

TOWNSHIP OF WILLINGBORO

ORDINANCE NO. 2021 - 1

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE TOWNSHIP OF WILLINGBORO MUNICIPAL CODE TO ADD A NEW CHAPTER 180, TO BE ENTITLED “FOOD VENDING VEHICLES” AND AMENDING CHAPTER 150 OF THE WILLINGBORO TOWNSHIP MUNICIPAL CODE ENTITLED “FEES”

WHEREAS, the Mayor and Council for the Township of Willingboro have performed a full review of the fees listed under Chapter 150, entitled “FEES,” and other Chapters of the Willingboro Municipal Code Book.

WHEREAS, the purpose of this Ordinance is to permit Food Vending Vehicles during specified limited times and dates, in the Township of Willingboro (“Township”), and this Ordinance is adopted with the intent to encourage business in the Township and to provide a unique culinary experience in an outdoor setting for Township residents and visitors, while providing standards and regulations for Food Vending Vehicles and the operators of same within the Township.

WHEREAS, the Mayor and Council for the Township now desire to amend said chapter to change some of the requisite fee amounts listed therein and add an additional chapter to the Willingboro Municipal Code Book for Food Vending Vehicles.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Council of the Township of Willingboro, County of Burlington and State of New Jersey that the Township of Willingboro Municipal Code Book shall be amended as follows:

SECTION 1: The Township of Willingboro Municipal Code Book shall, in pertinent part, be amended to add Chapter 180, entitled “Food Vending Vehicles” as follows:

Chapter 180: Food Vending Vehicles

§ 180-1 Definitions.

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§ 180-2	License and permit required.
§ 180-3	Fees.
§ 180-4	Display of license and other requirements.
§ 180-5	Violations and penalties.

§ 180-1 Definitions.

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

FOOD VENDING VEHICLE

Includes all vehicles and carts from which food and foodstuffs are offered for retail sale or delivery to consumers or other persons on the public sidewalk, streets, and highways, also including peddlers and hawkers within the scope of Chapter 257.

§180-2 License and Permit required.

- A. No person shall offer any food for sale from a Food Vending Vehicle in the Township without first obtaining a license therefor from the Burlington County Health Department, and providing a copy of same to the Township Clerk, and a permit from the Township as set forth herein.
- B. Any person offering any food for sale from a Food Vending Vehicle in the Township pursuant to a license therefor from the Burlington County Health Department. Every such person shall further be required to present to the Township a certificate of registration from the Director of the Division of Taxation of the New Jersey Department of Treasury. Finally, every such person who possessed a license during the preceding year shall present proof to the Township of payment of New Jersey sales tax required pursuant to N.J.S.A. 54:32B-1, et seq.
- C. All persons operating a Food Vending Vehicle must have a valid New Jersey Driver's License or a valid Driver's License from another state in the United States.
- D. Any person offering any food for sale from a Food Vending Vehicle in the Township pursuant to a license therefor from the Burlington County Health Department shall cause to be furnished to the Township:
 1. A description of the vending unit, including three photographs representing a side view, a frontal view and rear view.

2. If a motor vehicle, as defined under N.J.S.A. 39:1-1, is to be utilized as the vending unit, the applicant shall provide the following:

- (a) Vehicle model.
- (b) Vehicle registration number.
- (c) License plate number.
- (d) Proof of motor vehicle liability insurance coverage equal to or greater than the amounts required of a New Jersey motor vehicle, as prescribed in N.J.S.A. 39:6A-3

E. A Food Vending Vehicle license and permit issued under this chapter shall not be assignable nor transferable and may be used only in the operation of the vending vehicle described in the application.

§180-3 Fees.

The fees to be collected by the Township Clerk for the permit for operation of a Food Vending Vehicle in the Township are set forth in Chapter 150 of the Township Municipal Code.

§180-4 Display of permit and license and other requirements

- A. Any person offering any food for sale from a Food Vending Vehicle in the Township pursuant to a license therefor from the Burlington County Health Department and the permit issued by the Township pursuant to this Ordinance shall post such permit and license in a conspicuous place on the Food Vending Vehicle.
- B. Clean-up and removal of litter generated by the Food Vending Vehicle and its patrons shall be the responsibility of the Food Vending Vehicle owner/operator.
- C. All food items must be approved for sale by the Burlington County Health Department and shall be prepared according to Burlington County Health Department specifications and in accordance with N.J.A.C. 8:24, et seq.
- D. All machinery used in the preparation of food items must be approved by the Burlington County Health Department All vehicles must be equipped with an inverter generator for noise control, with a maximum decibel rating to be established by the Township Manager or the Manager's designee and periodically updated based on experience with Food Vending Vehicles in the Township.
- E. 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.
- F. The hours of operation for Food Vending Vehicles subject to the provisions of this chapter shall not be earlier than 7:00 a.m. and no later than 9:00 p.m. the same day, and only on

