

TOWNSHIP OF EAST AMWELL HUNTERDON COUNTY, NEW JERSEY

ORDINANCE #25-15

An Ordinance Amending Various Sections of the Code of East Amwell Township to Permit Cottage Food Operators in the Township

WHEREAS, effective October 4, 2021, the New Jersey Department of Health adopted new regulations at N.J.A.C. 4:24-11, et. seq. ("Cottage Food Regulations"), creating a state-issued Cottage Food Operator Permit, which would allow a permit holder to produce cottage food products in their home and sell them either at their home, at the home of the consumer as long as it is within New Jersey, at a New Jersey farmer's market or farm stand or at a New Jersey temporary retail food establishment; and

WHEREAS, the Cottage Food Regulations require compliance with municipal laws and ordinances, and the Land Management Ordinance does not permit Cottage Food Operators within the Township; and

WHEREAS, the Township Committee of the Township of East Amwell (the "Township Committee") desires to permit Cottage Food operators as accessory uses in certain zoning districts within the Township, subject to the Cottage Food Operator obtaining a zoning permit from the Township of East Amwell.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of East Amwell, County of Hunterdon, and State of New Jersey, as follows:

Section 1. Chapter 92, Land Management, Article III, Definitions, Section 92-3 of the Code of East Amwell Township, is hereby amended to add the following two definitions:

COTTAGE FOOD OPERATOR

A person who holds a New Jersey Cottage Food Operator Permit issued by the NJ Department of Health, Consumer & Environmental Health Services, Public Health and Food Protection Program pursuant to N.J.A.C. 8:24-11.1 et seq., and in accordance with local permitting requirements, including those of the East Amwell Township Board of Health, if required.

COTTAGE FOOD PRODUCT

means non-TCS food (non-Time/Temperature Control for Safety foods) that a cottage food operator prepares in accordance with N.J.A.C. 8:24-11.1 et seq includes:

1. Baked goods, including bread, rolls, biscuits, cakes, cupcakes, pastries, and cookies;
2. Candy, including brittle and toffee;
3. Chocolate-covered nuts and dried fruit;
4. Dried fruit;
5. Dried herbs, seasonings, and mixtures thereof;
6. Dried pasta;
7. Dry baking mix;
8. Fruit jams, fruit jellies, and fruit preserves;
9. Fruit pies, fruit empanadas, and fruit tamales (excluding pumpkin);
10. Fudge;
11. Granola, cereal, and trail mix;
12. Honey and sweet sorghum syrup;
13. Nuts and nut mixtures;
14. Nut butters;
15. Popcorn and caramel corn;
16. Roasted coffee and dried tea;
17. Vinegar and mustard;
18. Waffle cones and pizzelles; and
19. Upon written application to the Public Health and Food Protection Program, other non-TCS food.

Section 2. Chapter 92, Land Management, Article VI, Design and Performance Standards, is hereby amended to add new Section 92-81.1, Entitled "Cottage Food Operators", to read as follows:

92-81.1 Cottage Food Operators

(A) Purpose. The purpose of this subsection is to provide standards to permit the issuance, renewal and revocation of zoning permits for cottage food operators having obtained a cottage food operator permit in accordance with N.J.A.C. 8:24-11 et seq.

(B) Permit application; application fees. All applications for zoning permits for cottage food operations shall be made to the Zoning Officer on a form established by the Township, along with a fee of \$50 for the initial permit and \$25 for each renewal. This form shall be provided to an applicant upon request, and shall contain the following information:

(1) Applicant's name and business trade name (if applicable).

(2) Applicant's residential street address, which must be the same as the location of the kitchen at which the applicant will prepare cottage food products.

(3) Applicant's mailing address if different than applicant's residential address.

(4) Applicant's contact information, including but not limited to applicant's telephone number and email address where applicant will receive official communications from the Township.

(5) Applicant's state-issued cottage food operator permit number, date of issuance and date of expiration. A copy of the applicant's state-issued cottage food operator permit shall be provided along with the submission of the zoning permit application.

(6) A description of the nature of cottage food products and related goods to be prepared on applicant's premises, as well as a description of the method of anticipated distribution of said cottage food products.

(7) Name of the applicant's homeowner's insurance policy carrier or renter's insurance policy carrier, the amount of insurance and the expiration date of the policy. A copy of the applicant's homeowner's or renter's insurance declaration page shall be provided to the Township along with the submission of the zoning permit application.

(C) Permits. Zoning permits for cottage food operations having obtained a state-issued cottage food operator permit shall be issued if the application is complete and meets all requirements and regulations set forth in this subsection.

(D) Permit display. The cottage food operator shall prominently display the Township-issued zoning permit and state-issued cottage food operator permit in a location clearly visible to customers.

(E) Permit transferability. Zoning permits for cottage food operations and state-issued cottage food operator permits shall only be applicable to the cottage food operator or entity and

residential street address to which they were issued. Permits shall not be transferable to another person, entity or property.

(F) Permit duration and renewal. All zoning permits for cottage food operations shall expire on the same date of the state-issued cottage food operator permit. Zoning permits are renewable upon expiration of the state-issued cottage food operator permit with submission of the zoning application and a fee of \$25.

(G) Maintenance of residential character. Cottage food operations shall not in any way alter the residential character of the neighborhood nor in any way adversely affect the safe and comfortable enjoyment of individual property rights within the neighborhood.

(H) Water. Cottage food operations shall not exceed by 20% the volume of water that is certified by an East Amwell Township Board of Health permit or currently consumed.

