms as the Board or its authorized representative may from time to time issue. Such license or licenses shall be posted in a conspicuous place in or on such establishment.

B.

There shall be a charge as set forth in Chapter 169, Fee Schedule, for each new license applied for. Changes in ownership, or licenses which lapse for one year or more, shall be considered new. There shall be a charge as set forth in Chapter 169 for the annual renewal of such licenses. The charge for temporary licenses valid for a maximum of 10 days shall be as set forth in Chapter 169.^[1]

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 405, General Provisions, Board of Health, Art. D).

C.

All such licenses shall expire annually on June 30 of each year, except for temporary licenses, which are valid for a maximum of 10 days. Application for renewal of any license shall be submitted, together with the required fee, on or before June 1 of each year. A renewal application submitted after June 30 shall be assessed an additional late fee charge as set forth in Chapter 169.[2]

[2]

Editor's Note: Amended at time of adoption of Code (see Ch. 405, General Provisions, Board of Health, Art. I).

D.

The license of any person or entity who violates any provision of this article or the New Jersey State Sanitary Code may be revoked or suspended after a hearing before the Board of Health on ten (10) days notice being served upon the person or entity holding said license. Any person or entity holding an annual food and drink and/or temporary food and drink license who is charged with a violation shall have the right to be represented by an attorney, and said facts shall be stated on the notice served upon the person or entity holding said license. .

E.

Any person or entity aggrieved by reason of the denial of an application, or suspension or revocation of an annual food and drink and/or temporary food and drink license, shall have the right of appeal to the Board of Health. Such appeal shall, within fourteen (14) days after notice of the action complained of has been mailed to the person's or entity's last known address, be taken by filing with the Board of Health a written statement setting forth fully the grounds for a hearing on such appeal. Notice of such hearing before the Board of Health shall be served personally upon the person or entity or mailed to the person or entity at the address given on the license application form at least five (5) days prior to the date set for the hearing. The decision and order of the Board of Health on such appeal shall be final and conclusive.

F.

No such license shall be transferable.

Editor's Note: Amended at time of adoption of Code (see Ch. 405, General Provisions, Board of Health, Art. I).

G.

A person or entity who operates a food truck or other temporary retail food establishment within the Township has the option of applying for either an annual food and drink license, or a temporary food and drink license, from the Board of Health or its authorized representative.

H.

A person or entity operating a food truck or other temporary retail food establishment within the Township under an annual food and drink license, or under a temporary food and drink license, shall not offer any food(s) to the public, and/or have any food(s) present, and/or use any additional methods of food preparation, storage, and/or handling, other than those included on the license application form and that are approved by the Board of Health or its authorized representative at the time that the license issued.

I.

A person or entity operating a food truck or other temporary retail food establishment within the Township under an annual food and drink license, or under a temporary food and drink license, wishing to offer any food(s) to the public and/or have any food(s) present and/or use any methods of food preparation, storage, and handling, in addition to those already included on the

license application form and approved by the Board of Health or its authorized representative at the time that the license is issued, must first submit a written request for approval for such additional food(s) and/or additional preparation methods, storage methods, and/or handling methods at least 10 (ten) business days prior to offering said additional food(s) to the public, having said additional food(s) present, or commencing said additional food preparation, storage, and/or handling methods, and must receive approval from the Board of Health or its authorized representative in response to such written request prior to offering said additional food(s) to the public, having said additional food(s) present on the vehicle, or commencing additional said food preparation, storage, and/or handling methods.

J.

A person or entity operating a food truck or other temporary retail food establishment within the Township under an annual food and drink license shall notify the Board or its authorized representative, at least 10 (ten) businesses days prior to each occurrence, of the locations, dates, and times that they will be operating within the Township as described in this article.

§ 419-11 Violations and penalties.

A.

Any person or entity who violates any provision of or order promulgated under this article or the New Jersey State Sanitary Code shall be fined, upon conviction, not less than \$100 nor more than \$2,000, or imprisonment for a period not exceeding 90 days, or both, for each violation. [Amended 2-28-2006 by Ord. No. 2006-09[1]]

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 405, General Provisions, Board of Health, Art. D).

B.

Each day that a particular violation continues shall constitute a separate and unique offense.

§ 419-12 Repealer.

All ordinances or parts of ordinances inconsistent within this article are hereby repealed to the extent of such inconsistencies.

§ 419-13 Severability.

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason deemed invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.