

**TOWNSHIP OF LONG HILL
ORDINANCE 534-24
AN ORDINANCE REGULATING TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENTS
(COMMONLY KNOWN AS “FOOD TRUCKS”) AND SUPPLEMENTING AND AMENDING CHAPTER 4
OF THE TOWNSHIP CODE ENTITLED “GENERAL LICENSING”**

WHEREAS, food trucks have become more common and more popular; and

WHEREAS, the Township Committee wishes to regulate food trucks in the Township;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Chapter 4 of the Township Code entitled “General Licensing” is hereby supplemented and amended as follows:

Section 1. There is hereby created a new section 4-7 entitled “Temporary Mobile Retail Food Establishments” which reads as follows:

“§ 4-7 Temporary Mobile Retail Food Establishments

§ 4-7.1 License required.

It shall be unlawful for any temporary mobile retail food establishment, as defined in this section, to engage in any such business in Long Hill Township without having first obtained a valid temporary mobile retail food establishment license from the Municipal Clerk in compliance with the provisions of this chapter.

§ 4-7.2 Definitions.

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

TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Any movable restaurant, truck, van, trailer, cart, bicycle, watercraft 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.

§ 4-7.3 Application information and fee.

- A. Applicants for a temporary mobile retail food establishment license under this chapter must file an application, in writing with the Municipal Clerk at least fourteen (14) calendar days prior to the event, that includes the following information:
1. The name of the applicant; if a corporation, the names and addresses of the president and secretary shall be set forth; if a partnership, the names and addresses of all partners shall be set forth; if a limited liability company, the names and addresses of all members shall be set forth.
 2. The name under which the business is to be conducted.
 3. The present mailing address, telephone number and email address of the business.
 4. The location at which the temporary mobile retail food establishment will be conducting business.
 5. The date(s) and times the temporary mobile retail food establishment will be conducting business.
 6. Whether or not the applicant has ever had a license to operate a temporary mobile retail food establishment denied or revoked in any municipality in the State of New Jersey. If such license has been denied or revoked, the applicant shall set forth in detail the facts leading to such denial or revocation.

7. Written consent from the property owner (if the event is being conducted on private property) authorizing the temporary mobile retail food establishment to conduct business on the property.
- B. The temporary mobile retail food establishment license shall be valid for the then current calendar year and will expire on December 31 of that year.
- C. At the time of filing the application, a fee of \$100 shall be paid to the Municipal Clerk.

§ 4-7.4 Temporary mobile retail food establishment rules and regulations.

Property owners may invite a temporary mobile retail food establishment on their premises subject to the following rules and regulations.

- A. The property is located in any of the nonresidential zones enumerated in section LU-121.1 of the Township Code:
- B. Property owners may invite a temporary mobile retail food establishment to be on their property for a total of not more than three times per calendar week and for no more than eight hours per day. At all other times, the vehicle and all associated materials and equipment must be removed from the site.
- C. No temporary mobile retail food establishment shall operate before 7:00 a.m. or after 10:00 p.m. This period does not include setup or breakdown operations, which shall not exceed 30 minutes.
- D. Temporary mobile retail food establishments may operate from a legal on street parking location or from a legal off-street parking space(s) on the property which shall not constitute one of the minimum required parking spaces for any other use on site. Vehicles parked on the street shall be subject to all applicable traffic regulations, including, but not limited to time restrictions.
- E. Temporary mobile retail food establishments shall not obstruct or interfere with the free flow of vehicle or pedestrian traffic and shall not park in any fire lane, access aisle, minimum required front, side or rear yard setback, sidewalk, sight triangle or public right of way in any area in which parking is not permitted.
- F. Temporary mobile retail food establishments shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- G. No amplified music or loud speakers shall be permitted.
- H. No lighting shall be provided, except that localized lighting may be used on or in the temporary mobile retail food establishment for the purpose of inside food preparation and menu illumination, and low watt decorative lighting may be used.
- I. Temporary mobile retail food establishments shall not display any signs other than those exhibited on the temporary mobile retail food establishment, except that one sandwich board sign, which shall not exceed 12 square feet and which shall not obstruct vehicular or pedestrian traffic shall be permitted.
- J. Temporary mobile retail food establishment operations shall be limited to the sale of food and beverage. No sales or service of alcohol shall be allowed by temporary mobile retail food

establishments.