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- G. days specified by the Township Manager pursuant to the permit issued pursuant to Section H of this chapter.
- H. The sale or attempted sale of goods from a Food Vending Vehicle shall be prohibited except in areas permitted and specified by the Township Manager, or his or her designee, pursuant to the permit issued pursuant to Section H of this chapter. In no event shall a Food Vending Vehicle be located on a residential street, on private residential property or on a portion of a sidewalk or roadway abutting a restaurant or food licensee within the Township.
- I. The Township Manager, or his or her designee, shall establish the dates, hours of operation and permitted location of all Food Vending Vehicles in the permit issued pursuant to this Chapter, and subject to the following conditions:
 - a. The maximum number of Food Vending Vehicles to be permitted at any one time or event in the Township shall be 10. The Township Manager, or his or her designee shall have the authority to amend the number of permissible Food Vending Vehicles on a case by case basis, and each Food Vending Vehicle shall serve a different variety of food;
 - b. In the event that more Food Vending Vehicle operators seek to apply for a permit on a day than permitted by the Township Manager in subsection (b) above, or if more than one operator offering the same variety of food seeks to apply for a permit, the Township shall maintain a rotating list of Food Vending Vehicles, and permits shall be issued on a rotating basis, provided that any food vending operator violating any term, condition or provision of this Chapter shall thereafter be prohibited from applying for a permit.
- J. No mobile food vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.
- K. Grills, generators, or other items related to the mobile food vending operation shall be physically attached to the vehicle or pushcart.
- L. Mobile food 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.
- M. No food vending vehicle shall cause or permit the operation of any source of sound above 75 decibels.
- N. Food vending vehicles may be operated in the following zoning districts:

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- B-1 - Primary Business District,
- B-2 - Planned Neighborhood Business District
- B-3 - Tertiary Business District
- A-1 - Administrative & Professional District
- I-1 - Restricted Industrial District
- RZO – Route 130 Redevelopment Zone

§180-5 Violations and penalties.

- A. Any person who violates any provisions of this chapter shall, upon first conviction thereof, be subject to a fine of not less than \$100.00 and not exceeding \$500.00. Any person who violates any provisions of this chapter shall, upon second conviction thereof, be subject to a fine of not less than \$500.00 and not exceeding \$1000.00 and any person who violates any provisions of this chapter shall, upon third conviction thereof, be subject to a fine of not less than \$500.00 and not exceeding \$1000.00 and imprisonment for a term not exceeding 90 days or by a period of community service not for more than 90 days, or any combination thereof. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

- B. In addition to the penalties set forth herein, any person operating a Food Vendor Vehicle or cart who violates any provisions of this Chapter, or applicable provisions of Chapter 24 of the New Jersey State Sanitary Code, the Food Vending Vehicle shall be deemed a public safety hazard by the Township. Accordingly, in the instance of such violation, the Food Vending Vehicle in question may be impounded (and, in the instance of an operator not bearing the required license, shall be impounded) by either the Willingboro Township Police Department or Burlington County Health Department. In the event that any such vehicle is impounded, the Food Vending Vehicle may be redeemed by the person upon payment of the cost of impounding and any applicable storage charges. The said storage charge and cost of impounding shall be the same as are established for the impounding of motor vehicles.

SECTION 2: Chapter 150, entitled “FEES,” of the Township of Willingboro Municipal

Code Book shall, in pertinent part, be amended as follows:

NOTE: Deletions have been ~~struck through~~ and additions in *italics*. Large portions of text which are unchanged by this ordinance have been removed and indicated via “...”

§150-1 General regulations and procedures.

....

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§150-18 Food Vending Vehicle Fees

- A. The annual operating permit fee for owners/operators of Food Vending Vehicles shall be \$50.00 per Food Vending Vehicle, payable to the Township Clerk.

OR

- B. The daily operating permit fee for owners/operators of Food Vending Vehicles shall be \$20.00 per day per Food Vending Vehicle, payable to the Township Clerk.

SECTION 3: All Township ordinances inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistencies; and

SECTION 4: In the event that any section paragraph, clause phrase, term, provision or part of this Ordinance shall be adjudicated by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered; and

SECTION 5: This Ordinance shall take effect immediately upon final passage and publication as provided by law.

UNTABLEB- APRIL 20,2021

Councilmember	Motion	2nd	Yea	Nay	Recuse	Abstain	Absent
Councilman Anderson							X
Councilwoman Perrone			X				
Councilwoman Whitfield		x	X				
Deputy Mayor McIntosh	x		X				
Mayor Worthy			X				

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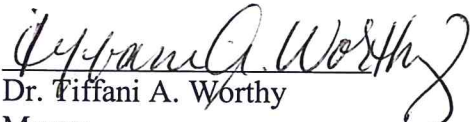
FIRST READING- APRIL 20,2021

Councilmember	Motion	2nd	Yea	Nay	Recuse	Abstain	Absent
Councilman Anderson							X
Councilwoman Perrone			X				
Councilwoman Whitfield	X		X				
Deputy Mayor McIntosh		X	X				
Mayor Worthy			X				

SECOND READING:

Councilmember	Motion	2nd	Yea	Nay	Recuse	Abstain	Absent
Councilman Anderson	x		X				
Councilwoman Perrone			X				
Councilwoman Whitfield		x	X				
Deputy Mayor McIntosh			X				
Mayor Worthy			X				

Township of Willingboro


 Dr. Tiffani A. Worthy
 Mayor

Attest:


 Brenda Bligen, MBA
 Acting Township Clerk