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SORIA-PEREZ
3/12/2024

ORDINANCE AMENDING MC-5483, TO BE FINALLY ADOPTED ON MARCH 20, 2024, AND MC-5419, ADOPTED ON OCTOBER 11, 2022 AND MC-5384 ADOPTED ON MAY 10, 2022 WHICH ALL AMENDED CHAPTER 578 OF THE CAMDEN CITY CODE CONCERNING THE LICENSING OF PEDDLERS, VENDING UNITS AND FOOD TRUCKS TO NOW PERMIT LICENSED FOOD TRAILERS TO OPERATE IN THE CITY OF CAMDEN AT THE SAME LOCATIONS AS FOOD TRUCKS

WHEREAS, the City Council of the City of Camden amended Chapter 578 of the Camden City Code through MC-5483, to be finally adopted on March 20, 2024, and MC-5419, adopted on October 11, 2022 and MC-5384, adopted on May 10, 2022, to allow for food trucks to be licensed and operate in certain locations in the City of Camden; and

WHEREAS, the City Council of the City of Camden now seeks to amend MC-5483, to be finally adopted on March 20, 2024, and MC-5419, adopted on October 11, 2022 and MC-5384, adopted on May 10, 2022, to now permit certain food trailers to be licensed and to operate in the City of Camden at the same locations as those allowed for food trucks pursuant to Section 578-16; now therefore

BE IT ORDAINED by the City Council of the City of Camden that MC-5483, to be finally adopted on March 20, 2024, and MC-5419, adopted on October 11, 2022 and MC-5384, adopted on May 10, 2022 which amended Chapter 578 of the Camden City Code is now further amended as follows:

BE IT ORDAINED by the City Council of the City of Camden that Chapter 578 of the City of Camden is amended as follows:

ARTICLE I. Definitions.

578-1. Terms defined.

For the purposes of this chapter, the following additional terms, words and phrases shall have the meanings indicated:

Food Trailer – An enclosed trailer, which is a trailer in which the space between its floor and ceiling is enclosed on all sides by trailer walls, windows and/or doorways, and which is equipped with equipment and facilities as required by the various departments of the City of Camden, including but not limited to, the Fire Department and the Department of Code Enforcement as well as various departments of Camden County, including but not limited to, the Camden County Health Department and the Camden County Police Department, in which such food trailer may include but not be limited to: cookers, grills smokers and other similar equipment for preparing, cooking and then selling various types and forms of food products and beverages, which upon issuance of a license by the City of Camden, may temporarily park upon an approved public street or in an approved public parking lot and engage in the preparation, service, sale or distribution of prepared and other forms of food products and beverages to the general public. A food trailer shall be no more than seven (7) feet wide and no more than fifteen (15) feet long.

ARTICLE II. Licensing.

578-2. Licensing of peddlers, vending units, food trucks and food trailers.

In addition to the provisions of this chapter, Chapter 485 of the City of Camden Code, Licenses and Business Regulations and the Camden County Health Code, if applicable, shall also apply to all peddler licenses, vending unit registrations, food truck and food trailer licenses and all peddlers, vending unit owners and operators, food truck owners and operators and food trailer owners and operators must comply with all of the

provisions of this chapter, chapter 485 and the Camden County Health Code, as applicable.

578-3. License required. Fees.

- A. Same
- B. Same.
- C. No person shall operate or make use of a food truck or food trailer on or over the streets, highways, sidewalks, or public areas unless such food truck or food trailer has been inspected and has been issued a food truck or food trailer license.
- D. Fees. Any person who is not exempt by virtue of N.J.S.A. 45:24-9 et seq., shall be required to pay a licensing fee of \$189.40. All persons who shall be regulated under this chapter shall be required to pay an administrative charge of \$414.00 for each vending unit, food truck or food trailer, as described herein.

578-4. Application.

- A. Peddler's License.
Same.
- B. Vending Unit Registration.
Same.
- C. Food Truck License.
Same.
- D. Food Trailer License. An application for a food truck license shall include:
 - 1. The name, address, telephone number and e-mail address and photograph of the food trailer applicant and whether the applicant is an individual, form or corporation, and if a partnership, the names of the partner, together with their addresses.
 - 2. The name, address, telephone number and e-mail address and photograph of the food trailer operator if different than the owner and whether the operator is an individual, form or corporation, and if a partnership, the names of the partner, together with their addresses.
 - 3. Vehicle information including, a complete description of the Food Trailer, make, model, license plate number, VIN or serial number, insurance policy number, insurance policy coverages and policy limits, a photograph of the trailer and any other documents as determined by the Director.
 - 4. Vehicle information regarding the width and length of the food trailer.
 - 5. Title, bill of sale or any other such proof sufficient to establish lawful ownership of the food trailer to be registered.
 - 6. Driver's license information for the driver of the Truck attached to, towing and/or delivering the food trailer to an approved location as provided for herein.
 - 7. Business records of the Food Trailer company including a New Jersey business registration certificate, articles of incorporation, if any, inspection certificates, if any, Trade Name information, and any other documents as determined by the Director.
 - 8. A valid certificate issued by the Camden County Department of Health and Human Services, pursuant to N.J.A.C. 8:24-9.1.
 - 9. A listing of expected location(s) of operations, a schedule of such operations, including expected days and hours of operation for the Food Trailer.
 - 10. Manufacturer specifications on decibels ranges generated by generators to be used during operations, if any.

