

## Chapter 407

### VENDING MACHINES, FOOD AND BEVERAGE

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**[HISTORY: Adopted by the City Council of the City of Rahway as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Coin-operated amusement devices — See Ch. 133.

Food service personnel — See Ch. 221.

Retail food establishments and vendors — See Ch. 217.

Tobacco vending machines — See Ch. 385, Art. I.

ARTICLE I

**Adoption of Standards**

**[Adopted 7-9-1984 by Ord. No. A-12-84 as Ch. 190, Art. I, of the 1984 Code]**

**§ 407-1. Adoption of standards.**

- A. A code regulating the use, operation and maintenance of food and beverage vending machines and the licensure thereof, prohibiting the sale or possession with intent to sell through vending machines of adulterated or misbranded foods or drinks, authorizing inspection of vending machines and operations connected therewith and fixing penalties for violations is hereby established pursuant to N.J.S.A. 26:3-69.1 to 69.6.
- B. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

**§ 407-2. Title of code.**

Said code established and adopted by this article is described and commonly known as the "Food and Beverage Vending Machine Code of New Jersey (1961)."

**§ 407-3. Copies on file.**

Three copies of said Food and Beverage Vending Machine Code of New Jersey (1961) have been placed on file in the office of City Clerk of the City of Rahway upon the introduction of this article and will remain on file there until final action is taken on this article for the use and examination of the public.

**§ 407-4. Violations and penalties. [Amended 7-9-1984 by Ord. No. A-12-84 ]**

Any person who violates any provision of or order promulgated under this article or code established herein shall, upon conviction thereof, be liable to a penalty of not less than \$5 nor more than \$500 for each violation. Each day a particular violation continues shall constitute a separate offense.

## ARTICLE II

**Licenses and Permits; Fees****[Adopted 7-9-1984 by Ord. No. A-12-84 as Ch. 190, Art. II, of the 1984 Code]****§ 407-5. Permits and licenses required.**

It shall be unlawful for any person, whether as principal or agent, clerk or employee, either for himself or any other person or for any body corporate or as an officer of any corporation or otherwise, to:

- A. Engage in the operation of one or more machines or devices offered for public use which, upon insertion of a coin, coins or token or by other means dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a permit from the Board of Health of the City of Rahway so to do or without complying with any and all of the provisions of the Food and Beverage Vending Machine Code of New Jersey (1961), as adopted or amended by said municipality.
- B. Maintain or permit to be maintained on or in any location in this municipality, where permitted, one or more machines or devices offered for public use which, upon insertion of a coin, coins or token or by other means, dispenses unit servings of food or beverages, either in bulk or package, without the necessity of replenishing the devices between each vending operation, without first having applied to and procured a license for each such machine or device from the Board of Health of this municipality or without complying with any and all of the provisions of the Food and Beverage Vending Code of New Jersey (1961), as adopted or amended by said Board.

**§ 407-6. Fees; exemption from fees; expiration of permits and licenses.**

- A. The fees for permits and licenses as required by § 407-5 above for the purpose of raising revenue and for regulation and control, to be paid annually to this municipality, are hereby fixed as follows:
  - (1) Permit fee: \$10 per year.
- B. License fee.
  - (1) Machine dispensing food or food product from \$0.01 to \$0.05: \$1 per machine.
  - (2) Machine dispensing food or food product in original container or package: \$2 per machine.
  - (3) Machine dispensing milk and/or milk products, including ice cream: \$3 per machine.
  - (4) Machine dispensing mixed beverages: \$4 per machine.
  - (5) Machine dispensing prepared food or food product: \$5 per machine.
- C. Any tax-exempt nonprofit organization shall be exempt from any permit or license fee herein contained in this article.
- D. All permits and licenses issued under authority of this article shall expire on the 31st day of December each year.