

TOWNSHIP OF HAMILTON  
COUNTY OF MERCER, NEW JERSEY

**ORDINANCE**

No. **15 025**

1ST READING May 19, 2015

DATE TO MAYOR \_\_\_\_\_

2ND READING & PUBLIC HEARING \_\_\_\_\_

DATE RESUBMITTED TO COUNCIL \_\_\_\_\_

WITHDRAWN \_\_\_\_\_ LOST \_\_\_\_\_

DATE EFFECTIVE \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

\_\_\_\_\_  
TOWNSHIP ATTORNEY

\_\_\_\_\_  
TITLE

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES, HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 58, FOOD AND FOOD ESTABLISHMENTS, ARTICLE III, LICENSING OF RETAIL FOOD ESTABLISHMENTS, SECTION 58-61, LICENSE REQUIRED; EXPIRATION OF LICENSE, SECTION 58-63, LICENSE CLASSES; FEE AND SECTION 58-65, RE-INSPECTION FEES FOR RETAIL FOOD ESTABLISHMENTS THAT RECEIVE A "CONDITIONAL SATISFACTORY" OR "UNSATISFACTORY" RATING**

*Be It Ordained* by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of Ordinances of Hamilton Township, New Jersey, Chapter 58, Food and Food Establishments, Article III, Licensing of Retail Food Establishments, Section 58-61, License required; expiration of license, Section 58-63, License classes; fee and Section 58-65, Re-inspection fees for retail food establishments that receive a "conditional satisfactory" or "unsatisfactory" rating*, as amended and supplemented, be further amended and supplemented as follows:

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**Chapter 58**

**FOOD AND FOOD ESTABLISHMENTS**

**Article III. Licensing of Retail Food Establishments**

**Sec. 58-61. License required; expiration of license.**

No person shall operate a retail food establishment as defined in chapter 24 of the state sanitary code, entitled "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines," without first having obtained a license from the township and paid the required license fee. The term of the license shall be for a period of one year, with all licenses to expire on December 31. Each license shall apply only to the person to whom it was issued, and no license shall be transferable to another person. Every license and inspection report shall be posted in a prominent, readily visible location near the licensed establishment's main entrance. A license shall be surrendered upon closure of the business for which it was issued.

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**Sec. 58-63. License classes; fee.**

(a) *License classes.* (Based on Risk Type Classifications per N.J.A.C. 8:24.)

(1) There shall exist six classes of license under this article according to the following schedule:

**EXPLANATION:** Matter UNDERLINED thus in this legislation is new matter.  
Matter contained in BRACKETS [thus] is to be omitted from the law.

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a. Risk Type 1

1. Serves or sells only pre-packaged, non-potentially hazardous foods;
2. Prepares only non-potentially hazardous foods; or
3. Heats only commercially processed potentially hazardous foods for hot holding and do not cool potentially hazardous foods.
4. Such retail food establishments may include, but not be limited to, convenience store operations, hot dog carts, and coffee shops.

b. Risk Type 2

1. Prepares, cooks, and serves most products immediately;
2. Exercises hot and cold holding of potentially hazardous foods after preparation or cooking; or
3. Limits the complex preparation of potentially hazardous foods, including the cooking, cooling, and reheating for hot holding, to two or fewer items.
4. Such retail food establishments may include, but not be limited to, retail food store operations, schools that do not serve a highly susceptible population, and quick service operations, depending on the menu and preparation procedures.

c. Risk Type 3

1. Has an extensive menu which requires the handling of raw ingredients, and is involved in the complex preparation of menu items that includes the cooking, cooling, and reheating of at least three or more potentially hazardous foods; or
2. Prepares and serves potentially hazardous foods including the extensive handling of raw ingredients, and whose primary service population is a highly susceptible population.
3. Such establishments may include, but not be limited to, full service restaurants, diners, commissaries, and catering operations; or hospitals, nursing homes, and preschools preparing and serving potentially hazardous foods.

4)

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d. Risk Type 4

1. A retail food establishment that conducts specialized processes such as smoking, curing, canning, bottling, acidification designed to control pathogen proliferation, or any reduced oxygen packaging intended for extended shelf-life where such activities may require the assistance of a trained food technologist.
2. Such establishments include those conducting specialized processing at retail.
3. **NOTE:** Some retail food establishments will be classified as a Risk Type 3 & 4 because of food processing done on site. (Retail food establishments that prepare sushi on site will fall into both risk types due to the acidification process used when preparing sushi rice.)

e. Temporary retail food establishment

1. A retail food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

f. Vending machine

1. A self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

- (2) The definition of each of the establishments mentioned in subsection (1) of this subsection shall be the same as those in section 160-7 or as applied in common usage.

(b) *Fee schedule.* The fees under this article for the license classes described in this section shall be as follows:

Risk Type 1	\$175
Risk Type 2	\$200
Risk Type 3	\$300
Risk Type 4	Additional \$75
Temporary retail food establishment (per event)	\$75
Vending machine (per machine)	\$30
Yearly license for mobile food units	\$125

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**Sec. 58-65. Re-inspection fees for retail food establishments that receive a "conditional satisfactory" or "unsatisfactory" rating.**

- (a) First Occurrence \$0  
 Second Occurrence (within 2 years of 1st occurrence) fine \$250  
 Third Occurrence (within 2 years of 1st occurrence) fine \$[250] 350  
 Fourth Occurrence (within 2 years of 1st occurrence) fine \$[250] 500  
 and closure of the establishment [until all violations are abated] for a minimum of 72 hours. All violations shall be abated prior to re-opening.
- (b) Fee shall be paid prior to re-inspection to determine if the cause for the "Conditional Satisfactory" or "Unsatisfactory", as defined by N.J.A.C. 8:24-8.11, has been abated.

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Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

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Matter contained in BRACKETS [thus] is to be omitted from the law.**

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PRESIDENT

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MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
Kevin J. Meara	✓						Kevin J. Meara						
Edward R. Gore	✓						Edward R. Gore						
David J. Kenny	✓				✓		David J. Kenny						
Ileana Schirmer	✓					✓	Ileana Schirmer						
Dennis A. Pone	✓						Dennis A. Pone						

X - Indicates Vote    A.B. - Absent    N.V. - Not Voting    ORD. - Moved    SEC. - Seconded

REJECTED \_\_\_\_\_

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KELLY A. YAEDE, MAYOR

\_\_\_\_\_  
DATE

APPROVED \_\_\_\_\_

OVERRIDE VOTE

AYE \_\_\_\_\_

NAY \_\_\_\_\_

RECONSIDERED BY COUNCIL \_\_\_\_\_