



TOWNSHIP of HOPEWELL

MERCER COUNTY OFFICE OF THE MUNICIPAL CLERK

MOBILE FOOD TRUCK FACILITY LICENSE APPLICATION

Attached please find Hopewell Township Ordinance No. 23-1812 which sets forth the conditions for the licensing of Mobile Food facilities within Hopewell Township, Mercer County, New Jersey. These conditions will be strictly enforced. Violation of the conditions of your license may result in a fine and/or revocation of your Mobile Food Truck Facility License.

Upon successful completion of this application, a license will be issued by the Municipal Clerk. The license will be applicable from January 1 of the current year until December 31 of the current year, regardless of the date for which the license is applied. All licenses will be effective and terminate on December 31 of the year in which the license is issued.

PLEASE PROVIDE THE FOLLOWING:

APPLICANT EMAIL ADDRESS: _____

VENDOR NAME: _____

VENDOR ADDRESS: _____

VENDOR PHONE NUMBER: _____

OWNER NAME (IF DIFFERENT THAN VENDOR): _____

OWNER ADDRESS: _____

OWNER PHONE NUMBER: _____

VEHICLE LICENSE PLATE NUMBER: _____

VEHICLE NUMBER: _____

A COPY OF BUSINESS CERTIFICATE OF REGISTRATION ISSUED BY NJ DIVISION OF TAXATION

PROOF OF GENERAL LIABILITY INSURANCE (AMOUNT NOT LESS THAN \$500,000 PER INCIDENT, \$1,000,000 AGGREGATE.)

EACH TRUCK MUST BE INDIVIDUALLY LICENSED

FEE: 50.00 PER REGISTRATION FOR CALENDAR YEAR

VETERANS AND VOLUNTEER FIREFIGHTERS ARE EXEMPT FROM FEE.

I have read and agreed to the terms of Hopewell Township Ordinance 23-1812. By providing my signature below, I hereby request that my application be considered.

Applicant Name: Please Print Name

Applicant Signature

Date

FOR TOWNSHIP USE ONLY:

Date Application Received: _____

Date Approved by Municipal Clerk: _____

Date Denied by Municipal Clerk (If applicable): _____

License Number: _____

SUBMIT APPLICATION WITH APPLICABLE DOCUMENTS AND FEE TO:

**Katherine Fenton-Newman, Municipal Clerk
Township of Hopewell
201 Washington Crossing-Pennington Road
Titusville, NJ 08560**

Questions? Call the Clerk's Office at: 609-737-0605, Extension 6620 or 6760

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 23-1812

**ESTABLISHING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF
HOPEWELL TO ESTABLISH REGULATIONS REGARDING "MOBILE FOOD
FACILITIES"**

WHEREAS, the Township Committee has determined a need exists to develop standards and regulations permitting mobile food facility vendors that meet appropriate and reasonable conditions; and

WHEREAS, these standards are necessary to ensure each approved vendor provides adequate safety measures to protect pedestrians and drivers and does not interfere with or impinge the general regulatory scheme of the zoning district or interfere with the operation of established permanent businesses; and

WHEREAS, the Township Committee finds that permitting mobile food facilities to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that Chapter 16 of the Township Code of the Township of Hopewell is hereby amended as follows:

Section One. New Section.

A. § 25-1 "Mobile Food Facilities"

§ 25-1 a Definitions.

Mobile Food Facilities or "Food Trucks" – A van, truck, towed trailer, or pushcart, from which prepared foods are transported, sold or given away at a temporary location.

Operator – The person in control of, or having the responsibility for, the operation of a mobile food facility, which may include, but is not limited to, the owner of the mobile food facility.

