

Egg Harbor Township

Ordinance No. 8

2019

An ordinance to amend the Code of the Township of Egg Harbor, Chapter 129, entitled “Peddlers and Solicitors”

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 129 of the Code of the Township of Egg Harbor, Section 129-1 is hereby amended by deleting it in its entirety and replacing it as follows:

§129-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PEDDLER - Any person, whether a resident of the Township or not, traveling by foot, cart, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, merchandise, provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers. Vendors are included.

SECTION 2: Chapter 129 of the Code of the Township of Egg Harbor, Section 129-4 is hereby amended by deleting it in its entirety and replacing it as follows:

§129-4. Use of streets.

A. No peddler shall have an exclusive right to any location, nor shall they be permitted to operate in any congested area where their operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

B. No license or permit which includes use of a vehicle shall permit the licensee to sell from the same location on a public roadway to within the area of 100 feet from that location for a period of more than one hour.

SECTION 3: Chapter 129 of the Code of the Township of Egg Harbor, Section 129-8 is hereby amended by deleting it in its entirety and replacing it as follows:

§129-8. Inspection of equipment.

The equipment used or employed by peddlers shall be maintained in a clean and sanitary manner and be subject to the inspection of the Board of Health or its authorized agents. Any violation found and not immediately corrected shall be grounds for revocation of the license.

SECTION 4: Chapter 129 of the Code of the Township of Egg Harbor, Section 129-13 is hereby amended by deleting it in its entirety and replacing it as follows:

§129-13. Application information.

In addition to the information required by Chapter 142, Mercantile Licensing, § 142-2, the application for a solicitor's license shall indicate the place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time of application and the proposed method of delivery. The applicant shall also provide personal identification data, including height, weight, identifying marks and two photographs, approximately 2 1/2 inches square, of their face.

SECTION 5: Chapter 129 of the Code of the Township of Egg Harbor is hereby amended by adding thereto a new Article III as follows:

Article III
Food Truck Vendor

§ 129-18 Purpose

The purpose and intent of this article is to establish regulations relative to permitting food trucks to operate and conduct business within the Township. While minimizing the side effects on parking, traffic and waste disposal among other impacts.

§ 129-19 Definitions.

As used in this article, the following term shall have the meanings indicated:

FOOD TRUCK VENDOR - Any person, whether or not a resident of the Township of Egg Harbor, who travels in a self-sustained food truck to sell food, approved by the Board of Health, to patrons and licensed in the Township.

MOBILE RETAIL MOBILIZED FOOD VENDOR - A food truck establishment that is located on a motorized vehicle, licensed and registered by the New Jersey Department of Motor Vehicles, where food or beverage is cooked, prepared and served for individual portion service. The maximum length of the vehicle with attachments shall not exceed thirty-five (35) feet in length.

MOBILE RETAIL PRE-PACKAGED FOOD VENDOR - A food establishment that is located on a motorized vehicle, licensed and registered by the New Jersey Department of Motor Vehicles, where pre-packaged food or beverage are served for individual portion service. The maximum length of the vehicle with attachments shall not exceed thirty-five (35) feet in length.

§ 129-20 License required.

It shall be unlawful for any person, firm or corporation to engage in the business of a food truck vendor within the corporate limits of the Township without first obtaining a license in conformity with the provisions of this article. In addition, the licensee must obtain from the Atlantic County Board of Health s certificate of rating. The certificate of rating shall be posted in a conspicuous place in order to be visible to any patron.

§ 129-21 Fees.

The annual license fee for a food truck vendor shall be \$100 per year. The license year shall be from January 1 to December 31.

§ 129-22 Application information.

A. In addition to the information required by Chapter 142, Mercantile Licensing, § 142-2, the application for a Food Truck Vendor's license shall indicate the place where the goods or food products proposed to be sold, or orders taken for the sale thereof, are produced and/or prepared. The location of where the vehicle utilized by the food truck vendor is located and stored when not in service. The applicant shall also provide personal identification data, including height, weight, identifying marks and two (2) photographs, approximately two and a half (2 ½) inches square, of their face.

B. Proof of an insurance policy issued by an insurance company licensed to do business in the State of New Jersey protecting the registrant and the Township from all claims or damages to property and bodily injury, including death, which may arise from operations under or in connection with the food truck vendor. Such insurance shall name as an additional insured the Township and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty (30) days' advance written notice to the Township. The amounts of the insurance to be maintained are: personal injury, one hundred thousand dollars (\$100,000.) per person, three hundred thousand dollars (\$300,000.) per occurrence; property damage, fifty thousand dollars (\$50,000.); and proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00.) coverage.

§ 129-23 Use of streets.

A. No food truck shall have an exclusive right to any location, nor shall they be permitted to operate in any congested area where their operations might impede or inconvenience the public. For the purpose of this article, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

B. A licensee shall be permitted to remain in one (1) specific location on a public roadway for a period of three (3) hours. Once the licensee have remained in that location for the maximum permissible time or for any less period of time, the licensee shall move to a new location which shall not be within two hundred fifty (250) feet of their previous location. No licensee can be located within fifty (50) feet of another licensee.

C. No food truck vendor shall operate or be parked within any residential subdivision.

§ 129-24 Time and Place restrictions.

A. No person shall sell or offer for sale, their food products in the Township any of the items listed in § 129-19 before 9:00 a.m. or after sundown.

B. Food truck vendors are limited to conducting their business upon the public roadways, streets and highways of the Township where parking is legally permitted.

C. No food truck vendor shall operate within one thousand (1,000) feet of any permanent food establishment who has been issued a mercantile license by the Township.

D. No food truck vendor shall operate or be parked in any area where parking of motor vehicles is prohibited, restricted or regulated.

E. The hours of operation of an ice cream food truck vendor subject to the provisions of this article shall not be earlier than 9:00 a.m. nor later than sundown the same day. The Township Police Department shall enforce the said time provisions.

§ 129-25 Enforcement.

It shall be the duty of any police officer of the Township to require any person seen operating a food truck, and who is not known by such officer to be duly licensed, to produce their license to operate the food truck and to enforce the provisions of this article against any person found to be violating the same.

§ 129-26 Exceptions.

A. Residents and not-for-profit organizations may request the presence of Township licensed food trucks on their property for special event. Such request shall be made to the Township Clerk, as part of a special event permit, and approval may be granted at their discretion stating the number of trucks permitted and the hours of operation for same.

B. Property owners, residents and/or organizations granted permission for food truck vendors on their property shall be responsible to insure that the food truck vendor vehicle is parked entirely on their property and not within the public roadway.

C. Nothing contained within this article shall preclude the Township from the hiring or engaging of licensed food truck vendors for special events in any quantity as they deem fit. The Township may at its discretion utilize public property, public recreation facilities, streets and/or sidewalks for such events.

§ 129-27 Inspection of equipment.

A. The equipment used or employed by licensed food truck vendors of ice cream, food, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and be subject to the inspection of the Atlantic County Board of Health or its authorized agents. Any violation found and not immediately corrected shall be grounds for revocation of the license.

B. Whenever any changes or modifications are made to the food truck vendor vehicles, an inspection shall be required by both the Atlantic County Board of Health and the Police Department before operating. No changes shall be made to approve motorized food truck vehicles without their approvals.

§ 129-28 Display of license and other requirements.

A. The license shall be posted in a conspicuous place on the vehicle licensed under this chapter. In addition to the Township issued license, the food truck vendor must display prominently their certificate of registration issued by the New Jersey Division of Taxation. They shall be displayed prominently within of the vehicle, a placard or lettering with the name and address of the owner, lessee and/or lessor of the vehicle. Said information shall be in letters and numbers no less than three (3) inches in height in accordance with N.J.S.A. 39:4-46.

B. Food truck licenses are not transferable.

C. Clean-up and removal of litter generated by the food truck vendor and its patrons shall be the responsibility of the food truck vendor. The area to be cleaned will be a one hundred (100) feet radius of where the food truck is parked. Collected trash must be removed by and properly disposed of by the food truck vendor. Disposal in public trash receptacles is an unacceptable method of disposal.

D. Food truck vendors shall provide refuse and recycling receptacles in readily accessible locations for the use of customers within ten (10) feet of their site. Receptacles shall be emptied as often as necessary to prevent spillage. Refuse and recycling receptacles shall be removed upon leaving the location.

E. All food items must be approved for sale by the Atlantic County Board of Health and shall be prepared according to of the Board of Health specifications and in accordance with N.J.A.C. 8:24 et seq.

F. The Board of Health must approve all machinery used in the preparation of food items.

G. All products sold, disposed of or offered for sale under this article shall comply with all state laws and ordinances of the Township relating to food and food products.

H. Food truck vendors shall not provide for or allow and/or permit any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters when setup at any location.

I. The Township reserves the right to temporarily displace any food truck vendor for emergency purposes as determined in the sole discretion of the Township Police Department.

J. Food truck vendors shall comply with all ordinances, laws and regulations relating to noise in effect by the Township, County, and/or State.

K. All motorized vehicles must abide by all existing traffic and parking regulations promulgated by the Township, County, and/or State.

L. Food truck vendor vehicles shall be solely used for the commercial use of food service and shall not contain sleeping quarters.

M. Grills, generators, or other items related to the motorized food truck operation shall be physically attached to the vehicle.

O. Food truck vendors must have a portable water tank/sink for hand washing attached to their vehicle as per N.J.A.C. 8:24-5.3.

§ 129-29 Violations and penalties.

Violation of any provision of this article shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this article within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender. The additional

fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and it shall be calculated separately from the fine imposed for the violation of this article.

SECTION 6. All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 7: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 8. This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY, HELD MARCH 20, 2019 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON APRIL 17, 2019.

Dated: March 20, 2019

Eileen M. Tedesco, RMC
Township Clerk