

BOROUGH OF PROSPECT PARK

ORDINANCE NO. 2023-04

ORDINANCE AMENDING ORDINANCE NO. 2022-19 AND CHAPTER 206 OF THE CODE OF THE BOROUGH OF PROSPECT PARK ENTITLED “FOOD HANDLING ESTABLISHMENTS” PROVIDING FOR THE SUBMISSION AND APPROVAL OF PLANS TO THE BOARD OF HEALTH FOR THE RENOVATION, EXPANSION OR ALTERATION OF A RETAIL FOOD ESTABLISHMENT

WHEREAS, Borough Administration and the County of Passaic has reviewed Chapter 206 of the Code of the Borough of Prospect Park entitled “Food Handling Establishments” and Ordinance No. 2022-19 and has requested the Borough Council to amend the Borough Code to provide for the requirement of the submission of a plan for Board of Health approval prior to the renovation, expansion or alteration to a retail food establishment; and

WHEREAS, the Council of the Borough of Prospect Park deem it in the best interest of the Borough of Prospect Park to amend Chapter 206 of the Code to provide for the submission of a plan for Board of Health approval prior to renovation, expansion or alteration to a retail food establishment.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Prospect Park in the County of Passaic in the State of New Jersey, that hereby amends the § 206 of Code of the Borough of Prospect Park as follows:

1. § 206-1 is hereby amended to state as follows:

RETAIL FOOD ESTABLISHMENTS

A. Retail Food Handling Establishment shall be defined as “any building or place, or portion thereof, maintained, used or operated where food is handled, stored, prepared, packaged, served, vended, or otherwise provided food for human consumption, distribution or sale within the Borough of Prospect Park.”

B. Mobile or Outdoor Food Vending Vehicle or Establishment shall be defined as “any movable restaurant, truck, van, trailer, cart, bicycle, watercraft, or other movable unit including hand carried, portable containers in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations”

C. All retail food establishments shall comply with Chapter 24 of the New Jersey State Sanitary Code relating to the construction, operation and maintenance of retail food establishments, and all violations are hereby declared to be nuisances hazardous to health.

1. Any person desiring to renovate, expand or substantially alter a retail food establishment shall submit plans and specifications to the health department for review and final approval prior to the issuance of any building permits and prior to such renovations, expansions or alterations taking place.

2. Upon receipt of plans and specifications for renovations, expansions or alterations of a retail food establishment, the health department shall perform a review of such plans within thirty (30) days of the date of submission and issue an approval or denial.

3. All plans and specifications for retail food establishments shall meet the requirements set forth in the New Jersey Administrative Code at N.J.A.C. 8:24, as the same may be from time to time amended and supplemented.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Prospect Park that the remaining sections of Chapter 206 and Ordinance No. 2022-19, not specifically referenced herein, shall not be amended or altered by the within ordinance and shall remain unchanged and in full effect; and

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Prospect Park that all Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Prospect Park that 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.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Prospect Park that all Borough officials shall take all necessary actions to in order to effectuate the within Ordinance; and

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Prospect Park that this Ordinance shall take effect upon approval and publication and according to law.

**Introduction and First Reading:
February 27, 2023**

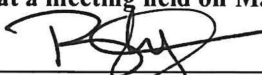
COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Hussain			✓			
Artis	✓		✓			
Matari			✓			
Ortiz			✓			
Perez			✓			
Shah		✓	✓			

**Second Reading and Adoption:
March 20, 2024**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Hussain			✓			
Artis			✓			
Matari		✓	✓			
Ortiz			✓			
Perez			✓			
Shah	✓		✓			


**Mohamed Khairullah,
 Mayor**

**This Ordinance was duly approved and adopted
 by the Council of the Borough of Prospect Park
 at a meeting held on March 20, 2023**



**Beauty Nadim, RMC, CMR
 Municipal Clerk**