§ 25-1 b Registration requirement; Fees

1. It shall be unlawful to operate a mobile food facility at any location within the Township unless the Operator has registered such use with the Township on a form established by the Township, available through the Township Clerk's office, which form may be amended from time to time by the Township Administrator without further approval by the Township Committee. At minimum, the registration form shall include the name and contact information for the vendor, the owner, if different and the vendor's health department permit number.
2. Each Mobile Food Facility must comply with all federal, state and local licensing, including, but not limited to, the Hopewell Township Health Department, as well as any and all other permitting regulations.
3. Each Mobile Food Facility shall carry within the vehicle both a copy of the registration submitted to the Township and the certificate of registration issued by the New Jersey Division of Taxation.
4. Mobile food facility registrations are not transferable (each truck must be individually licensed).
5. As part of the registration process, the Clerk's Office shall request proof of general liability insurance in an amount not less than \$500,000 per incident, \$1,000,000 aggregate.
6. Any veteran or volunteer firefighter who holds a special license issued pursuant to N.J.S.A. 45:24-9 shall be exempt from registration fees, but shall be required to comply with all other applicable provisions of this section. Specifically, veterans and exempt firefighters shall be required to file a registration with the Township but shall not be required to pay any registration fee. All other requirements of this section shall be complied with to ensure the health and safety of the residents.
7. The registration fee for each Mobile Food Facility for each location shall be \$50.00 per registration. Said fee exists for administrative review of the submission.
8. The license shall be valid for the remainder of the calendar year.

§ 25-1 c Time and Place of Operations.

1. No more than two (2) Mobile Food Facilities may operate at any location at one time unless authorized by the Township Committee.
2. Mobile Food Facilities may operate beginning at 7:00 a.m. and ending at 10:00 p.m. unless otherwise restricted by permit or by the property owner. The Township may permit extended hours of operation on a case-by-case basis upon the adoption of a Resolution explaining why the hours are being extended.
3. Mobile Food Facilities shall be limited to occupying the same location to no more than one

hundred and eighty (180) days of the year. The same Mobile Food Facility shall be limited to occupying the same location no more than seven (7) consecutive days.

4. Mobile Food Facilities shall only occupy lands with a separate, active principal use such that the Mobile Food Facility enhances the already existing operation.
5. No Mobile Food Facility shall occupy Township property, without prior approval of the Township Committee by way of a Festival Permit or a Temporary Activities Permit. No Mobile Food Facility shall occupy any portion of the public street, the right-of-way, or the sidewalk.
6. Nothing in this chapter shall limit the Township or any of its entities from hiring of Mobile Food Facilities for special events in any quantity as they deem fit. The Township may in its discretion, utilize public property, public recreation facilities, streets and/or sidewalks for such events.

§ 25-1 d Operating Requirements

1. Mobile Food Facilities must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is incompatible with the purpose for which the vehicle has been designed and constructed and all applicable codes and regulations as adopted in New Jersey.

2. Inspection and Equipment

- (a) All food items must be approved for sale by the Hopewell Township Health Department, in conjunction with a Health Department license application pursuant to § 16-4.1. All foods shall be prepared, stored, and transported according to the Health Department specifications and in accordance with N.J.A.C. 8:24 et seq.
- (b) The equipment used or employed by Mobile Food Truck Facilities shall be maintained in a clean, sanitary manner and be subject to the inspection of the Hopewell Township Health Department or its authorized agents. Violations of N.J.A.C. 8:24 et seq. may result in revocation of the license to operate issued by the Health Department.

3. Appearance and Maintenance of Mobile Food Facilities

- (a) Mobile food vehicles must be operated and properly maintained in accordance with all applicable motor vehicle and transportation codes.