(I) Septic. The volume of waste from Cottage food operations shall not exceed the design flow for the septic system for the property as permitted by the East Amwell Township Board of Health or its Administrative Agent

(J) Traffic relating to on-site pick-up. On-site customer pick-up of cottage food products at a residential address is only permitted during the hours of operation as prescribed in the zoning permit. A maximum of one car per every 15 minutes is permitted during hours of operation for on-site customer pick-up of cottage food products at a residential address and surrounding neighborhood, when applicable. A cottage food operator shall take reasonable efforts to minimize traffic resulting from its customers to minimize safety risks and hazards resulting from increased neighborhood traffic.

(K) On-site consumption. On-site consumption of cottage food products by customers at the residential address of cottage food operators is strictly prohibited in accordance with N.J.A.C. 8:24-11.3(a)(1)(i).

(L) Signage. Signage pertaining to cottage food operations is strictly prohibited at a residential address and surrounding neighborhood.

(M) Hours of operation. The hours of operation for any cottage food operator shall not exceed, but may be less than, the following:

(1) Customers. A cottage food operator is only permitted to have customer pick-up of cottage food products during the hours of 8:00 a.m. to 8:00 p.m.

(2) Deliveries. A cottage food operator is only permitted to receive deliveries relating to its cottage food operations during the hours of 8:00 a.m. to 8:00 p.m.

(N) Deliveries. Cottage food operators may only receive and accept deliveries (such as food and materials relating to the production, distribution and/or sale of cottage food products) from standard delivery vehicles not to exceed a six-wheel truck.

(O) Employees - Cottage food operation shall be operated by or shall employ only a resident or residents who are permanent full-time residents of the dwelling unit, and no other persons.

(P) Inspections. The Township Zoning Officer and/or Health Officer are authorized to enter upon, examine and survey a cottage food operator's premises, including the home kitchen of a cottage food operation, and things thereof, including materials, equipment, books and records, upon reasonable notice, during the hours of operation as provided for in a cottage food operator's license/permit.

(Q) Odors and Sound. Cottage food operations shall not produce any unusual or strong odors, sounds or vibrations.

(R) Revocation and/or suspension of permit. Any zoning permit for a cottage food operator issued under the terms and provisions of this subsection may be suspended or revoked by the Township Zoning Officer and/or Health Officer for any of the following causes:

(1) The violation by the cottage food operator of any provision of this subsection or N.J.A.C. 8:24-11 et seq.

(2) Revocation and/or suspension of a state-issued cottage food permit.

(3) Fraud or misrepresentation in any application for a permit.

(4) Conduct of the permitted activity, whether by the licensee or his or her agents or employees, in an unlawful manner or in a manner that constitutes a breach of the peace or an immediate or serious threat to the public health, safety or general welfare.

Section 3. Chapter 92, Land Management, Article VII, Zoning Provisions, Section 92-89.C, Accessory uses, is hereby amended to add subsection (5) Cottage food operator accessory to a permitted detached, single-family home.

Section 4. Chapter 92, Land Management, Article VII, Zoning Provisions, Section 92-91.C, Accessory uses, is hereby amended to add subsection (10) Cottage food operator accessory to a permitted detached, single-family home.

Section 5. Chapter 92, Land Management, Article VII, Zoning Provisions, Section 92-94.C, Accessory uses, is hereby amended to add subsection (8) Cottage food operator accessory to a permitted single-family home.

Section 6. Chapter 92, Land Management, Article VII, Zoning Provisions, Section 92-95.C, Accessory uses, is hereby amended to add subsection (5) Cottage food operator accessory to a permitted detached, single-family home.

Section 7. Chapter 92, Land Management, Article VII, Zoning Provisions, Section 92-96.C, Accessory uses, is hereby amended to add subsection (4) Cottage food operator accessory to a permitted residence.

Section 8. Chapter 75, Fees, Article I, Miscellaneous Fees, Section 75-1.B, Miscellaneous fees, is hereby amended to add subsection (10) Fees for cottage food operator permit:

- (a) Initial permit fee - \$50
- (b) Renewal - \$25

Section 9. If any provision in this ordinance is, or is held to be, invalid or unlawful, (i) such provision shall, if possible, be deemed amended to the extent necessary to make it valid and lawful, and (ii) such invalidity or unlawfulness shall not affect the validity of the remaining provisions of this ordinance.

Section 10. This ordinance shall become effective immediately upon its final passage and publication as required by law.

INTRODUCED/PASSED ON FIRST READING: July 10, 2025

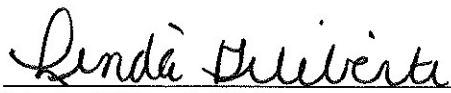
ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
CASPER-BLOOM	X			
ENTIN	X			
NARDI	X			
DENDIS	X			
DIPIRRO				X

PUBLISHED: July 17, 2025

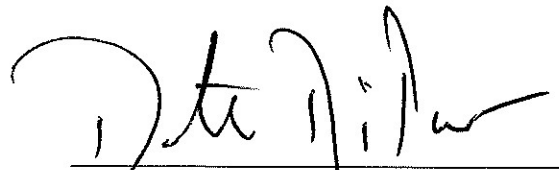
ADOPTED: August 14, 2025

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
CASPER-BLOOM	✓			
ENTIN	✓			
NARDI	✓			
DENDIS				✓
DIPIRRO	✓			

ATTEST:



Linda Giliberti, RMC
Township Clerk



Dante DiPirro
Mayor