11. A map or drawing of the expected location(s) of operation, including the location of all buildings or other structures in the area of proposed operation and the proximity to any adjacent residential areas as well as commercial food service businesses.

12. A description of the method to be used for waste disposal and recycling of materials.

13. Any seating arrangements that will be provided on-site [only when public parking lots are being utilized as the on-site location].

14. Compliance with the State Fire Prevention Code and the State Fire Safety Code, including but not limited to, N.J.A.C. 5:70-2.7(a)(3xii) and N.J.A.C. 5:70-4.7(g) and any other additional fire safety items as required by the Fire Official in his discretion.

15. Any permits as required by the Fire Official, the State Fire Prevention Code and the State Fire Safety Code, including but not limited to, N.J.A.C. 5:70-2.7(a)(3xii) and N.J.A.C. 5:70-4.7(g).

16. Any other documents or other information as determined by the Fire Official, the Director, the Chief License Inspector or the Camden County Health Officer, to carry out the purpose and intent of this chapter, any other provision of the State Fire Prevention Code, the State Fire Safety Code, the City of Camden Code and the Camden County Health Code.

17. An affidavit or certification from the owner/operator that the truck used to tow the food trailer to an approved location as provided for herein, shall remain in close proximity to the trailer during hours that the food trailer is in operation, in case an emergency arises and the trailer must be removed from such location, including but not limited to, police or fire activity or other identified emergency.

578-5. Issuance; contents.

- A. Upon satisfactory completion of all application requirements of this chapter and chapter 485 by Peddlers, Vending Units, Food Trucks and Food Trailers, the Director, when deemed necessary, shall then seek input from the Camden County Police Chief or his designee in determining whether the issuance of such license will infringe upon the public health, safety or welfare of the residents and pedestrians of the City of Camden. In rendering a decision as to whether a license shall be issued, the Director shall also consider and give preference to those applicants with ties to the City of Camden, including whether an applicant is a Camden-owned Business or is a certified New Jersey MBE, WBE, DVBE, VBE or SBE. The Director, in determining whether a food truck or food trailer license is to be permitted for a certain location, shall also consider and take into account whether the overall length and overall width of a food truck or food trailer are appropriate for that specific location. Such a determination by the Director shall be in his sole discretion. Thereafter, the Director shall immediately issue a temporary license, valid for 30 days, which temporary license may be revoked in the event that all requirements of the licensing ordinances of the City of Camden are not met. However, after the application of the above preference, if the number of applicants for a Vending Unit, Food Truck or Food Trailer license or licenses remaining is greater than the remaining number of licenses available from the City of Camden, the City shall conduct a lottery among the remaining eligible license applicants in awarding such license or licenses. Upon the expiration of the temporary license, the applicant shall be issued the appropriate peddler's license, vending unit registration, food truck license or food trailer license authorizing the applicant to conduct the appropriate activities described in the application as approved by the Director.
- B. Same.
- (1) Same.
- (2) Same.

- (3) Same.
- (4) Food Trailer License. A food trailer license shall include the information as specified in section 485-15 of the Camden City Code. A food trailer license shall also include the requirement that a food trailer operating at an approved location shall have the towing truck in close proximity to tow such trailer in case of an emergency pursuant to Section 578-4 herein.

578-6. Display by licensee.

- A. Same.
- B. Same.
- C. Same.
- D. Food Trailer licenses shall be attached to the food trailer in such a way as to be conspicuously displayed to the public during all times of operation.

578-7. Transfer, Assignment and Use.

- A. Same.
- B. Same.
- C. Same.
- D. A Food Trailer license shall not be assignable or transferable and may be used only in the operation of the food trailer as provided for in the license and its application.

578-8. Term; Renewal.

Same.

578-9. Revocation.

- A. The revocation and/or suspension of any license issued hereunder and/or the termination of any vending unit registration, food truck or food trailer license shall be effectuated by the procedures set forth in the Administrative Code of the City of Camden, Section 485-19 et seq.
- B. For purposes of the Chapter, any peddler operating or utilizing a vending unit registration or utilizing a food truck or food trailer license in the name of any other person or business shall be deemed to be an employee of said registrant or license holder. In the event that a peddler, vending unit, food truck or food trailer owner or operator whose license is revoked under this Section or Chapter 485 is found by the Director to be an employee, contract peddler, business representative or agent of another person or business entity licensed under this Chapter, the Director shall also revoke the peddler's license of such principal party.

578-10. Hearings and appeals.

Same.

578-11. Changes of Information.

Same.

