

ORDINANCE NO. 2024-07

AN ORDINANCE AMENDING CHAPTERS FOUR (LICENSING), TWELVE (LAND DEVELOPMENT DEFINITIONS) AND TWENTY-SIX (ZONING) TO CLARIFY "COTTAGE FOOD" ESTABLISHMENTS AS A PERMITTED USE IN THE BOROUGH OF FLEMINGTON

WHEREAS, N.J.A.C. 8:24-11.1 et seq. authorizes cottage food operations in the State of New Jersey; and

WHEREAS, the Borough Council wishes to clarify the circumstances where "cottage food" establishments in the Borough of Flemington;

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapters 4 (Licensing), Chapters 12 (Land Development), and Twenty-Six (Zoning) of the Municipal Code thereof are amended as follows:

SECTION I.

Chapter 4 is hereby amended to add a new Section 17 entitled "Cottage Food Operators" and shall present as follows (all text is novel):

4-17.1 License Required.

A license shall be required for a cottage food operator.

4-17.2 Application for License.

Applications shall be in writing to the Borough Clerk. The application shall state the type and location of the business proposed to be licensed, operator name, business name, address, telephone, number, state permit and required attachments pursuant to N.J.A.C 8:24-11.1 et seq. Applications shall be accompanied by the appropriate fee. If an application is denied, the clerk shall immediately return the fee to the applicant.

4-17.3 Fees.

For a license for a cottage food operator, \$25.00 per year shall be required. Along with the fee, the cottage food operator shall annually submit their state permit and required attachments pursuant to N.J.A.C 8:24-11.1 et seq.

4-17.4 Availability and Transfer of License.

Each license shall be for a particular person and a specific location. It shall not be transferable either as to person or place. Each license shall be available for review by customers / clients and inspectors in the licensed premises.

4-17.5 Suspension or Revocation of License

Licenses may be suspended or revoked consistent with this ordinance in § 4-1.9.

SECTION II.

Section 1201 of Chapter 12 is hereby amended as follows (all text is novel and shall be inserted alphabetically into the definitional section where appropriate):

Cottage Food Operator

A type of home occupation operated by person who holds a New Jersey Cottage Food Operator Permit for the purpose of preparing and selling cottage food products, pursuant to N.J.A.C. 11.1 et seq.

SECTION III.

Section 1201 of Chapter 12 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

HOME OCCUPATION

An activity engaged in by a resident for financial gain, conducted entirely within a dwelling unit. **Home occupations shall include Cottage Food Operators as defined herein.**

SECTION IV.

Section 2627 of Chapter 26 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

G. Home Occupations. Home occupations shall be subject to the following regulations:

1. The use is limited solely to office uses **and cottage food operates as defined in this part and as permitted and regulated by N.J.A.C. 8:24-11.1 et seq.;**
2. The use is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the dwelling unit, and no other persons;
3. No nonresident employees, customers, or business invitees or guests shall visit the dwelling unit for business purposes, **excepting that no more than three customers may be on the residence site of a cottage food operate at any one time;**
4. The use shall be located in only one room of the dwelling unit, which shall not be served by an entrance separate from the household;
5. Interior storage of materials shall consist only of office supplies **directly related to the permitted home occupation;**
6. There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including, but not limited to, parking, storage, signs, or lights;

7. The use operates no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interferences, including interference with telephone, radio or television reception, detectable by neighboring residents;
- ~~8. The use does not require any increased or enhanced electrical or water supply;~~
9. ~~8.~~ The quantity and type of solid waste disposal is the same as other residential uses in the zone district;
10. ~~9.~~ The capacity and quality of effluent is typical of normal residential use, and creates no potential or actual detriment to the sanitary sewer system, water supply, or its components;
11. ~~10.~~ Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express, and other delivery services providing regular service to residential uses in the zone district;
12. ~~11.~~ All vehicular traffic to and from the home office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the zone district.

12. Compliance with all State and Hunterdon County regulations shall be demonstrated.

SECTION V. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

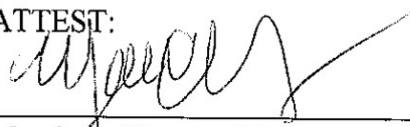
SECTION VI. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION VII. This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduced: April 8, 2024

Adopted: April 22, 2024

ATTEST:



Marcia A. Karrow, Mayor

Carla Conner

Carla Conner, Borough Clerk