

**CHAPTER 24**

**RETAIL FOOD ESTABLISHMENTS AND  
FOOD AND BEVERAGE VENDING  
MACHINES CHAPTER XII**

**Authority**

N.J.S.A. 26:1A-7.

**Source and Effective Date**

R.1993 d.201, effective April 14, 1993.  
See: 25 N.J.R. 662(a), 25 N.J.R. 1965(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 24, Retail Food Establishments and Food and Beverage Vending Machines, Chapter XII, expires on April 14, 1998.

**Chapter Historical Note**

Chapter 24, also known as Chapter XII of the State Sanitary Code, became effective July 6, 1972 as R.1972 d.117. See: 3 N.J.R. 203(a), 4 N.J.R. 158(b). Amendments became effective December 15, 1972 as R.1972 d.209. See: 4 N.J.R. 215(a), 4 N.J.R. 266(b).

The entire chapter was repealed and new rules adopted effective April 4, 1983, operative June 1, 1983 as R.1983 d.98. See: 14 N.J.R. 509(a), 15 N.J.R. 544(b).

Chapter 24 expired April 4, 1988 and was adopted as new rules pursuant to the Executive Order 66(1978) effective May 2, 1988 as R.1988 d.204. See: 20 N.J.R. 365(a), 20 N.J.R. 982(a). Subchapter 14, Community Residence and Bed and Breakfast Retail Food Establishments, was adopted as R.1991 d.357 and originally codified as Subchapter 13, effective July 15, 1991, but operative November 1, 1991. See: 23 N.J.R. 168(b), 23 N.J.R. 2124(a).

Pursuant to Executive Order No. 66(1978), Chapter 24 was readopted as R.1993 d.201. See: Source and Effective Date. Subchapter 8, Temporary and Mobile Retail Food Establishments and Agricultural Markets, was repealed by R.1993 d.345, and new Subchapters 8 and 9 were adopted, effective July 6, 1993. Existing Subchapters 9 through 13 were recodified as Subchapters 10 through 14. See: 25 N.J.R. 662(a), 25 N.J.R. 2872(a). See, also, section annotations for specific rulemaking activity.

**Cross References**

Child care centers physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

Personal care homes, facility to be in compliance with Sanitary Code, see N.J.A.C. 8:36-15.1.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

Residential child care physical facility requirements, see N.J.A.C. 10:127-4.1.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**8:24-1.1 Violations; declaration of nuisances**

Retail food establishments in violation of this chapter are hereby declared to be nuisances, hazardous to health.

**Case Notes**

The appropriate municipal or county board of health or local health agency has the responsibility to institute judicial proceedings to close food service and preparation areas of county facilities and jails. Atty. Gen.F.O.1977, No. 16.

The department of health or the appropriate local board or health agency may sue to recover monetary penalties for violations of the state sanitary code. Atty.Gen.F.O.1977, No. 16.

**8:24-1.2 Separability**

If any provision or applications of any provision of this chapter is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

**8:24-1.3 Definitions**

For the purpose of this chapter, the following words, phrases, names and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Adulteration” means the definition in N.J.S.A. 24:5-8.

“Agricultural market” means any fixed or mobile retail food establishment which is engaged in the sale of raw agricultural products; but may include as a minor portion of the operation the sale of factory-sealed or pre-packaged food products that do not normally require refrigeration.