

ORDINANCE NO. 4

AN ORDINANCE ESTABLISHING A CODE REGULATING FOOD AND BEVERAGE VENDING MACHINES, AND FIXING FEES FOR LICENSING THEREOF, AND PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE MONMOUTH COUNTY REGIONAL HEALTH COMMISSION NO. 1, CREATED AND OPERATING UNDER N.J.S.A. 26:3-83 ET SEQ., AND THE SEVERAL ACTS AMENDATORY THEREOF AND SUPPLEMENTARY THERETO AND COMPRISED OF THE BOARDS OF HEALTH OF THE BOROUGHES OF HIGHLANDS, KEANSBURG, MONMOUTH BEACH, SEA BRIGHT, SPRING LAKE HEIGHTS, TINTON FALLS, AND WEST LONG BRANCH, EACH AND ALL IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, THAT:

Section 1. A code regulating food and beverage vending machines and fixing fees for licensing thereof and penalties for violations is hereby established pursuant to Revised Statutes 26:3-69.1 and Revised Statutes 26:3-92 and 26:3-93. A copy of the said Code is annexed hereto, and made a part hereof without the inclusion of the text thereof herein set forth.

Section 2. The said Code established and adopted by this Ordinance is commonly known as the "Chapter 24-Sanitation In Retail Food Establishments and Food and Beverage Vending Machines," New Jersey State Sanitary Code.

Section 3. Three copies of the said "Chapter 24-Sanitation In Retail Food Establishments and Food and Beverage Vending Machines," New Jersey State Sanitary Code, have been placed on file in the Office of the Health Commission upon the introduction of this Ordinance and will remain on file there until final action is taken on this Ordinance for the use and examination of the public.

Section 4. The said Regional Commission, and its agents or employees, including but not limited to, its Health Officer, shall have the right of entry, at any reasonable hour, into and upon any public or private building, or premises for the purpose of enforcing the provisions of such Code and of this Ordinance, or determining whether such provisions of such Code and of this Ordinance, or determining whether such provisions or the rules and regulations of this Regional Commission are being complied with and obeyed. No person shall oppose such entry or hinder or interfere with this Regional Commission or any of its agents or employees, or Health Officer, all as aforesaid in the performance of their duties.

Section 5. The said Regional Health Commission No. 1 hereby declares that it shall be unlawful for any person, firm, or corporation to conduct or engage in the operation of a food or beverage vending machine without having obtained a health license. All food and beverage vending machine licenses shall commence as of January 1st and expire on December 31st of each year.

Section 6. The said Regional Health Commission No. 1 hereby fixes the fees for the licensing of food and beverage vending machines as follows:

6.1 Fees for licensing of food and beverage vending machines are fixed at \$50.00 per machine per year.

Section 7. Applications for licenses shall be made to the Monmouth County Regional Health Commission No. 1 in accordance with the provisions of “Chapter 24-Sanitation in Retail Food Establishments and Food and Beverage Vending Machines”. Applicants shall submit an application on a form provided by the Regional Health Commission along with a fee of fifty (\$50.00) dollars for each food and beverage vending machine by January 1 of each year. Any person, firm or corporation intending to conduct or engage in the operation of a food and beverage vending machine must submit the license application and proper fee prior to beginning operation. All license fees covered pursuant to Section 6 et seq. of this Ordinance shall be paid directly to the Monmouth County Regional Health Commission No. 1.

Section 8. No license of any food and beverage vending machine may be transferred to any other person, firm, corporation or location.

Section 9. All food and beverage vending machines shall be operated and maintained in compliance with the provisions of “Chapter 24-Sanitation In Retail Food Establishments and Food and Beverage Vending Machines,” in compliance with the provisions of this Ordinance and in compliance with the Title 24, Revised Statutes of New Jersey.

Section 10. License issued under this Ordinance may be suspended or revoked by the Monmouth County Regional Health Commission No. 1 in accordance with the provisions of “Chapter 24-Sanitation In Retail Food Establishments and Food and Beverage Vending Machines”.

Section 11. This Ordinance may be enforced by and in the name of this Regional Health Commission by proceedings instituted and prosecuted in a court having jurisdiction of such proceedings in the Regional.

Section 12. Any person who violates any provision of this Ordinance or Code established herein shall, upon conviction thereof, be liable to a penalty of not less than Ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each violation, each day a particular violation continues shall constitute a separate offense. Upon refusal or neglect, upon and after conviction, to pay the amount of said penalty or fine, the person so convicted shall be subject to be committed to the County Jail for a period not exceeding ninety (90) days, all at the discretion of the Municipal Magistrate or other officer before whom the complaint shall be brought.

Section 13. In the event that any violation of this Code shall also be a violation of a New Jersey State Law, for which a greater penalty is provided for than that contained in the aforesaid Code and this Ordinance, the Municipal Magistrate, before whom the complaint is brought, based upon such violation, shall in his discretion, have the right to impose, in the place and in lieu of any penalty provided for herein, that is so provided for in the New Jersey State Law which has been so violated.

Section 14. Every act in such Code or herein designated as being unlawful is hereby prohibited and every act herein expressly prohibited, is hereby designated as being unlawful.

Section 15. All Ordinances, Codes, or parts of same inconsistent with any of the provisions of this ORDINANCE AND THE CODE established hereunder are hereby repealed to the extent of such inconsistency.

Section 16. In the event that any section, sentence or clause of this Ordinance or Code shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not in any manner prejudice the enforcement of the remaining provisions.

Section 17. This Ordinance and the Code herein established shall take effect thirty (30) days after the date of its adoption.

Original Adoption: August 21, 1991

Revised and adopted this date: November 12, 2008