



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 20-03

An Ordinance Amending Borough Code Section 16-3 “Retail Food Establishment” to update fee provisions to match those required by the Monmouth County Board of Health

Whereas, the Borough of Highlands by way of Resolution 19-291 authorized execution of a Shared Services Agreement with the Monmouth County Board of Health for health services effective January 1, 2020; and

Whereas, the Monmouth County Board of Health fees are established by Monmouth County Board of Health Ordinance No. 3-2017; and

Whereas, the governing body of the Borough of Highlands wishes to update the fee provisions of the Borough Code in Chapter XVI, Health, to match those required by the Monmouth County Board of Health.

Now, Therefore, Be it Ordained by the governing body of the Borough of Highlands as follows:

SECTION I. Borough Code Section 16-3 “Retail Food Establishment”, Subsection 16-3.4 “Permit and License” shall be amended as follows: (All additions are shown in **bold italics** **with underlines**. The deletions are shown as **strikeovers in bold italics**.)

16-3.4 Permit and License.

- a. *Required; Posting of License.* No person shall operate a retail food handling establishment unless a certificate or approval of an existing certificate, permit or license to operate same is issued. Such certificate or approval of an existing certificate, permit or license shall be posted in a conspicuous place in such establishment.
- b. *Fee.* ~~*There shall be a charge of five (\$5.00) dollars for such certificate or approval of an existing certificate, permit or license.*~~ **The Monmouth County Board of Health (MCHB) does not charge fees for the initial inspection of retail food establishments. However, the MCBH shall charge fees for the re-inspection of retail food establishments. failure to submit re-inspection fees within thirty (30) days upon receipt of the fee notice will result in the issuance of a summons for appearance in municipal court and the requirement to pay a penalty fee of not less than \$100.00 in addition to the re-inspection fee.**

Retail Food Establishment - Re-Inspection

First Re-Inspection \$100.00

Second Re-Inspection within two years \$250.00

Third Re-Inspection within two years \$500.00

Retail Food Establishments (N.J.A.C. 8:24 et. seq.)

New Facility/Plan Review

Retail Food Category - Risk 1 \$25.00

Retail Food Category - Risk 2 \$75.00

Retail Food Category - Risk 3 \$100.00

Retail Food Category - Risk 4 \$200.00

- c. *Expiration.* Certificates issued or approved under the provisions of this chapter shall expire annually on December 31 and application for renewal thereof shall be submitted together with the required fee prior to January 1 of each year.
- d. *Itinerant License.* A person conducting an itinerant retail food handling establishment shall secure a certificate or if such person is the holder of a certificate, permit or license issued by the Board of Health or governing body of another jurisdiction, the certificate, permit or license may be approved by the Council and there shall be a fee of five (\$5.00) dollars charged for approval.
- e. *Suspension and Revocation.* A certificate or approval of certificate, permit or license, may be suspended or revoked for violation by the holder of any provision of this chapter or code after an opportunity for a hearing by the Council or its authorized representative.
- f. *Transferability.* A certificate or approval of a certificate, permit or license issued by another board of health or borough council is not transferable.

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and publication in accordance with law.

First Reading and Set Hearing Date for O-20-03 for February 5, 2020

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL						X
MAZZOLA		X	X			
RYAN			X			
VALKOS			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 01/15/2020


 Matthew Conlon, RMC, Municipal Clerk

Public Hearing and Adoption February 5, 2020 Ordinance 20-03

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA		X	X			
RYAN			X			
VALKOS			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: 02/05/2020


 Matthew Conlon, RMC, Municipal Clerk

