

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH AMENDING CHAPTER 140 OF THE WOOLWICH
TOWNSHIP CODE TO ADD A NEW SECTION REGARDING FOOD TRUCKS**

2024-08

WHEREAS, the Township Committee of the Township of Woolwich finds it to be in the best interest of the Township to enact regulations and permitting process for food trucks operating within the Township of Woolwich; and

WHEREAS, Chapter 140 of the Woolwich Township Code entitled “Peddlers, Solicitors, Vendors and Transient Merchants” addresses requirements for the solicitation of sales throughout the Township of Woolwich;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Woolwich as follows:

SECTION 1 AMENDMENT

The following shall be added to the Woolwich Township Code as Chapter 140 Section 17 entitled “Requirements for Mobile Retail Food Establishments”:

The following requirements for the operation of mobile **retail** food establishments shall comply with the following:

LICENSING AND PERMIT REQUIREMENTS

(1) Any person, entity, organization, or business seeking to operate a mobile retail food establishment, on privately owned property in the Township of Woolwich, or on Township owned property, shall first obtain a zoning permit from the Zoning Officer. Said zoning permit shall be in addition to any and all licenses and/or permits as required from Gloucester County Board of Health, Swedesboro Fire Bureau, and/or as required by the State of New Jersey.

(2) **Permits shall not be required for privately contracted hire of mobile retail food establishments should said establishment take place on privately owned property and not involve direct food sales to the public.**

(3) Zoning permits shall be required for mobile retail food establishments on a temporary basis for individual events as determined to be applicable prior to commencing operation within the Township. Permits shall specify the nature, location, and extent of the operation. Permits issued pursuant to this chapter's provisions shall be valid as follows:

(a) Temporary permits shall be valid for not more than four consecutive days and may be issued up to eight (8) times per year.

(4) Mobile retail food establishments shall be permitted on privately owned property in any zone wherein eating and drinking establishments are permitted uses pursuant to this Chapter, or on Township owned property, subject to the following:

(a) Mobile retail food establishments shall obtain written approval from the owner of the property where their business will be conducted.

(b) Mobile retail food establishments shall not operate within fifty (50) feet of an existing fixed retail food establishment without the prior written consent of the owner or authorized representative of the retail food establishment.

(c) The vendor must setup and operate the mobile retail food establishment unit so as to maintain a minimum five (5) foot clear pedestrian pathway in all directions from the unit.

(5) In zones wherein eating and drinking establishments are not permitted uses pursuant to Chapter this Chapter 203 entitled "Zoning", including residential zones, mobile retail food establishments may only be permitted to operate on private property for approved limited special events or private functions.

(6) Zoning permits for limited special events and/or privately owned property functions shall only be issued under the following conditions:

(a) The owner of the property where the event will occur shall have invited the mobile retail food establishment to participate and mobile food vending is part of the event activities.

(b) The permit shall be good for a maximum of four (4) consecutive days

(c) The mobile retail food establishment unit may not remain at the location for longer than the duration of the special event and while there must be located so as to avoid creating conflicts with pedestrian or motor vehicle traffic or creating other public safety problems.

(d) Mobile retail food establishments which operate for special events and/or functions must have temporary permits and maintain all other licenses and approvals necessary to lawfully operate as a mobile retail food establishment within the Township.

(7) Mobile retail food establishments may operate from 7:00a.m. until 10:00 p.m. Monday through Friday and from 8:00a.m. until 10:00 p.m. Saturday and Sunday, unless the property is residentially zoned or within one hundred (100) feet of a residential zone, in which case, the hours of operation shall be limited to 9:00a.m. to 9:00p.m. Mobile retail food establishments shall not park outdoors overnight on private property, except when part of an event extending for more than one day which has been authorized by the Township .

(8) Mobile retail food establishments 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.

(9) No mobile retail food establishment shall provide in-truck dining services or sidewalk tables and chairs.

(10) Mobile retail food establishments shall not be used as overflow and/or accessory kitchens for a fixed retail food establishment.

(11) Mobile retail food establishments shall be subject to Chapter 138-15, "Unnecessary or Unusual Noise," Chapter 140-11 , "Safety, Business Practices and Quiet Enjoyment" and Chapter 140, "Peddling, Solicitation, Vendors and Transient Merchants".

(12) Mobile retail food establishments shall provide proof of an insurance policy issued by an insurance company licensed to do business in the State of New Jersey protecting the vendor and the Township from all claims or damages to property and bodily injury, including death, which may arise from operations under or in connection with the vending. Such insurance shall name as an additional insured the Township of Woolwich and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' written notice to the Township. The amounts of the insurance to be maintained are: personal injury, \$100,000 per person, \$300,000 per occurrence; property damage, \$25,000.

Enforcement:

The requirements of this Chapter shall be enforced by the Designated Township Official and/or its designated inspection staff.

140-10 Violations and penalties:

Any person violating any of the provisions or terms of this chapter, whether as principal, agent or employee of another, shall, upon conviction by the Municipal Court Judge, be subject to a fine not exceeding \$1,000 or to imprisonment in the County jail not exceeding 90 days, or both, in the discretion of the Judge. Upon conviction, the person or entity on whose behalf the licensee was acting shall be prohibited from licensed activities for one year from the date of the guilty plea or conviction.

Inconsistency:

All Ordinances or parts of Ordinances that are inconsistent with the terms of this Ordinance are hereby repealed to the extent of their inconsistency.

Effective Date:

This Ordinance shall take effect immediately upon proper passage, publication in accordance with law and after final adoption as provided by law.

Jane DiBella, Clerk

Natalie Matthias, Mayor

CERTIFICATION OF INTRODUCTION

The foregoing Ordinance was introduced and passed upon first reading by the Township Committee of the Township of Woolwich at a meeting conducted on the 4th day of March, 2024. It will further be considered for final adoption upon second reading and subsequent to a public hearing conducted on same at the next regularly scheduled meeting of the Woolwich Township Committee at which time and place any member of the general public may be heard. Said meeting to be held on the 18th day of March, 2024 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Township New Jersey beginning at 6:30 p.m.

Jane DiBella, Administrator/Clerk

CERTIFICATION OF ADOPTION

The foregoing Ordinance was adopted by the Township Committee of the Township of Woolwich subsequent to a public hearing conducted on March 18, 2024.

Jane DiBella, Administrator/Clerk