

ORDINANCE NO. 14-2025

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER REPEALING AND REPLACING CHAPTER 186 “FOOD ESTABLISHMENTS, RETAIL” OF THE TOWNSHIP CODE

WHEREAS, due to the elimination of the East Hanover Board of Health and establishment of the East Hanover Department of Health it is necessary to repeal, replace, amend and/or supplement certain provisions of the Township of East Hanover Municipal Code to reflect such change in structure and other changes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of East Hanover, County of Morris, State of New Jersey as follows:

Section 1. Chapter 186 “Food Establishments, Retail” is hereby deleted in its entirety and replaced as follows:

Chapter 186. Food Establishments, Retail

Article I. Construction, Operation and Maintenance

§ 186-1. Adoption of standards.

Chapter 24 of the New Jersey State Sanitary Code regulating the construction, operation and maintenance of retail food establishments is hereby adopted pursuant to N.J.A.C. 8:24. Chapter 24 of the New Jersey State Sanitary Code is made a part hereof without the inclusion of the text herein.

§ 186-2. Title.

The chapter of the New Jersey State Sanitary Code established and adopted by this article is commonly known as the "New Jersey Sanitary Code, Chapter 24, Sanitation in Retail Food Establishments and Food and Vending Machines."

§ 186-3. Copies on file.

Three copies of the New Jersey State Sanitary Code, Chapter 24, Sanitation in Retail Food Establishments and Food and Vending Machines, have been placed on file with the Health Officer upon the introduction of this article and will remain on file with the Health Officer for use and examination by the public.

§ 186-4. Violations and penalties.

- A. Any person who violates or who fails or refuses to comply with this Chapter shall, upon conviction thereof, be punishable by a fine of not less than \$50.00 nor more than \$1,000.00 for each violation.
- B. The continuation of such violations for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

Article II. Licensing

§ 186-5. License and plans required; contents of plans and specifications; plan approval.

- A. License required. It shall be unlawful for any person, firm or corporation to conduct a retail food establishment or to engage in operating one or more vending machines, as defined in and governed by Chapter 24 of the New Jersey State Sanitary Code, without first having procured a license from the Department of Health to do so and without complying with any and all of the provisions concerning the operation and maintenance of the same as contained in the aforementioned Chapter 24 of the New Jersey State Sanitary Code and the Code of the Township of East Hanover.

- B. Submission of plans required. Whenever a retail food establishment is constructed or renovated, and whenever a structure is converted to use as a retail food establishment or alterations or other changes in the operation are made that in the opinion of the Health Officer will change the nature of the operation, plans and specifications for the establishment must be submitted to the Department of Health for review and approval before construction, renovation or conversion is begun.
- C. Contents of the plans and specifications. The plans and specifications for a retail food establishment shall include, as required by the Health Officer based on the type of operation, type of food preparation and foods prepared, the following information:
- (1) Intended menu.
 - (2) Anticipated volume of food to be stored, prepared and sold or served.
 - (3) Proposed layout, mechanical schematics, construction materials and finish materials. The layout shall be drawn to a scale of 1/4 inch equals one foot and shall be signed and sealed by a New Jersey licensed architect or engineer.
 - (4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities and installation specifications.
 - (5) Written standard operating procedures that reflect a knowledge of general food safety and the establishment's ability to implement state and local food safety regulations, including indication of how practices ensure that transmission of disease is prevented; food is received from an approved source; food is stored, prepared and transported properly; potentially hazardous foods are properly maintained; effective ware washing is conducted; and proper records are maintained.
 - (6) Proposed program of training for supervisory personnel and food handlers.
 - (7) Any other information that may be required by the Health Officer for the proper review of the proposed construction, renovation, conversion or alteration.
- D. Plan approval.
- (1) The Health Officer shall examine or cause to be examined all applications for approval to construct or renovate a retail food establishment and approve or deny, in whole or in part, the application within 30 days of the date of submission. If the application is denied in whole or in part, the Health Officer shall set forth the reasons therefor in writing. If the application is approved, the Health Officer shall provide the applicant with a written letter of approval.
 - (2) Any approval for construction or renovation of a retail food establishment shall become invalid if the authorized work is not commenced within 12 months after the issuance of the approval or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

- (3) The Health Officer may revoke an approval for the construction or renovation of a retail food establishment for any false statement or misrepresentation of fact in the application or on the plans on which the approval was based.
- (4) The Health Officer shall be notified of the start of construction or renovation work at the retail food establishment at least 24 hours in advance.

§ 186-6. Mobile restaurants.

A. For the purposes of this section, certain terms are defined as follows:

MOBILE RETAIL FOOD VENDOR: Any movable restaurant, truck, van, trailer, cart or other movable conveyance, including hand-carried or portable containers in which food or beverage is transported, stored or prepared for retail sale or given away at temporary locations.

TEMPORARY LOCATION: Any locations on public or private property which the mobile retail food vending equipment occupies or where the mobile retail food vendor conducts business in any manner for a total cumulative time period of no more than one hour in any twenty-four-hour period, commencing at 12:00 midnight. Any interruption or removal of equipment and/or of the vendor during any twenty-four-hour period shall not constitute the commencement of a new one-hour period.

- (1) Notwithstanding the above, a mobile retail food vendor may conduct business for a total accumulated time period of up to six hours per day at Lurker Park, Sommers Park and/or Dean D'Ambola Park with the written permission of the Township Council or the person or organization duly authorized by the Council having jurisdiction over the park. Said permission may be withdrawn with or without cause at any time and in the sole discretion of the Township Council or its duly authorized representative. In addition to any other requirements under this section, a mobile food vendor who wishes to operate more than one hour per day at one of the above parks must also meet the following conditions:
 - (a) The application must specify the reason for the type and duration of the service requested.
 - (b) The application must specify the specific location within the park where the service will be located.
- B. An applicant for a mobile retail food vendor's license must provide to the Department of Health an affidavit setting forth the need of this type of service, approximate duration of time, the days of the week of the anticipated service, exact location and name or trade name of the applicant. Where the location is to be on public property, the Township Council or the person or organization duly authorized by the Township Council having jurisdiction over the property is to make the affidavit. Where the location is on private property, the property owner is to make the affidavit.
- C. Mobile retail food vendors may not conduct business on any public access street in the Township. Mobile retail food vendors shall not dispense food or beverage within 500 feet of any other food establishment. Cleanup and removal of litter generated by the mobile retail food vendor shall be the responsibility of the mobile retail food vendor and shall be a condition of any license conveyed to said vendor.
- D. Frozen dessert vendors and established milk routes are excluded from this section.

§ 186-7. Nonfood items in vending machines.

It shall be unlawful for any vending machine to contain for sale or distribution any tobacco or tobacco related products.

§ 186-8. Hours for food vending vehicles.

Food vending vehicles dispensing ice cream, soft drinks or food shall not conduct business between the hours of 9:00 p.m. and 6:00 a.m.

§ 186-9. Expiration of license; renewal.

Every license issued or approved under the provision of this article shall expire on December 31 of the year of its issue, with the exception of temporary licenses, and an application for renewal thereof shall be submitted, together with the required fee at that time. Establishments which fail to submit an application before January 31 will be subject to a late fee as set forth in § 79-15. Establishments operating without a valid license will also be subject to immediate closure. A temporary license shall expire seven days after its issue.

§ 186-10. Fees.

- A. The fees for licensure of retail food establishments and vending machines are set forth in set forth in § 79-15.
- B. Notwithstanding anything to the contrary contained in this section, no fee shall be charged for a license when the same is issued to a hospital, church, school or any nonprofit organization, society or group.
- C. The fees for a reinspection necessitated by a conditional satisfactory or unsatisfactory rating given at an initial inspection of a retail food establishment and for a reinspection necessitated by a second conditional satisfactory or unsatisfactory rating given in the same calendar year or a second consecutive conditional satisfactory or unsatisfactory rating, regardless of year shall be as set forth in § 79-15.

§ 186-11. Grounds for suspension or revocation of license.

Any license issued pursuant to this article may be suspended or revoked by the Department of Health if:

- A. The licensee has violated any provision of this article or Chapter 24 of the New Jersey State Sanitary Code;
- B. The business, trade, calling or occupation of the person to whom the license was issued is conducted in a disorderly or in an improper manner or in violation of any state or federal law or any ordinance of the Township of East Hanover;
- C. The person or persons conducting the retail food establishment is of an unfit character to conduct the same;
- D. The purpose for which the license was issued is abused to the detriment of the public health; or
- E. The license is being used for a purpose foreign to that for which the license was issued.

§ 186-12. Suspension or revocation of license.

- A. The Health Officer may suspend a license granted pursuant to this article when, in the opinion of the Health Officer, conditions of the licensed establishment are such that continued operation of the establishment poses an imminent threat to the health of the public or patrons of the establishment. The Health Officer shall restore the license of the establishment upon verification that the conditions causing the suspension have been abated. The Department of Health shall conduct an inspection to verify abatement of conditions within 72 hours of receiving notification from the licensee that the conditions causing the suspension have been abated.
- B. Except as indicated in § 186-12A, a license pursuant to this article shall not be suspended or revoked until a hearing thereon has been held by the Township Council, as hereinafter set forth in this article.

§ 186-13. Notice of hearing.

- A. Written notice of the time and place of the hearing with respect to the proposed suspension or revocation of the license issued pursuant to this article shall contain a brief statement of grounds for the proposed suspension or revocation.
- B. Such notice shall be served upon the licensee at least three days prior to the date set for such hearing.
- C. Said notice may be served:
 - (1) By delivery thereof personally to the person to be notified; or
 - (2) By mailing such notice by either registered or certified mail addressed to the person to be notified at the business address set forth in the license.

§ 186-14. Hearing regarding suspension or revocation; decision.

- A. At the hearing before the Township Council with respect to the proposed suspension or revocation of license, the person to whom the notice is directed shall be given an opportunity to answer and to be heard.
- B. After due consideration and deliberation, the Township Council may dismiss the complaint or, if it concludes that the charges have been substantiated, may suspend or revoke the license.

§ 186-15. Effect of license revocation.

If any license issued pursuant to this article shall be revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the Township of East Hanover unless the application for such license shall be approved by the Township Council.

§ 186-16. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be subject to the penalties provided in § 186-4.

Section 2. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final publication as provided by law.

Attest:

Nicolette Calabro
Nicolette J. Calabro, RMC, Township Clerk

TOWNSHIP OF EAST HANOVER
Joseph Pannullo
Joseph Pannullo, Mayor

Introduced: April 7, 2025

Adopted: May 5, 2025

I, Nicolette J. Calabro, RMC, Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on May 5, 2025

Nicolette Calabro
Nicolette J. Calabro, RMC, Township Clerk