

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

**“AN ORDINANCE GOVERNING MOTORIZED FOOD VENDORS
IN THE BOROUGH OF WOODCLIFF LAKE”**

ORDINANCE 16-04

Hereto introduced on the 4th day of April, 2016 at 8:00 PM did pass on first reading and that said Ordinance be further considered for final passage at a meeting to be held on the 18th day of April, 2016 at 8:00 PM or as soon thereafter as the matter can be reached at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of introduction and passage on first reading and of the time and place when and where said Ordinance be further considered.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Borough Mayor and Council of the Borough of Woodcliff Lake wishes to repeal the prohibition against motorized food vendors, also referred to as “Food Trucks” and establish rules for their governance and associated fees within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, County of Bergen, as follows:

Section 1: Chapter 255-2 shall be amended to revise the definition of “Mobile Kitchen” which shall read as:

Mobile Kitchen

As used in this or any other section of the Borough Code, any portable kitchen located inside of a vehicle and/or trailer shall meet the standards and requirements for a motorized food vendors (aka Food-Truck) as contained in Chapter 399.

Section 2: Chapter 255-3 subchapter B shall be amended shall read as:

- B.** All Mobile Kitchens shall meet the licensing requirements, regulations and standards for a motorized food vendors (aka Food-Truck) as contained in Chapter 399.

Section 3: Chapter 399 -1 shall be amended to include the term “motorized food vendors (aka Food-Truck) “ and shall read as:

§399-1 Definitions.

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

RETAIL FOOD ESTABLISHMENT

Any fixed or motorized restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; motorized food vendors (aka Food-Truck), industrial feeding establishment; private, public or nonprofit organization or institution serving food; catering kitchen; commissary; box lunch establishment; retail bakery; meat market; delicatessen; grocery store; public food market or similar place in which food or drink is prepared for retail sale or for service on the premises or elsewhere; and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public, with or without charge, except that agricultural markets, covered-dish suppers or similar type of church or nonprofit-type institution meal services shall meet the special provisions of Regulation VIII of Chapter 12 of the New Jersey State Sanitary Code.

Section 4: Chapter 399 -5 (F) shall be amended to include the term “motorized food vendors (aka Food-Truck)” within its enumerated list of Food Handling Establishments.

Section 5: An article shall be added in Chapter 399 to provide the rules and regulations for motorized food vendors and shall be entitled as “**Article III: Rules Governing Motorized Food Vendors (aka Food-Truck)**” and begin at §399-8. Such Article shall read as follows:

Article III: Rules Governing Motorized Food Vendors (aka Food-Truck)

§399-8 License required, displayed, transferability, proof of insurance required, inspection required;

- A. No person shall conduct, operate or maintain a motorized food vendor establishment without first obtaining a license to do so as required by the rules and procedures of the Borough of Woodcliff Lake Borough Code.
- B. No more than thirty (30) motorized food vendor licensees shall be issued by the Borough. Such licenses are issued on a first come basis.
- C. Motorized food vendors shall affix to the vehicle a copy of the license issued by the Borough, the certificate of registration issued by the New Jersey Division of Taxation, and shall have displayed prominently on or adjacent to the doors of the vehicle, a placard or lettering with the name and address of the owner, lessee and/or lessor of the vehicle. Said information shall be in letters and numbers no less than three (3) inches in height in accordance with N.J.S.A. 39:4-46.
- D. Motorized food vendor licenses are not transferable.
- E. A license shall not issue unless proof of insurance is provided for:
 - i. motor vehicle insurance as per N.J.S.A. § 39:6B-1
 - ii. proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage

- F. Motorized food vendor vehicles shall be inspected by both the Health Department and the Fire Department before operating. No changes shall be made to approve motorized food vendor vehicles without re-inspection by both Departments.

§399-9 Time and Place of Operation

- A. No motorized food vendors shall occupy the public street and/or the sidewalk or any public park/recreation facility without special permission.
- B. Motorized food vendors shall only occupy private commercial properties with the expressed permission of the property owner on Monday through Friday from 7 AM to 3 PM, excluding public holidays. No more than two (2) motorized food vendors shall be permitted on any single property at any given time. No motorized food vendors shall occupy any portion of the public street and/or the sidewalk.
- C. Residents and not-for-profit organizations may request the presence of food trucks on their property for special occasions. Such request shall be made to the Borough Administrator who shall make a determination in his/her own discretion. Such determination shall include the number of trucks allowed and the hours of operation for same. No motorized food vendors shall occupy any portion of the public street and/or the sidewalk.
- D. No motorized food vendors shall operate or be parked in any area where parking of motor vehicles is prohibited, restricted or regulated.
- E. Property owners, residents and/or organizations giving permission to or requesting the presence of motorized food vendors shall assure that the motorized food vendor vehicle is parked legally and not obstructing the flow of vehicle or pedestrian traffic.
- F. Nothing in this chapter shall limit the Borough or any of its entities from the hiring of motorized food vendors for special events in any quantity as they deem fit. The municipality may in its discretion utilize public property, public recreation facilities, streets and/or sidewalks for such events.

§399-10 Operation requirements for motorized food vendors.

- A. Motorized food vendors shall provide trash and recycling receptacles within ten (10) feet of their site and shall collect all trash and debris within twenty-five (25) feet before leaving their site. Collected trash must not be deposited in public trash receptacles.
- B. All motorized vehicles must abide by all existing traffic and parking regulations.
- C. No motorized food vendor shall serve food or drink to a motorist or occupants of a vehicle.
- D. No motorized food vendor shall provide in-truck dining services or sidewalk tables and chairs.
- E. Motorized food vendors vehicles shall be solely used for the commercial use of food service and shall not contain sleeping quarters.
- F. Grills, generators, or other items related to the motorized food vending operation shall be physically attached to the vehicle
- G. Motorized 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.
- H. All motorized vehicles must abide by all existing traffic and parking regulations.

Section 6: Chapter 396 -1 shall be amended to include the term “Motorized food vendors (aka Food-Truck)” within its enumerated list of permits costs, and yearly renewal fees shall be added as:

Permit	Fee
Motorized food vendors (aka Food-Truck)	\$185

Section 7: All ordinances of the Borough of Woodcliff Lake which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 8: If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 9: This ordinance shall take effect upon passage and publication according to law.

Attest:

Deborah Dakin, RMC, CMR
Borough Clerk