

**AN ORDINANCE CREATING CHAPTER 230 (FOOD HANDLING AND MOBILE FOOD VENDORS)
AND AMENDING CHAPTER 204 (FEES) OF THE CODE OF THE BOROUGH OF OCEANPORT
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey that the following ordinance be and the same is hereby enacted:

Chapter 230 FOOD HANDLING AND MOBILE FOOD VENDORS

SECTION I. Purpose

- A. The purpose of this ordinance is to establish regulations and permitting for food handling, mobile food vendors and setting of fees for same.
- B. This chapter seeks to regulate food handlers and mobile food vendors through the annual issuance of licenses. This chapter will assist the Borough with keeping record of all food handler establishments including mobile food vendors within the Borough. License fees will cover the cost of enforcement and administrative duties.
- C. This chapter seeks to protect the character of existing commercial areas and to provide sufficient space in appropriate locations for each use. The Borough seeks to locate mobile food vendors in areas to better serve mobile populations. The Borough seeks to promote a desirable visual environment through limiting the interaction of each respective use.

SECTION II. Definitions

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

FOOD - A raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

FOOD HANDLER – Any establishment or person who regularly and principally prepares, cooks or serves food, whether seating on the premises is provided or not, or food is available for public consumption.

MOBILE FOOD VENDOR — Any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. Only the following mobile units shall be authorized to obtain an annual mobile retail food license to stop and stand on public property, public rights-of-way and/or public streets and sidewalks as designated hereinafter, none of which shall exceed 35 feet in length.

PERSON – An individual, firm, partnership, corporation, association and principle or agent thereof.

SECTION III. Food Handler's License Required

- A. No food handler shall engage in or be employed within the Borough in the business of or service of preparing, selling or processing food intended for human consumption without having first applied for a license as a food handler upon written application with the Board of Health.
- B. It shall be unlawful for any person to sell or dispose of, or to offer to sell or dispose of, any food stuffs, goods, wares or merchandise within the Borough of Oceanport, without first obtaining a license and having paid the required license fee.

SECTION IV. Application for License

Any person desiring a license shall file with the Borough Clerk of the Borough of Oceanport or as otherwise designated an application which shall contain the following information:

- a. Name of the Applicant
- b. If a trade name is used, whether the Applicant is an individual, partnership, association or corporation.
- c. Address of Applicant and Telephone Number
- d. Two business references

- e. Place or places of the residence of the Applicant for the preceding 3 years.
- f. Description of goods or services to be sold
- g. For facilities with multiple food establishments
- h. As to the application, there must be appended or, when applicable, a corporate resolution from the firm authorizing the person signing the application to act as its representative and certifying that the information is correct and accurate.
- i. Whether the applicant, in previously operating in this state under a license, has had such license revoked or suspended and, if so, the reasons therefore.
- j. In the case of a mobile food vendor, the description of the vehicle and State license number

SECTION V Renewal of registrations.

All food handler licenses will expire December 31st of each year.

SECTION VI Transfer of Licenses prohibited.

A food handler license is granted to a food handler as defined in Section II and may not be transferred to any other person for any other purpose whatsoever.

SECTION VII. Availability of License.

Every food handler holding a license in accordance with this Chapter shall be required to prominently display license while engaged in the business use. Food handler must produce the license at the request of any person solicited, police officer or any other official of the Borough of Oceanport. Mobile vendor licensees shall be required to display the mobile vendor license prominently when located in a permitted location. Being the lawful holder of a Borough of Oceanport mobile food vendor license shall not be a valid defense to a citation for failure to prominently display the license in violation of this chapter.

SECTION VIII. Hours of operation for mobile food vendors

- A. Weekdays: Sunday through Thursday, mobile food vendors shall operate between the hours of 10:00 a.m. and 8:00 p.m.
- B. Weekends: Friday and Saturday, mobile food vendors shall operate between the hours of 9 a.m. and 9:00 p.m.
- C. In the event any additional hours are desired, a licensee may apply to the Governing Body for extended hours.

SECTION IX. Supplemental Regulations

- A. Mobile food vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- B. All licensees shall comply with all applicable state statutes, all applicable Borough of Oceanport ordinances, and any other law or regulation which may be applicable under the given circumstances.
- C. No person or vehicle shall stand or be parked in a fixed location for the purpose of displaying or selling wares, merchandise or services on any public or private property where to do so causes or is likely to cause a crowd, impede vehicular or pedestrian traffic, produce annoying sounds, noises or disturbances which interfere with the quality of life of the residents.
- D. It shall also be unlawful to strew or litter, or cause to be strewn or littered, the public streets or sidewalks with refuse or waste matter of any kind or to in anywise interfere with the comfort or convenience of the residence or business of the occupants or owners of adjacent properties.
- E. No person or vehicle shall stand or be parked for the purpose of displaying or selling wares, merchandise or services on any public or private property within a distance of 200 feet of the nearest public school in the Borough of Oceanport during school hours. School hours shall mean any time between 8:00 a.m. and 3:30 pm on weekdays, exclusive of Saturdays, during such days as said schools may be in session.
- F. Mobile food vendors shall comply with all ordinances, laws and regulations relating to noise in effect by the Borough of Oceanport, County of Monmouth and State of New Jersey.

SECTION X. Enforcement

Unless otherwise specified herein, this chapter shall be enforced by the Code Enforcement Officer, the Oceanport Police Department, the Health Officer or any other Borough official as so designated.

SECTION XI. Fees

Fees for licenses shall be set in accordance with the Fee Ordinance of the Borough of Oceanport.

BE IT FURTHER ORDAINED by the Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey that the following ordinance be and the same is hereby amended:

Chapter 204 FEES

Article IX. Food Handlers & Mobile Food Vendors

§204-15. Food handler & mobile food vendor license fee

A. The fee for a Food Handler’s license is hereby fixed as follows:

- (1) For establishments less than 1,000 square feet: \$ 75
- (2) For establishments between 1,000 and 2,000 square feet: \$ 125
- (3) For establishments greater than 2,000 square feet: \$ 250
- (4) For multiple establishments owned/controlled and located on same premises which total more than 5,000 square feet: \$ 2,000 (Total)

B. The fee for an Individual Mobile Food Vendors license \$ 35

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only, however to the extent of such conflict or inconsistency, it being the legislative intent that all other ordinances or parts of ordinances now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

BE IT FURTHER ORDAINED this amending ordinance shall become effective upon due passage and publication according to law.

INTRODUCED: April 16, 2015

APPROVED: April 16, 2015

ADOPTED: May 7, 2015

MICHAEL J. MAHON
MAYOR

ATTEST: _____
JEANNE SMITH
BOROUGH CLERK