

ORDINANCE NO. 3914-10

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF
NEW JERSEY ESTABLISHING GRADING SYSTEM FOR LICENSING OF RETAIL FOOD
ESTABLISHMENTS**

Summary

An ordinance establishing Grading system for Licensing of Retail Food Establishments as follows: "A" shall mean that the retail food establishment is found to be operating in substantial compliance with all local and state codes and regulations; "B" shall mean a receiving a satisfactory inspection with violations observed which will warrant a follow-up inspection of the establishment; "C" shall mean receiving a conditionally satisfactory inspection, with 3 or more critical violations requiring correction and reinspection within 24-48 hours; and An "unsatisfactory" rating shall mean a retail food establishment that is operating with one or more violations that constitute gross insanitary or public health hazards.

WHEREAS, the Township Council has heretofore adopted an ordinance requiring the licensing of retail food establishments in the Township of Franklin; and

WHEREAS, the Township Council finds that it would be in the best interests of the Township to establish an inspection grading system as part of the licensing process; and

WHEREAS, the Township Council further finds that it would be in the best interests of the Township to require each retail food establishment to have at least one employee who has taken a food handlers course.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Franklin in the County of Somerset and State of New Jersey as follows:

Section 1. Inspections of Food Establishments

- A. No license shall be issued to a retail food establishment until it has passed an inspection by Somerset County Health Department.
- B. Upon receipt of a notice of issuance of a retail food license an inspection shall be conducted and the following grading system shall apply:
 - 1. "A" shall mean that the retail food establishment is found to be operating in substantial compliance with all local and state codes and regulations
 - 2. "B" shall mean a receiving a satisfactory inspection with violations observed which will warrant a follow-up inspection of the establishment.
 - 3. "C" shall mean receiving a conditionally satisfactory inspection, with 3 or more critical violations requiring correction and reinspection within 24-48 hours.
 - 4. An "unsatisfactory" rating shall mean a retail food establishment that is operating with one or more violations that constitute gross insanitary or public health hazards.
- C. Inspections shall be performed annually, except that reinspections shall be performed where retail food establishment receives a grade of less than "B" Satisfactory.
- D. The Inspection evaluation placard shall be posted immediately in a conspicuous place near the public entrance of the establishment in such a manner that the public may view the placard. If the food establishment grade is "C", and upon correction of violations and re-inspection, must achieve a minimal grade "B" Satisfactory prior to the next annual inspection.
- E. A food establishment may be inspected more than once annually if the Health Officer deems it appropriate.

Section 2. Copies of Inspection Reports Available for Public Inspection

Copies of inspection reports may be obtained by filing a request pursuant to the requirements of the Open Public Records Act, N.J.S. 47A:1-1 et seq., with the Somerset County Health Office at least ten (10) days after the inspection has been performed.

Section 3. Food Handlers Course – Acknowledged & Approved by Board of Health

- A. All retail food establishments shall comply with the requirement that there be at least one person who has completed an approved Food Handler’s Course as a condition of the license. All licensees shall comply with this requirement within six (6) months of the adoption of this ordinance. The person who has received the approved Food Handler’s Course shall be responsible to instruct / train other employees in proper food handling procedures. A training log containing the employee’s name, date of training and trainer’s initials shall be kept on site for informational purposes.

- B. Any costs of an accepted Food Handler Training Course shall not be borne by the Township of Franklin or Somerset County Board of Health Office.

Section 4. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Repealer.

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication according to law.

ORDINANCE NO. 3913-10

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: November 9, 2010
Public Hearing: December 14, 2010
Adoption: December 14, 2010
Notice of Adoption: December 21, 2010
Effective Date: January 3, 2011

Ann Marie McCarthy, Township Clerk