

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2023-19

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF BORDENTOWN, CHAPTER 283 THEREOF, ENTITLED "FOOD AND FOOD ESTABLISHMENTS," TO CLARIFY THE MOBILE FOOD FACILITY LICENSE APPLICATION PROCESS AND THE RULES AND REGULATIONS FOR MOBILE FOOD FACILITIES

BE IT ORDAINED by the Township Committee of the Township of Bordentown in the County of Burlington and State of New Jersey as follows:

Section 1. Chapter 283, Food and Food Facility Establishments, of the Code of the Township of Bordentown is hereby amended to clarify the permit requirements and approval process to read as follows (additions shown as **thus**, deletions shown as ~~thus~~):

- § 283-6 License required for food-handling establishments and mobile food facilities.
- A. No person shall operate a food handling establishment without a business license as in conformity with the provisions of this chapter and Chapter 214, Business Licenses. In addition to the business license requirements of Chapter 214, food-handling establishments must also provide:
- (1) Proof of inspection by the Burlington County Department of Health in connection with the care and handling of food to prevent nuisances and the spread of disease.
 - (2) A **non-refundable** supplemental fee set forth in Chapter 260, Fee Schedule.
- B. No person shall operate a mobile food facility without a mobile food facility license valid for 60 days after issuance which may be renewed for one additional consecutive 60-day period with the approval of the Community Development Director. An applicant for a mobile food facility license must submit the following:
- (1) The name of the mobile food business and mailing address.
 - (2) The name, address and contact information of the applicant. (If a corporation, give names and address of the president and secretary; if a partnership, give the names and addresses of all partners.)
 - (3) The address, block and lot at which the mobile food facility will be conducting business.
 - (4) The date(s) and times the mobile food facility will be conducting business. The list of dates and times may be updated during the license period.
 - (5) Written consent from the property owner authorizing the mobile food facility to conduct business on the property.
 - (6) A valid fire safety permit from the Bordentown Township Fire Official.
 - (7) Proof of inspection by the Burlington County Department of Health in connection with the care and handling of food to prevent nuisances and the spread of disease.
 - (8) Proof of general liability insurance providing a minimum of \$1,000,000 of coverage.
 - (9) Proof of motor vehicle insurance as per N.J.S.A. 39:6B-1 if the mobile food vendor operates from a motor vehicle, in addition to proof of general liability insurance providing a minimum of \$1,000,000 of coverage.
 - (10) The mobile food facility fee as set forth in Chapter 260, Fee Schedule.
- C. A health inspection certification issued by another board of health or health officer is not transferable unless authorized by the County of Burlington Health Department.

§ 283-7 Mobile food facility rules and regulations.

- A. It shall be unlawful for temporary mobile food retail establishments, as defined by this chapter, to engage in any business within the Township without first having received a mobile food facility license from the Township Clerk.
- B. The application must be approved by the Zoning Official **and the Chief of the Bordentown Township Police Department or designee** prior to license issuance.
- C. Mobile food facilities shall not be in operation before 7:00 a.m. or after 10:00 p.m. This period does not include setup or breakdown operations.
- D. No amplified music or loudspeakers shall be permitted **and all Township noise regulations shall be adhered to.**
- E. Mobile food facilities shall not obstruct or interfere with the free flow of vehicle or pedestrian traffic and shall not park in any fire lane, access aisles, minimum required front, side or rear yard setback, sidewalk, sight triangle or public right-of-way.
- F. Mobile food facilities shall not occupy any state or county roadway or right of way without approval from the New Jersey Department of Transportation or Burlington County Traffic Operations.
- G. Mobile food facilities shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- H. No lighting shall be provided, except localized lighting may be used on or in the mobile food facility for the purpose of inside food preparation and menu illumination.
- I. Mobile food facilities shall not display any signs other than those exhibited on the mobile food facility unless approved by the Zoning Officer in accordance with Township codes.
- J. Mobile food facilities shall provide at least one trash receptacle and one recycling receptacle for use by patrons in a convenient location that does not impede vehicular or pedestrian traffic. All litter or debris within a minimum of fifty-foot radius of the mobile food facility shall be collected and removed by the mobile food facility operator(s).
- K. The mobile food facility license, the fire inspection certificate and the sanitary certificate issued by the Burlington County Department of Health all must be displayed in a conspicuous location.

§ 283-8 Exemptions to mobile food facility licensing.

The following activities shall be exempted from the licensing requirements for a mobile food facility, but may require other licensing or permitting:

- A. Single-family residential property owners may invite a mobile food facility for one day for private parties.
- B. Ice cream vendors going from place to place or from street to street soliciting orders. Ice cream vendors and the like must apply for a solicitation and peddling permit under Chapter 399, Peddling and Soliciting, Article I, Peddlers and Solicitors.
- C. Mobile food facilities that serve a site that is actively under construction pursuant to a valid building permit and do not vend to the general public during their stop.

§ 283-9 Enforcement.

This chapter shall be enforced by the Police Department, Code Enforcement Officer, Zoning Officer, Fire Marshal or Health Officer.

§ 283-10 Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction, be subject to the penalty set forth in Chapter 1, Article II, General Penalty, of the Code of the Township of Bordentown.

Section 2. Repealer. Any and all ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section 3. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable to any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

Section 4. Effective date. This ordinance shall become effective January 1, 2024.

INTRODUCED: December 4, 2023
 ADOPTED: December 18, 2023

RECORD OF VOTE													
First Reading							Second Reading						
COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Grayson	✓						Grayson	✓					✓
Holliday	✓					✓	Holliday	✓					
Miller	✓				✓		Miller	✓				✓	
Fuzy	✓						Fuzy	✓					
Benowitz				✓			Benowitz				✓		

✓ - indicates Vote AB - absent NV - not voting ORD - moved SEC - seconded
 I, MARIA CARRINGTON, Township Clerk, do hereby certify that this is a true copy of an ordinance adopted by the Township Committee of the Township of Bordentown on the 18th day of December, 2023.


 MARIA CARRINGTON, Township Clerk