- (b) The requirements for mobile food facilities operation area is as follows:
 - a. Space must be a minimum of 20 feet x 40 feet.
 - b. Minimum setback from the right-of-way shall be 3 feet.
 - c. Minimum setback from property lines shall be 15 feet or 50 feet if adjoining lot is residential.
 - d. An area cannot encroach upon the required minimum parking for the principal use on the lot.
 - e. Shall not interfere with the safe flow of traffic or pedestrian movement.
 - f. Shall not interfere with accessible routes or accessible parking areas.
 - g. Shall not place any signage outside the approved area of operation.
- 4. Waste Collection. The area of a mobile food facility operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operate of the responsibility for cleanliness of the area surrounding the operations (not less than twenty-five (25) feet from all parts of vehicles) regardless of the occurrence or source of any waste in the area. The Operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the mobile food service vehicle. All trash receptacles must be emptied and removed prior to closing or departure of a mobile food service vehicle from a location. No mobile food facility shall leave any location without first picking up, removing and disposing of any trash or refuse remaining from sales made by it. If the Operator or property owner fails to clean the property causing complaints, the Health Department shall provide 48 hours 'notice to clean and if not completed, contract to have the property cleaned and the cost of such efforts shall be borne by the Operator and the Mobile Food Facility. The Township may file a complaint in municipal court to recoup the costs and any fines imposed by the Court for violation of the Ordinance and this action shall be identified as a negative factor in determining whether a new registration for that property is appropriate for any future application by the owner or for a vendor on the owner's property.
- 5. Lighting. To the greatest extent feasible, mobile food facilities shall utilize existing surrounding light to avoid creating additional lighting and glare conditions onto adjacent properties. Additional lighting may be permitted where needed, which shall be adequately shielded to eliminate light spillage onto adjacent streets, travel ways, properties and uses.
- 6. Signage.
 - (a) All signage must be in accordance with code provisions that regulate signage within the Township and not be placed in right-of-way
 - (b) All vehicular signs shall be in accordance with state motor vehicle standards.

8. Fire Safety Permitting and Code Compliance

- (a) Mobile Food Facility must be permitted through the Fire Safety Office 14 business days in advance of operation and comply with the New Jersey Uniform Fire Code N.J.A.C.5:70 et seq. as adopted at the time of the permit application.
- (b) No power cord, cable or equipment shall be extended across any public street, sidewalk or other public property.
- (c) Grills, generators, or other items related to the mobile food facility's operation shall be physically attached to the vehicle.
- (d) Shall not be within 50 feet of any fire hydrants or Fire Department connections.
- (e) Where more than one truck is operating at the same location, there shall be at least 20 feet of separation (bumper to bumper) between each truck.

9. Noise. No sounds that are prohibited by Section 16-14.1 of the Township Code may be produced by a Mobile Food Facility's operation.

10. Violation. Any violation of the provisions of this Ordinance shall result in a 30-day suspension of the Mobile Food Facility license. A subsequent violation shall result in the suspension of said license for the remainder of the calendar year.

11. Except as otherwise provided by specific exception in this chapter, persons subject to this chapter, including persons claiming an exemption from the requirement of the municipal registration, shall not:

- (a) Station, place, set up or maintain its wares or equipment in such a way as would restrict, obstruct, interfere with or impede the pedestrian's right-of-way; restrict, obstruct, interfere with the use of enjoyment from the abutting property; create or become a nuisance; increase traffic congestion, cause or increase traffic delay or hazards; cause or create or constitute a danger to life, health, or property.
- (b) Station, place, set up or maintain its wares closer than 50 feet from the curb line or end of pavement of intersecting streets.
- (c) Place its wares in such way as would reduce the unobstructed pedestrian right-of-way on a

sidewalk to less than six feet.

- (d) Engage in business within 25 feet of any location where the curb has been depressed to facilitate pedestrian or vehicle movement.
- (e) Engage in business on any sidewalk or along any street within 50 feet of any fire hydrant, or within 25 feet of any crosswalk, bus stop, or a driveway.
- (f) Leave its wares unattended at any time or store, place or leave the same overnight on any sidewalk or public way of the Township.


Section Two. Repealer, Severability and Effective Date.

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

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for 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.


C. This Ordinance shall take effect January 1, 2024.

Date Introduced: September 5, 2023
Date Advertised: September 8, 2023
Date Adopted: September 18, 2023



Michael Ruger
Mayor

Attest:



Katherine Fenton-Newman
Municipal Clerk