



**Township Council**  
1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**  
*Municipal Clerk*

<http://www.bloomfieldwpnj.com>

Meeting: 08/24/20 06:30 PM

## **2020 ORDINANCE AMENDMENT**

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### **AN ORDINANCE TO AMEND CHAPTER 408, "PEDDLING AND SOLICITING", ARTICLE II. HAWKERS, PEDDLERS AND TRANSIENT MERCHANTS WITHIN THE TOWNSHIP CODE OF THE TOWNSHIP OF BLOOMFIELD**

**BE IT ORDAINED**, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, with the following additions:

**Section 1.** Chapter 408 "HAWKERS, PEDDLER AND TRANSIENT Merchants, Article II. Hawkers, Peddlers, Temporary Mobile Food Establishments and Transient Merchants of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to add the following:

#### **§408-9. License required.**

No hawkers, peddlers, temporary mobile food establishments or transient merchants shall carry on or attempt to carry on any business, trade or occupation in the Township without having first obtained from the Township Council a license for such business in accordance with this article

A. Definitions.

#### **TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT**

Any movable restaurant, truck, van, trailer, tent, or other moveable 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.

#### **FOOD CART**

A cart or other moveable device used on the public sidewalks or in public places, in which ready to eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution, and which is not licensed as a food truck or food trailer.

#### **FOOD TRAILER**

A non-motorized vehicle designed to be towed by a motorized vehicle that is registered and is able to be operated on the public streets of the State of New Jersey, in which ready to eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

#### **FOOD TRUCK**

A motorized vehicle that is registered and is able to be operated on the public streets of the State of New Jersey, in which ready to eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

## **FOOD VEHICLE**

Collectively, a food truck, food trailer and a food cart.

## **FOOD VENDOR**

The owner or operator of a food truck, food trailer or food cart or the owner's agent; hereinafter referred to as "vendor."

### **§408-10. Applications for licenses; investigations; issuance; classes; number.**

- B. Investigation of applicants.
3. No food vehicle shall operate within the borders of the Township of Bloomfield without first having been inspected and approved by the Bloomfield Fire Department Fire Prevention Bureau.
  4. No food vehicle that is using propane shall operate within the borders of the Township of Bloomfield without first having been inspected and approved by the Bloomfield Fire Department Fire Prevention Bureau and must obtain a Type-1 permit.
  5. A hood suppression system used in a food vehicle must be compliant with all state and local fire codes.
- C. Issuance of License.
- D. License classes; term; number restricted; Class of Licenses.
- (a) Class 1: Sales on Public Property. License for the sale of products within 30 feet of or within the boundaries of Township Property. The Business Administrator or his/her designee shall determine where, in each park, the licensee may be located, giving particular consideration to the safety of the patrons approaching the vendor.
  - (b) Class 2: Ice Cream Sales. License for the sale of ice cream products, frozen dessert products, water ices, frozen confectionary products and beverages from a food vehicle. The licensee may sell in any zone (except areas in which a Class 1 license is required), provided that no sale stops shall be for more than 15 minutes in any zone as indicated in § 408-12B.
  - (c) Class 3: Food Trucks. License for the sale of food products, snacks and meals from a Food Truck. The licensee shall not be permitted to sell in any residential zone.
  - (d) Class 4: Sales on Private Property. License for the sale of snacks and meals from a lunch truck. Licensees shall not be permitted to sell in any residential zone and shall be limited to sale of food on private property, with the permission and invitation of the property owner.
  - (e) Class 5: Township Restaurant Mobile Sales. License for the sale of food products, snacks and meals by from a Food Vehicle by the owner/operator of a Bloomfield Township brick-and-mortar retail food establishment building.

- (3) Number of licenses.
  - (a) Class 1: three licenses.
  - (b) Class 2: three licenses.
  - (c) Class 3: three licenses.
  - (d) Class 4: three licenses.
  - (e) Class 5: three licenses.
- (4) Licenses will be issued through a fair and open process.

**§408-12.1. Regulations and restrictions; temporary mobile retail food establishment.**

A. It shall be unlawful for anyone engaged in the business of selling any of the items set forth in this article from vehicles to misrepresent the character or quality of the merchandise offered for sale or to importune or otherwise annoy any person or persons for the purpose of effecting a sale.

B. All products so sold or offered for sale from such vehicles shall comply with all the laws and local ordinances relating to food and food products.

