

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

ORDINANCE #2022-16

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 59 OF THE CODE OF THE TOWNSHIP OF ANDOVER, NEW JERSEY, ENTITLED “FOOD ESTABLISHMENTS, RETAIL,” ARTICLE II, “CERTIFICATION OF FOOD SERVICE MANAGERS,” CLARIFYING THE TOWNSHIP REQUIREMENTS AND RESCINDING THE FEE IMPOSED IN CONNECTION WITH THE SUBMISSION OF FOOD SERVICE MANAGER CERTIFICATIONS

WHEREAS, the Township of Andover requires that the staff of every retail food establishment shall include at least one certified food service manager; and

WHEREAS, the Township requires that, for certain retail food establishments, proof of food service manager certification (‘Food Service Manager Certification’) must be supplied to the Township on an annual basis; and

WHEREAS, the Township currently imposes a \$10.00 annual fee (‘Annual Fee’) in connection with the submission of proof of a Food Service Manager Certification; and

WHEREAS, the labor expended by the Township in connection with the submission of proof of a Food Service Manager Certification is minimal; and

WHEREAS, the Mayor and Township Committee of the Township of Andover wish accordingly to eliminate the Annual Fee; and

WHEREAS, the Mayor and Township Committee of the Township of Andover wish also to simplify and clarify the portion of the Township Municipal Code concerning the Certification of Food Service Managers.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Committee of the Township of Andover, County of Sussex and State of New Jersey as follows:

SECTION 1. Chapter 59, “Food Establishments, Retail,” Article II, “Certification of Food Service Managers,” of the Municipal Code of the Township of Andover, is hereby amended as follows:

Article II Certification of Food Service Managers

§ 59-6 Requirements.

The staff of every retail food establishment shall include at least one certified food service manager. A food service manager is any person responsible for the immediate supervision of

food handlers and other workers involved in the sanitary maintenance of a retail food establishment. In an establishment having no employees or a single employee, the food service manager shall be the food establishment operator or the single employee. An establishment will not be issued a retail food establishment license unless its staff includes a certified food manager.

§ 59-7 Responsibilities of managers and operators.

Certified food service managers shall be responsible for training and supervising food handlers with respect to food sanitation. Retail food establishment operators shall be responsible for assuring that organized training activities are conducted for all food handlers they employ.

§ 59-8 Exemptions.

The following are specifically exempt from the provisions of this Article:

- A. Agricultural markets, meaning buildings or stands that are located on a farm for the purpose of selling fresh produce of that farm and open for business not more than six months per year; or
- B. Retail food establishments whose only products are factory-sealed or prepackaged food products that do not require refrigeration.

§ 59-9 Initial submission of proof of certification.

Before it may begin serving the public, every retail food establishment not exempted pursuant to § 59-8 of this Article shall demonstrate registration of at least one staff member as a certified food service manager by submitting to the Township Clerk of a copy of the staff member's valid Food Service Manager Certification, issued by an accredited agency.

§ 59-10 Renewal of proof of certification.

Every retail food establishment not exempt pursuant to § 59-8 of this Article shall submit the proof required pursuant to § 59-9 of this Article to the Township Clerk on an annual basis, no later than January 31 of each calendar year.

SECTION 2. Codification. This Ordinance may be renumbered for codification purposes.

SECTION 3. Inconsistency. All Ordinances of the Township of Andover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. Partial Invalidity. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. Effect Date. This Ordinance shall take effect immediately following adoption and publication as required by law.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on August 4, 2022. A public hearing regarding same will be held at a hybrid meeting scheduled for September 1, 2022, beginning at 7:00PM, to be held both in person and virtually via Zoom, which details for accessing the meeting are as follows:

Webinar ID: 832 6104 1515

Passcode: 100240

Join Zoom Meeting with browser:

<https://us02web.zoom.us/j/83261041515?pwd=dktJOGJRMWc5MjUxcE9UWWxadINRdz09>

or

Join Zoom Meeting by Phone:

+ 1 301 715 8592

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Patricia L. Bussow, RMC
Administrator/Municipal Clerk

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NOTICE OF FINAL ADOPTION

PUBLIC NOTICE is hereby given that the foregoing Ordinance was adopted at a public hearing held at a Hybrid Meeting of the Township Committee of the Township of Andover on September 1, 2022. Said Hybrid Meeting was held virtually via Zoom and in person at the Municipal Building, 134 Newton Sparta Road, Newton, NJ 07860, at which time all persons were given the opportunity to be heard concerning same. This Ordinance shall take effect immediately upon publication, as required by law.

Patricia L. Bussow, RMC
Administrator/Municipal Clerk