

ORDINANCE 18-2022

AN ORDINANCE AMMENDING AND SUPPLEMENTING CHAPTER 3 POLICE REGULATION, SECTION 3-15 OPERATION OF MOBILE FOOD ESTABLISHMENTS TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Council of Aberdeen Township, County of Monmouth and State of New Jersey as follows:

Chapter 3-15

The purpose of this section is to properly control mobile food handlers/vendors in order to prevent and discourage undesirable business practices; to help protect the public from fraud; to permit the activity regulated to a limited degree in consideration from the density of population, size of streets and public right-of-ways; and to promote health, safety, and welfare of the residents of the Township of Aberdeen.

Section 3-15- Operation of Mobile Food Establishments

Definitions

Mobile Retail Food Establishments – shall mean any movable restaurant, truck, van, trailer, cart, bicycle, or other movable unit, including hand-carried, portable containers in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

Motor Vehicle- shall mean as defined under New Jersey Motor Vehicle Laws, any vehicle propelled or drawn by mechanical or electrical equipment used for transportation of people or good.

Person- shall mean an individual, partnership, corporation, trust, joint venture, association, society, church, congregation or other organization.

Pushcart- shall mean a vehicle or device used to carry, transport or convey merchandise or items which are subject to this section.

Sale- shall mean the act of selling, holding out for sale, exchange transfer, advertising or delivery.

Section 3-15.1 License Required; Number Limited

No activity as defined in this section shall be conducted in the Township of Aberdeen except in compliance with the provisions of this section. It shall be unlawful for any person to conduct activities, defined herein, unless they have been issued a license pursuant to this section.

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Licenses shall be issued at the discretion of the Township. The number of licenses that may be issued and in effect during any three month (3) period. No person shall be issued more than (1) license.

Section 3-15.2 – location

Mobile food establishments shall be permitted to operate solely in the area in and about the Aberdeen-Matawan Train Station, which is controlled by the Township of Aberdeen and/or New Jersey Transit, between the hours of 2:00pm. and 8:00pm. Location through out the Township As such:

Veterans Memorial Park (Seasonal)

Storyland Park

Oakshades Park

Cambridge Park

Guisti Park

Philip N. Gumbs Park

If you are located at any private property, written permission to be obtained from the property owner.

Section 3-15.3 – Application for License

A. Application for such license shall be made in writing on a form to be provided to the Township of Aberdeen. It shall require that the applicant and every employee shall provide two (2) photographs taken within thirty (30) days of the application of a size approximately two and one-half by two and one-half (2 ½ X 2 ½) inches on thin paper having a white or beige background clearly showing a frontal view of the applicant's face and his employee's face; one of which is to be attached or posted to the applicant.

B. Such application for license shall require that the applicant give the following information concerning himself or itself:

1. Name
2. Specific address for the past three (3) years.
3. Date and place of birth and citizenship.
4. Arrests or convictions at any time, of any crime, for disorderly offense or of any municipal ordinance or regulations.

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5. Proposed location for which such license is sought including a sketch/survey of the property location and written consent of the property owner.

6. Description of all items to be sold

7. Description of trailer or vehicle to be used; photo, current vehicle insurance, liability insurance and registration for the trailer or vehicle to be provided.

Section 3-5.4 – Reapplication and Recertification

Each applicant and license shall by the 15th of the month prior to the end of the quarter, apply or reapply for the license by personally appearing at the Municipal Clerk's Office to certify or recertify to the information contained in their application. Where an applicant fails to appear and recertify, their name shall be removed from the list of pending applications. All persons who presently have licenses shall be considered first for each license before any new applicant.

Section 3-15.5-Investigation

Such application shall be made to and issued by the Municipal Clerk of the Township of Aberdeen or her designee after investigation by the Aberdeen Township Police Department.

Section 3-15.6 –Content, Display and Transfer of License

A. Each license issued by the Municipal Clerk shall set forth the specific food and beverage authorized to be sold, the location for the same, the name of each employee and the expiration date of the license.

B. No person shall engage in any activity, except those permitted under the license and at the location specific therein. Upon granting of the license hereinabove mentioned, each licensee shall be required to prominently display said license on the vehicle employed to transact his business.

C. No license may be transferred from one person or entity to another.

Section 3-15.7 – Prohibited Acts

No Licensee shall:

1. Engage in business before 9:00 a.m. or after 8:00 p.m. on any given day, unless approved by the Office of the Township Manager. .

2. Transact business from its vehicle unless it is properly parked in the approval location

3. No vehicle shall park overnight on the approved location.

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Section 3-15.8 – Inspection and Certification

All mobile retail food establishments must, in addition to obtaining a license, be licensed by the Monmouth County Board of Health. Such Board of Health certification must be displayed to the public and renewed annually. A Certificate of Liability shall also be submitted naming the Township as hold harmless

Section 3-15.9 – License renewal and Fee

The term and cost of each license issued under this chapter shall be for a term of one (1) year and shall be renewed each quarter for a fee of two-hundred (\$200.00) dollars and paid quarterly (\$50.00).

Section 3-15.10 – Special Event Permit

The Township of Aberdeen reserves the right to issue, at any time, the above mentioned mobile food handlers license to any mobile food handler for a one-day duration. Said mobile food handlers must meet all of the requirements as stated in the above section. The fee for said one-day license shall be fifty (\$50.00) dollars. All licenses issued for one (1) day shall expire at midnight of the day issued.

Section 3-15.11 – Violations and Penalties

Any person, firm, corporation, partnership, or other entity violating any provisions of this section or any regulations promulgated by the Township of Aberdeen pursuant hereto shall be punished by one (1) or more of the following: A fine not to exceed two-thousand (\$2,000.00) dollars. Each and every violation and nonconformance with this chapter, on each day, that any provision of this section shall have been violated shall be construed as a separate offense.

All ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

If any section, subparagraph, sentence, clause, or phrase of this Ordinance shall be held invalid, such decisions shall not invalidate the remaining portion of this Ordinance.

This Ordinance shall take effect immediately upon passage and publication pursuant to law.

Introduced: September 15, 2022

Adopted: October 6, 2022

Fred Tagliarini, Mayor

Melissa Pfeifer, Township Clerk