C. It shall be unlawful for a temporary mobile retail food establishment to:

1. Sell or offer to sell his or her products in streets where the permitted speed limit is 30 miles per hour or more.
2. Sell or offer to sell his or her products to a person standing in the roadway, nor shall he or she allow any unauthorized person to ride in or on the vehicle.
3. Occupy a location in a residential zone. A street location which immediately abuts a residential zone on either side shall be considered a residential zone.
4. Occupy a temporary location in any other zone for a period longer than 1/2 hour.
5. Occupy any location situated within 200 feet of the property of any elementary, middle or high school, whether public or private.
6. Occupy the same temporary location twice within one twenty-four-hour period, regardless of the character of the zone chosen for the location of the vehicle.
7. Vacate a temporary location without first removing all waste and debris which has been caused by his or her occupancy or his or her patrons.
8. A mobile vendor subject to the provisions of N.J.S.A. 39:4-128.7 shall, to the extent said statute is inconsistent with this article, comply with the statute. Otherwise, this article shall apply.
9. Operate within 200 linear feet of a brick-and-mortar retail food establishment building. This prohibition shall not apply to a Class 5 licensee in front of their own food establishment building.
10. Operate on the same site more than three times per calendar week.

D. Food and drinks may only be sold between the hours of 8:00 a.m. to 10:00 p.m.

E. Each establishment must place a trash can of adequate size and a recycle can near the establishment's location. Establishments are required to remove trash and to properly dispose of trash and recyclable containers and materials. No trash or recyclables shall be disposed of in

receptacles owned by the Township or nonprofit corporations or associations that place trash or recycling receptacles on the street for use by the public.

F. Licenses issued shall be issued for the above locations in accordance with written procedures established by the Administrator and filed with the Township Clerk.

G. The Administrator is authorized to promulgate additional regulations concerning proper behavior of the establishments.

H. Nothing herein shall be construed to:

- a. Permit parking in any location in violation of the general parking ordinances of the Township of Bloomfield.
- b. Limit the discretion of a police officer to require a temporary mobile establishment to move from an otherwise permitted location in the interest of public safety or the adequate movement of vehicular or pedestrian traffic.

#### **§408-12.2. Board of Health; License required.**

A. No person shall engage in the business of conducting a wholesale, retail or mobile retail food establishment as defined herein until such person shall have first obtained from the Board of Health a license to conduct the same in accordance with Chapter 613 of this Code and shall have paid to said Board a fee as provided in the Township ordinances.

B. It shall be unlawful for any temporary mobile retail food establishment, as defined in this chapter, to engage in such business in the Township of Bloomfield, through the parking, standing or location of any truck, wagon, cart or other mobile unit upon public lands, streets or highways within the township or in close proximity thereto without first obtaining a license to do so, said license to be obtained in compliance with the provisions of this chapter.

#### **§408-16. Special events; special permits; fees.**

A vendor operating at a special event, party, fair, festival or movie production where there will be a food vehicle, with the exception of Township organized and sponsored special events, is required to comply with this article. Permits for one day to three days may be issued by the Township Clerk in lieu of the licenses required by this article, subject to the approval of the Township Administrator, upon payment of a fee of \$100.00 to the Township Clerk. The application must be filed no later than two weeks before the event. Applications made less than two weeks before the event may be accepted up to the day of the event at the discretion of the Township Administrator. A late service fee may be charged not to exceed double the standard fee. In no case may a food vehicle operate without approval by the Township Administrator.

#### **§408-16.1. Township organized or sponsored special events; permits; fees.**

A vendor operating at a Township organized and sponsored special events, including Bloomfield Center Alliance sponsored events, is required to comply with this article. Permits for one day to three days may be issued by the Township. The application must be filed no later than two weeks before the event. Applications made less than two weeks before the event may be accepted up to the day of the event at the discretion of the Township Administrator.

**Section 2.** All ordinances inconsistent herewith are hereby amended.

**Section 3.** This ordinance shall take effect upon final passage and publication in accordance with the law.

\*...\*...\*...\*

Approved as to form and procedure on basis of facts set forth.

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 Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on .

\_\_\_\_\_  
 Municipal Clerk of the Township of Bloomfield

\_\_\_\_\_  
 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Jenny Mundell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Sarah Cruz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Wartyna Davis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Ted Gamble	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> First Reading	Richard Rockwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Michael J. Venezia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

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		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Jenny Mundell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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