

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 8 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Retail Food Establishment Licensing)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to revise the municipal code section governing licensing for retail food establishments to incorporate inspection and fee provisions for the operation of ancillary food delivery vehicles within the Township of West Orange.

II. CHAPTER 5, SECTION 8 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-8.1 Definitions.

ANCILLARY FOOD DELIVERY VEHICLE

A vehicle that transports food prepared at a retail food establishment to a location pre-determined by the customer, contains refrigerated storage, hot holding and/or heating equipment and handwashing and ware washing/sanitizing facilities for the purposes of meal delivery, and does not accept payment for goods purchased or otherwise process sales transactions.

5-8.2 License Required.

It shall be unlawful for any person or anybody to conduct a retail food establishment as defined and governed by Chapter 24 of the State Sanitary Code of New Jersey without having first obtained a license from the Department of Health and Welfare or without complying with all of the provisions concerning operation and maintenance of the establishment as contained in the Code.

5-8.3 Application for License.

Application for a retail food establishment license shall be made to the Director of the Department of Health and Welfare upon forms provided by the Director. The application shall include, in addition to the information required in Subsection 5-1.2, the following:

- a.** If the applicant is not the owner of the premises, the interest of the applicant shall be stated.
- b.** If proposed licensed premises are wholly or partially used for another purpose other than a restaurant, state such use and whether it is licensed.

5-8.4 Inspection.

The Department of Health and Welfare shall inspect, as often as said department deems necessary, every retail food establishment and any and all ancillary food delivery vehicles utilized by same. The person operating a retail food establishment shall permit access to all parts of the establishment and/or ancillary food delivery vehicles and shall make available all records of food purchases on demand, and upon the request of the enforcing official.

5-8.5 Fees.

The yearly license fees for retail food establishments shall be as follows:

- a. Bakery, Specialty: \$75. Bakery, Full Service: \$100.
- b. Candy Counters: \$25 each counter.
- c. Catering, Off Premises Only: \$125.
- d. Delicatessen, Grocery, No Seating: fifty (\$50.00) dollars. Delicatessen, with Seating or Catering: seventy-five (\$75.00) dollars.
- e. Frozen Dessert, No Seating: fifty (\$50.00) dollars. Frozen Dessert, Seating: seventy-five (\$75.00) dollars.
- f. Health Care Facility, with Bed Capacity up to 40: one hundred twenty-five (\$125.00) dollars. Health Care Facility, with Bed Capacity over 40: three hundred (\$300.00) dollars. Health Care Facility Nonprofit: two hundred fifty (\$250.00) dollars.
- g. Itinerant Restaurant, Carnival or Fair with Food: \$50 for the first day and additional \$25 for up to five additional days.
- h. Meat or Fish Market: \$75.
- i. Mobile Retail Food Establishment - Itinerant Restaurant Only: \$50 for first day and additional \$25 for up five additional days.
- j. Mobile Truck, Packaged Goods Only: \$125.
- k. Packaged Goods Store: \$50.
- l. Plant and Commercial Cafeterias: \$125.
- m. Restaurant, Luncheonette, Hotel, Country Club or Banquet House with a Seating Capacity of zero to 25 persons: \$75.
- n. Restaurant, Luncheonette, Hotel, Country Club or Banquet House with a Seating Capacity of 26 to 50 Persons: \$100.

- o. Restaurant, Luncheonette, Hotel, Country Club or Banquet House with a Seating Capacity of 51 to 100 persons: \$175.
- p. Restaurant, Luncheonette, Hotel, Country Club or Banquet House with a Seating Capacity of 101 to 200 Persons: \$275.
- q. Restaurant, Luncheonette, Hotel, Country Club or Banquet House with a Seating Capacity of Over 200 Persons: \$400.
- r. Retail Food Establishment that utilizes Ancillary Food Delivery Vehicles (per vehicle): 1-10 vehicles \$100 each, 10+ vehicles \$75 per additional vehicle.
- s. Schools and Nursery Schools with Food: Profit: \$75. Nonprofit: \$50.
- t. Snack Bar: \$50.
- u. Supermarket with up to 20,000 square feet: \$150. Supermarket with over 20,000 square feet: \$250.
- v. Tavern or Liquor Store without Food Service: \$50.

5-8.6 Payment of License Fee.

All license fees must be paid at the time of application for the license.

5-8.7 Expiration of Date of License.

All licenses issued hereunder shall expire on December 31 of each year and are subject to annual renewal as of January 1.

5-8.8 Late Fee.

Those applicants for a retail food establishment license who have not renewed their license by the first day of February of each year shall pay a late fee of 1/12 of the annual license fee for all or part of each month that the license remains non-renewed. This late fee shall be in addition to the annual license fee.

5-8.9 Plan Review Fee; Major Alteration.

Any person who wishes to construct a proposed new retail food establishment within the Township or any person who already owns or operates an existing retail food establishment within the Township and who wishes to make major alterations to the establishment shall, prior to obtaining any permits to commence construction or make alterations, submit to the Health Department for review a food establishment plan as required by the State Sanitary Code of New Jersey. There shall be a \$100 plan review fee payable to the Township and no construction may commence or alterations made until a retail food establishment permit is issued by the Health Department. This review fee shall be in addition to any other fees required by the Township or the State of New Jersey.

A major alteration shall be any alteration, remodeling or restructuring whose costs exceeds \$2,500.

5-8.10 Exception.

Exception. The license fee may be waived for Mobile Retail Food Establishments operating on an itinerant basis at an event sponsored by the Township of West Orange, provided that a license and inspection are still required prior to the event.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

ROBERT D. PARISI, MAYOR

**SUSAN McCARTNEY
COUNCIL PRESIDENT**

**KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK**

INTRODUCED: April 5, 2022

ADOPTED: April 26, 2022

LEGISLATIVE HISTORY

The future of dining has changed dramatically over the last decade. Numerous mobile delivery services exist. The latest innovation with regard to upscale dining involves ancillary food delivery vehicles which are dispatched to a customer's home where the trained driver reheats and plates the meal to deliver it hot and ready to eat at the customer's front door. This aspect of the service is no different than a catered event. However, part of the culinary preparation process is to maintain a large-scale commissary kitchen in a convenient location. Because of the proximity of the Township of West Orange, the Township is hopeful that one of these innovative food technology businesses will locate in the Township as a hub for various deliveries in the region.

The purpose of this Ordinance is to set up a system whereby the ancillary food delivery vehicles are inspected by the Health Department on an annual basis.