- K. Temporary mobile retail food establishments shall provide at least one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede vehicular or pedestrian traffic. All litter or debris generated within a minimum of fifty-foot radius of the temporary mobile retail food establishment shall be collected and removed by the temporary mobile retail food establishment.
- L. All associated equipment and operations shall be self-contained within the temporary mobile retail food establishment. No furniture, tables, chairs, umbrellas, grills, generators, extension cords, tents, pop-ups, flags, banners, propane tanks or structures shall be placed outside or attached to any sign, light pole, tree or similar object, except that one small table used in the preparation of the products being sold, not exceeding 18 square feet shall be permitted outside as long as it does not obstruct vehicular or pedestrian traffic.
- M. No temporary mobile retail food establishment shall tie into any on-site utilities (electric, gas, potable water, sanitary facilities, etc.) and must be self-contained units. All trash, liquid waste, grease, etc., associated with the operation shall be removed at the end of each day and shall not be disposed in a building on site, storm drain, sidewalk, street or landscape area.
- N. At all times the temporary mobile retail food establishment shall have the following documents in its possession and present to a Township Official upon request:
 - 1. A valid Long Hill Township temporary mobile retail food establishment license.
 - 2. A valid retail food establishment license from the Long Hill Board of Health pursuant to Chapter **BH3** of the Code of Long Hill Township.
 - 3. A valid fire safety permit from the Long Hill Fire Official pursuant N.J.A.C. 5:70 et seq.

4-7.5 Insurance; Indemnity Agreement.

No temporary mobile retail food establishment permit, until the sponsor provides the Township Clerk with the following documents:

- a) Certificate of insurance showing that the sponsor has blanket coverage of \$1,000,000 for liability for bodily injury and/or property damage. In the case of special events which present a special or extraordinary exposure (e.g. fireworks displays, concerts, etc.) the sponsor shall provide liability insurance in an amount set by the Township Committee upon the recommendation of the Township's insurance carrier or insurance consultant. Such insurance policy shall specifically cover all concessionaires. If the special event is held on Township property or on public streets and/or sidewalks with the consent of the Township Committee, the required certificate of insurance must also name the Township as an additional insured.
- b) A properly executed indemnity and hold harmless agreement, by which the sponsor agrees to hold the Township harmless and indemnify the Township against any claims brought or actions filed against the Township as the result of the special event whether such claims or actions are rightfully or wrongfully brought or filed. Such agreement shall be in a form acceptable to the

Township Attorney.

§ 4-7.6 Exemptions.

The following activities shall be exempt from this chapter and shall not be required to obtain a Temporary Mobile Retail Food license from the Township Clerk, but shall be required to a retail food establishment license and fire safety permit, when applicable:

- A. Frozen confection vendors going from place to place or from street to street soliciting orders.
- B. Temporary mobile retail food establishments 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 and if their presence on site is limited to when they are actively engaged in sales and .
- C. Temporary mobile retail food establishments at special events that have obtained licenses pursuant to section 4-6 of this Code shall be exempt from paragraphs A,B, C, E, F, H and I of the rules and regulations set forth in Section 4-7.4 above.
- D. Temporary mobile retail food establishments at block parties in residential neighborhoods that have obtained licenses pursuant to section 4-6 of this Code (not to exceed 4 in any one calendar year) shall be exempt from paragraphs A,B, C, E, F, H and I of the rules and regulations set forth in Section 4-7.4 above.

§ 4-7.7 Enforcement.

This chapter shall be enforced by the Police Department (for violation of traffic and parking regulations) , the Code Enforcement Officer, the Zoning Officer, the Fire Marshal or the Health Officer.

§ 4-7.8 Violations and penalties.

A violation of any provision of this chapter shall be punishable as provided in § 1-5 of this Code.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, April 24, 2024 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, May 22, 2024, by a meeting when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning

said ordinance. To obtain details of the meeting please refer to Wednesday, May 22, 2024, public agenda, or email municipalclerk@longhillnj.gov.

ATTEST

Megan Phillips, RMC

Guy Piserchia, Mayor

First Reading and Introduction: April 24, 2024

1st Publication: Echoes Sentinel May 2, 2024

Second Reading and Adoption: on agenda May 22, 2024

2nd Publication: