

Ordinance #:	24-3322
Introduction Date:	6/24/24
Hearing Date:	7/9/24
Passage Date:	7/9/24
Effective Date:	7/18/24

AN ORDINANCE AMENDING CHAPTER 4, GENERAL LICENSING, SECTION 4-19 (PUBLIC PLACES WHERE FOOD AND BEVERAGES ARE SOLD OR SERVED) OF THE CODE OF THE CITY OF SUMMIT *(new application required for change in ownership and/or food establishment name change)*

Ordinance Summary: This ordinance amends Chapter 4, Section 4-19, “Public Places Where Food and Beverages are sold or served” to provide that in the event of a change in name or a change in ownership of a food establishment, a new application must be filed and a new license issued prior to selling food under the new ownership or new name. In addition, the holder of the license must notify the City Clerk of such change at least 30 days prior to the effective date of such change or as soon as the change becomes known if it is to occur within 30 days.

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT IN THE COUNTY OF UNION, STATE OF NEW JERSEY AS FOLLOWS

SECTION 1. Section 4-19 (Public Places Where Food and Beverages are Sold or Served); Subsection 4-19.2 (License Required; Fees) of the Code of the City of Summit is hereby amended to add the following new paragraph:

D. In the event that there is a change in ownership or a change in the name of a food establishment licensed under this section, a new application must be filed and a new license issued prior to the selling or serving of food under the new ownership or new name. The holder of a license issued under this section shall notify the City Clerk of a change in ownership or change in name at least 30 days prior to the effective date of the change or as soon as the change becomes known if it is to occur within 30 days.

SECTION 2: Severability. The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 3: Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4: Codification. This Ordinance shall be a part of the Code of the City of Summit as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Solicitor are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Summit in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 5. This Ordinance shall take effect upon final passage and publication as provided by law.

(Last additions in text indicated by underline; deletions by ~~strikeouts~~.)

Dated: July 9, 2024

I, Rosalia M. Licatase, City Clerk of the City of Summit, do hereby certify that the foregoing ordinance was duly passed by the Common Council of said City at a regular meeting held on Tuesday evening, July 9, 2024.

Approved:

Dr. Elizabeth Fagan, Mayor

City Clerk