

Borough of Fair Lawn



ORDINANCE NO. 2658-2023

AN ORDINANCE TO AMEND CHAPTER 111, FOOD HANDLING, ARTICLE III, RETAIL FOOD ESTABLISHMENTS OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fair Lawn as follows:

SECTION 1. Chapter 111, Food Handling, Article III, Retail Food Establishments, is hereby amended and supplemented by inserting the text **underlined and marked in bold** and deleting the text in **~~bold strikethrough~~** as follows:

Chapter 111. Food Handling

Article III. Retail Food Establishments

§111-19 [No Change]

§111-20 Public record.

~~Three copies of Chapter XII of the State Sanitary Code, entitled "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines" (N.J.A.C. 8:24-1 et seq.), have been placed on file in the office of the Municipal Clerk.~~

Three copies of Chapter 24 of the State Sanitary Code, entitled "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines and Cottage Food Operations" (N.J.A.C. 8:24-1 et seq.), and any amendments and supplements thereto, have **also** been placed in the office of the Department of Health and Human Services of the Borough and shall remain on file in said office for the use and examination by the public.

~~§111-21 Certificate of health, examination.~~

[Repealed in its entirety]

§111-22 Applications.

All applications for licenses or permits shall be **made submitted to** the office of the Department of Health and Human Services **~~of the borough during the regular~~**

~~office hours~~, and all fees for such licenses or permits as herein provided shall be paid in advance at the time of making the application therefor. **All applications and fees for annual renewal of licenses or permits must be submitted at least 30 thirty (30) days prior to the expiration of the current license.** Approval of applications and the granting of licenses or permits may be withheld pending examination, investigation or inspection at the discretion of the Department of Health and Human Services.

§111-23 Licenses not transferable.

All licenses or permits required under the sections of this article shall be **renewed annually for the balance of the calendar year in which they are issued**, unless otherwise provided herein, and such licenses and permits shall not be transferable or assignable.

§111-24 License furnished by Department of Health and Human Services.

Upon the granting of any license or permit required under this article, the Department of Health and Human Services shall furnish to the licensee a suitable **card, sign permit** or license of each establishment, premises or other place where the licensed business is carried on ~~which cards, signs.~~ **Permits** or licenses shall have written, imprinted or impressed thereon the words "**Health** Department of ~~Health and Human Services~~ Fair Lawn, New Jersey," the nature of such license or permit, the license number, **name of the establishment to be licensed**, name of the licensee, **the date issued, the date of expiration the year for which it is furnished** and such other information as may be required by the Department of Health and Human Services.

§111-25 Display of license.

All ~~cards, signs permits~~ or licenses shall be displayed in a conspicuous place in the establishment, premises or other place in view for the public.

§111-26 License required.

No person shall maintain, keep or operate, or attempt to maintain, keep or operate, or allow or suffer any other person to maintain, keep or operate for him/her, any establishment, premises or other place, or any vehicle or conveyance, for which a license or **card permit** is required under the provisions of this article, without first having obtained such required license or card from the Department of Health and Human Services.

§111-27 License revoked.

Any license or ~~card~~ permit issued under the provisions of this article may be revoked at the discretion of the Department of Health and Human Services in the event that the licensee or any of his/her, its or their employees, agents or servants shall violate any of the provisions of this article, any amendments thereof or supplements thereto, or any of the rules or regulations that may be adopted by the Department of Health and Human Services of the borough or by the Department of Health and Human Services of the State of New Jersey.

§111-28 [No Change]

§111-29 [No Change]

§111-29.1. Substantiation by food caterers.

Food caterers who prepare food out of town and bring it into the Borough for service shall reasonably substantiate to the Department of Health and Human Services that the foods are prepared at an establishment which is inspected by a local or state health authority or provide a current New Jersey Cottage Food Operator Permit.

SECTION 2: If any section, paragraph, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect upon passage and publication according to law.

Introduced: March 21, 2023

	Motion	Second	Aye	Nay	Abstain	Absent
Reinitz		X	X			
Rottenstrich			X			
Cutrone			X			
Krause	X		X			
Peluso			X			

Adopted: April 25, 2023

	Motion	Second	Aye	Nay	Abstain	Absent
Reinitz			X			
Rottenstrich	X		X			
Cutrone		X	X			
Krause			X			
Peluso			X			

Attest:

Nicholas J. Magarelli, RMC
Municipal Clerk

Approved:

Kurt Peluso
Mayor

I, **Nicholas J. Magarelli**, Municipal Clerk of the Borough of Fair Lawn, do hereby certify that the within Ordinance is a true and exact copy, duly adopted by the Borough Council at their meeting of April 25, 2023.

Nicholas J. Magarelli, RMC
Municipal Clerk

Date: 4/26/2023

