

**BOROUGH OF MILLTOWN**

**ORDINANCE 19-1482**

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF MILLTOWN  
AMENDING MILLTOWN BOROUGH CODE CHAPTER 4 "GENERAL LICENSING AND  
BUSINESS REGULATIONS"**

**BE IT ORDAINED**, by the governing body of the Borough of Milltown, County of Middlesex, State of New Jersey, as follows:

**Section 1.** The Borough Code of the Borough of Milltown is hereby amended and supplemented so as to amend Chapter 4, entitled "General Licensing and Business Regulations" so as to amend Section 9 "Food Handling Establishments" which shall read in its entirety as follows:

**§4-9.1 Definitions**

Restaurant	Any establishment, however designated, regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers
Retail Food Establishment	An establishment that sells, serves, cooks, prepares or provides prepared food, packaged food, and/or beverages, but is not defined as a "restaurant"
Mobile Ice Cream Vendor	A vendor that travels by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street selling, carrying, conveying or transporting ice cream and offering and exposing the same for sale.
Temporary License	A license issued to a vendor for a time period not to exceed 7 (seven) days to allow for participation in a temporary event. A rain date for the same duration of the original license may be permitted, but must be noted at time of application.
Special Event License	A license issued to an establishment licensed annually in the Borough of Milltown who wishes to sell products outside of their licensed premise. This license can be issued for a time period not to exceed 7 (seven) days. A rain date for the same duration of the original license may be permitted, but must be noted at time of application.

**§4-9.2 License Required; Term**

No person shall operate an establishment as defined in §4-9.2 without having first obtained a license from the Borough and paid the required license fee as outlined in §4-9.4. The term of the license shall be for a period of one (1) year, with all licenses to expire December 31.

**§4-9.3 Investigation Prior to Licensing**

In addition to the requirements contained in Section 4-1, each application for a license under this section shall be investigated by the Sanitary Inspector, who shall report his findings in writing to the Mayor and Borough Council within a reasonable time. No license shall be issued unless the Sanitary Inspector reports that the applicant conforms to all provisions of the Retail Food Establishment Code.

**§ 4-9.4 Food Handlers License; Fee**

Fees for annual licensing of retail food establishments are hereby fixed as follows:

A. Fee Schedule.

Type of Establishment	Fee
<b>Restaurants</b>	
<b>(Based on Seating Capacity)</b>	
1-25 Seats	\$100.00
26-50 Seats	\$150.00
51-100 Seats	\$200.00
100+ Seats	\$250.00
<b>Retail Food Establishment</b>	
<b>(Based on Square Footage)</b>	
1-2,500 Square Feet	\$100.00
2,501-4,999 Square Feet	\$150.00
5,000-9,999 Square Feet	\$200.00
10,000+ Square Feet	\$250.00
<b>Other</b>	
Mobile Ice Cream Vendor	\$100.00
Temporary License	\$50.00
Special Event License	\$10.00

B. Food License Late Fee; Re-inspection Fee

- 1) A late fee will be levied by the licensing municipality on those food establishment owner(s) and/or operator(s) who do not renew their license on the anniversary date. The late fee charge will be in addition to the cost of the establishment's annual food licensing fee. The late fee charge is set as follows: the late fee equals 20% of the food establishment's annual licensing fee, except that the minimum late fee charge shall be set no lower than \$20.
- 2) If, upon inspection, the establishment receives any rating other than satisfactory, there will be a re-inspection fee of \$100. Establishments are still subject to additional penalties upon inspector's discretion.

C. All public primary, elementary and secondary schools shall be exempt from the fees set forth herein.

**§ 4-9.5 Payment of Taxes, Utilities and Assessments**

No license for a retail food establishment shall be issued until the Township Clerk is in receipt of a certification from the Collector that all real property taxes, utilities and assessments pertaining to the property on which the retail food establishment is located are current and that no such taxes or assessments are then due and owing.

**§ 4-9.6 Food Handler's Class**

Each food handler and each person charged with direct supervision of the operation of a restaurant, retail food establishment or mobile vendor where food is provided or consumed on the premises in the borough shall, within 12 months of the date of passage of this article or within 12 months from the commencement of their employment, if such employment commences after the passage of this article, obtain a certificate certifying that they have successfully completed either a course in food-handling provided by the Department of Health of the borough or any other food-handling course approved by the Department. The Health Officer of the Borough has the ability to provide a written determination of exemption to establishments that must be provided to the Borough Clerk for review and acceptance.

**§ 4-9.7 Suspension or Revocation**

In addition to the grounds for revocation set forth in subsection 4-1.10, any license issued under this section may be suspended or revoked for failure to comply with any provision of the Retail Food Establishment Code.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law.

<b>Motion/ Second</b>	<b>Roll Call</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Adopted on First Reading Dated: October 15, 2019</b>
	Council President Dixon	X				 Gabriella Siboni, RMC Borough Clerk
	Councilman Farkas	X				
	Councilwoman Kerber	X				
Motion	Councilman Ligotti	X				
	Councilwoman Mehr	X				
Second	Councilman Revolinsky	X				

<b>Motion/ Second</b>	<b>Roll Call</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>	<b>Adopted on Second Reading Dated: October 28, 2019</b>
	Council President Dixon	X				 Gabriella Siboni, RMC Borough Clerk
	Councilman Farkas	X				
	Councilwoman Kerber	X				
Motion	Councilman Ligotti	X				
	Councilwoman Mehr	X				
Second	Councilman Revolinsky	X				

Approval by the Mayor on this 28<sup>th</sup> day of October, 2019

  
 Eric A. Steeber, Mayor