

BOARD OF HEALTH
CITY OF ENGLEWOOD
ORDINANCE NO. 15-01

An Ordinance to amend Chapter 13, "Retail Food Service Establishments", of the Health Code of the City of Englewood, New Jersey to establish regulations relating to shared cooking facilities.

Whereas there are commercial premises located in the City of Englewood that permit or authorize the use of kitchen facilities for the preparation of food and food products, both hot and cold, by entities that are neither the owner nor lessee of the premises, and

Whereas these premises utilize one or more kitchen facilities on said premises for the aforesaid referenced food or food preparation for the purpose of selling or using the food or food products offsite, and

Whereas the Englewood Board of Health is concerned that these type of premises be properly regulated and inspected,

Now therefore be it ordained by the Board of Health of the City of Englewood as follows:

Chapter 13 of the Health Code of the City of Englewood is hereby amended as follows:

Section 1. Chapter 13, Article 17, is entitled "SHARED COOKING FACILITIES - LICENSING, REGULATIONS AND FEES"

Section 2. Definitions:

- A. Shared Cooking Facility is any establishment used as a place of business for the exclusive or primary purpose of renting or allowing its commercial kitchen space to be used by other individuals or business entities for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food related purpose.
- B. Kitchen Unit is any space on the premises defined in A. which has a stove, oven, sink, refrigeration unit, storage or any combination of these items available, used or utilized for the purposes set forth in A.

Section 3. No person or business entity of any type shall own, lease, manage or operate any shared cooking facility without first obtaining a permit therefore as set forth herein.

It is the affirmative responsibility of each owner, lessee, manager or operator to notify the Health Department of the utilization of any additional kitchen unit not set forth in the initial or subsequent renewals, and to pay the required fee therefore.

All shared cooking facility owners, lessees, managers or operators and all shared cooking facility users shall comply with the rules and regulations relating to same as are set forth in Schedule A which is attached hereto and made a part hereof.

Section 4. The annual fee for each Shared Cooking Facility is \$250.00 per Kitchen Unit, defined in Section 2 paragraph B, and is due upon the submission of the initial application to the Health Department and on each renewal thereafter.

The initial licensing application and renewal license shall be on forms established by the Health Department.

Section 5. Any person or business entity which owns, leases, manages or operates shared cooking premises and who is in violation of this ordinance shall be subject to the penalties set forth in Chapter 6, "Fees & Fee Schedule" of the Health Code.

Section 6. Each section of this Ordinance and every subsection hereof shall be deemed independent, separate and distinct from all other sections, and the holding of any section or part hereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof.

Section 7. All ordinances, codes, or parts thereof that are inconsistent with this ordinance are repealed or otherwise modified.

Section 8. This ordinance shall take effect upon passage and publication as required by law.

James M. Fedorko
Secretary to the Board

Introduced: Jan 14, 2015
Published: Jan 19, 2015

Adopted: Feb 11, 2015
Published: Feb 15, 2015

Schedule A.

Shared Cooking Facilities – Licensing Regulations & Fees

License Application Requirements

Shared Cooking Facility (Owner, Lessee, Manager or Operator)

- List of current business(es) sharing the kitchen units.
- A current Food Manager Certificate.
- Business location floor plan.
- Application for Retail Food License.

Shared Cooking Facility User

- A current Food Handlers Certificate.
- A signed "Statement of Intent", or lease, from the Owner, Lessee, Manager or Operator of the applicable kitchen unit.
- A menu of the food items the applicant intends to prepare, store, taste test, develop, package or otherwise handle or use for food related purposes at the applicable shared kitchen.
- Application for Shared Cooking Facility User License.
 - The individual, or business name, as it will appear on the license;
 - All food items to be prepared (currently and in the future).

Health Department Inspections

- Health risk assessment: Shared Cooking Facilities are classified as "**Risk type 3 food establishment**" which means any retail food establishment that has an extensive menu requiring the handling of raw ingredients; and is involved in the complex preparation of menu items that includes the cooking, cooling, and reheating of at least three or more potentially hazardous foods.
- Consultation with Department of Health: Prior to the issuance of any Shared Cooking Facility user license, the license applicant must complete a consultation with the Department of Health to review equipment and food safety operations at the Shared Cooking Facility identified in the application. Additionally, the Shared Cooking Facility applicant must complete an on-site inspection as well.
- Periodic inspections: All Shared Cooking Facilities are subject to periodic inspections. In addition, the Department of Health may inspect a Shared Cooking Facility in response to any complaint.

DUTIES

A **Shared Cooking Facility licensee** must:

1. Ensure that any person engaged in the business of a shared cooking facility on the licensed premises is in compliance with all equipment and food safety requirements in the Health Code. The shared cooking facility licensee and applicable shared cooking facility user are jointly and severally liable for any violation of the requirements.

2. Ensure that any person engaged in the business of a shared cooking facility user on the licensed premises is properly licensed.
3. Keep and maintain on file or otherwise make immediately available on the licensed premises the recordkeeping information.
4. Provide access for inspection by the Department of Health or any other authorized City official to all locked equipment located in any storage area maintained by the shared cooking facility licensee and used or made available for use by any shared cooking facility user.
5. Ensure that, at any given time, the number of shared cooking facility users preparing food in the shared cooking facility does not pose a health or safety risk.
6. Any person or business entity who obtains a shared cooking facility license shall comply with all Federal, State, County and Municipal statutes, ordinances, rules and regulations, as applicable, and with all of the City of Englewood's zoning, building and fire codes.

NOTICE

Notice is hereby given that the following Ordinance was introduced at a meeting of the Board of Health of the City of Englewood, Bergen County, New Jersey, conducted on January 14, 2015 and will be further considered for final passage and adoption at a meeting of said Board to take place on February 11, 2015 at 8:00 p.m. or as soon thereafter as the matter can be heard at the Englewood Department of Health, 73 South Van Brunt Street, Englewood, New Jersey, at which time any interested party may comment thereon.

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An Ordinance to amend Chapter 13, "Retail Food Service Establishments", of the Health Code of the City of Englewood, New Jersey to establish regulations relating to shared cooking facilities.

I hereby certify that the foregoing is a true copy of the Title of an Ordinance introduced by the Board of Health of the City of Englewood, Bergen County, New Jersey on January 14, 2015.

Attest:
James M. Fedorko
Secretary to the Board

NOTICE

Notice is hereby given that the following Ordinance was adopted at a meeting of the Board of Health of the City of Englewood, Bergen County, New Jersey, on February 11, 2015 in the Englewood Department of Health, 73 S. Van Brunt Street, at which time an opportunity for public comment on the matter was provided.

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