

**TOWNSHIP OF HARDING**

**ORDINANCE 15-2023**

**ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS, STATE OF NEW JERSEY, REVISING CHAPTER 189, SECTION 1, “LICENSE REQUIRED; EXPIRATION, RENEWAL AND FEES”, AND ESTABLISHING CHAPTER 189, SECTION 2, “REVOCATION OF LICENSE; HEARING”**

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**WHEREAS**, N.J.A.C. 8:24, defines and regulates retail food establishments; and

**WHEREAS**, Chapter 189, Section 1, of the Township Code of the Township of Harding states that no individual shall conduct a retail food establishment unless it is defined and regulated by N.J.A.C. 8:24; and

**WHEREAS**, Harding Township seeks to revise Chapter 189, Section 1, to include temporary retail food establishments; and

**WHEREAS**, Harding Township seeks to add a process upon which a retail food establishment may have its license revoked; and

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of Harding, County of Morris, State of New Jersey, as follows:

**Purpose:** The purpose of this ordinance is to amend Chapter 189, Section 1 of the Township Code of the Township of Harding to include temporary retail food establishments, and add Chapter 189, Section 2, detailing the process which a retail food establishment may have its licensed revoked.

**SECTION 1.** The Municipal Code, Chapter 189, Section 1, “License required; expiration, renewal and fees” is hereby amended and shall read as follows: [New language in **bold and underlined**; Deleted language in ~~double strikethrough~~.]

**§ 189-1 License required; expiration, renewal and fees.**

**A.** No person shall conduct a retail food establishment **or a temporary retail food establishment** except as defined and regulated by N.J.A.C. 8:24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines.

**B.** All **retail food establishment** licenses shall expire annually on May 31 of each year, and applications for renewal thereof shall be submitted together with the required fee prior to June 1 of each year.

**C.** **All temporary retail food establishments shall expire as set forth in N.J.A.C. 8:24.**

**D.** Fees for ~~such~~ **retail food establishment and temporary retail food establishment** licenses shall be as provided in Chapter 171, Fees, except that the Board of Health may waive license fees for nonprofit organizations.

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**SECTION 2.** The Municipal Code, Chapter 189, Section 2, “Revocation of license; hearing” is hereby established and shall read as follows:

**§ 189-2 Revocation of license; hearing.**

**A.** The Health Officer or his designee may revoke, cancel licenses issued under this section at any time and summarily order the licensed establishment closed when, in the opinion of the Health Officer or his designee, such action is necessary to abate an existing or threatened menace to public health. Immediate closure shall be in addition to and shall supplement any other penalty or remedy that may be authorized by N.J.A.C. 8:24-1.1 et seq., as the same may be from time to time amended and supplemented. A person, firm, or corporation whose license has been revoked shall close the establishment, discontinue serving food to patrons, and request all patrons to vacate the premises.

**B.** The licensee shall be entitled to a hearing before the Board of Health within a reasonable time which is not to exceed fifteen (15) days for the purpose of seeking reinstatement of a revoked license, which may require the scheduling of a special meeting. Written notice of the time and place of such a hearing shall be served upon the licensee at least three (3) days prior to the date set for such hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking, cancelling, or suspending such license. Notice may be give either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address for such license.

**C.** At the hearing the before the Board of Health, the licensee shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Board of Health, the complaint may be dismissed, or if the Board of Health concludes that the charges have been sustained and substantiated, it may deny reinstatement of the license and stipulate the conditions required for reinstatement of the license.

**SECTION 3.** This ordinance may be renumbered for the purposes of codification.

**SECTION 4.** This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

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**ATTEST**

**TOWNSHIP OF HARDING**

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Lisa A. Sharp, Municipal Clerk

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Timothy D. Jones, Mayor

**INTRODUCED:** November 13, 2023

**ADVERTISED:** November 16, 2023

**PUBLIC HEARING:**

**ADOPTED:**

**ADVERTISED:**

**Vote on Introduction:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dr. Lacz		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>