ARTICLE III. General Regulations.

578-12. Vending unit standards.

Same.

578-13. Location of vending units.

Same.

578.14. Prohibited activities; peddlers, vending units, food trucks and food trailers.

No peddler, vending unit, food truck or food trailer owner or operator shall:

- A. Same.
- B. Place, stack, station or otherwise maintain any goods, wares, merchandise, signs or other items, other than an approved vending unit, food truck or food trailer, on the streets or sidewalks.
- C. Use public litter receptacles for the disposal of business-related trash or recycling of the peddler, vending unit, food truck or food trailer.
- D. Operate a vending unit, food truck or food trailer that is so constructed, loaded or covered as to prevent its driver from having a clear and unobstructed view of all persons and fixtures located in front of such vending unit, food truck or food trailer while being moved or operated.
- E. Leave any vending unit, food truck or food trailer unattended, at any time, on the streets or sidewalks.
- F. Store, place or leave any vending unit, food truck or food trailer overnight on the streets or sidewalks.
- G. Use or operate any excessive lighting, or amplified noisemakers, loudspeakers, public address system, sound amplifier or other similar devices to attract customers or the attention of the public.
- H. Same.
- I. Conduct the business of peddling or operating a vending unit, food truck or food trailer in such a way as to be a public nuisance.
- J. No person shall place a vending unit, food truck, food trailer or any other device designed to secure a vending unit, food truck or food trailer location on City streets, sidewalks or public property between the hours of 12:00 a.m. to 8:00 a.m., nor shall any person camp out or otherwise occupy such space for the purpose of securing a vending unit, food truck or food trailer location on City streets, sidewalks or public property during said hours. Any person who has conducted vending, food truck or food trailer activities at a location on the City streets, sidewalks or public property shall be allotted thirty (30) minutes set-up and thirty (30) minutes breakdown before and after the stated operating hours, provided however, that nothing herein shall authorize the peddler, vending unit, food truck or food trailer to make sales between 12:00 a.m. to 8:00 a.m.
- K. No peddler, vending unit, food truck or food trailer shall impede or obstruct any street, street intersection or crosswalk.
- L. No peddler, vending unit, food truck or food trailer shall impede the ingress or egress of any public or private driveway.
- M. No peddler, vending unit, food truck or food trailer shall obstruct pedestrian space.
- N. No vending unit, food truck or food trailer shall permit litter or garbage arising from their operations.

578-15. Activities; Food trucks and Food trailers

In addition to Section 578-13 above, whose provisions shall also apply to food trucks and food trailers, a food truck or food trailer owner or operator shall:

- A. Operate a food truck or food trailer only within the following time restrictions: Sunday through Saturday, 8:00 a.m. to 12:00 a.m.
- B. Be prohibited from conducting business or operating a food truck or food trailer on private property, without the express consent of the property owner and approval of the City of Camden.
- C. Be prohibited from conducting business or operating a food truck or food trailer within two hundred (200) feet of a brick and mortar restaurant or any other brick and mortar food establishment.
- D. Utilize power sources of the food truck or food trailer that meet all applicable electrical code standards.

- E. Be prohibited from having a food truck or food trailer in motion unless all propane and natural gas tanks are shut off.
- F. Be prohibited from leaving a food truck or food trailer in overnight storage unless all propane and anural gas tanks are shut off.
- G. Ensure all food truck of food trailer operations take place from the side of the food truck or food trailer only.
- H. Ensure that no food truck or food trailer makes use of a drive-through service.
- I. Ensure that the decibel levels for any generator used shall meet the requirements set forth in Section 870-251 of the City of Camden Code.
- J. Ensure that there are two (2) fully functioning fire extinguishers on the food truck or food trailer: one Class K and one Class 2A-10BC.
- K. Ensure that a food truck or food trailer provides a suitably-sized receptacle for waste, which shall be located no more than ten (10) feet from the service window of the food truck or food trailer. The receptacle shall be maintained and regularly emptied.
- L. Ensure that all waste generated by the operations of a food truck or food trailer , including waste from customers and staff, is disposed of at the base of operations of the food truck or food trailer.
- M. Ensure that a food truck or food trailer is responsible for maintaining the premises on which it is operating in a safe and hygienic manner.

578-16. Food truck and Food trailer licenses and locations.

Subject to Section 578-19 below, the City of Camden shall issue no more than a total of sixteen (16) food truck/food trailer licenses during any specific timeframe to operate in the City of Camden. Licensed food trucks or food trailers shall be permitted to operate in the following areas:

- 1. Camden Business District
- 2. Areas with High Levels of Pedestrian Traffic:
 - a. Federal Street at 5th Street
 - b. 200 Block of South Broadway
 - c. Park Boulevard between Kaighn Avenue and Baird Boulevard
 - d. Federal Street between 30th and 33rd Streets
 - e. Morgan Boulevard at 9th Street
 - f. Waterfront area, including:
 - 1. Children’s Garden at Three Riverside Drive.
 - 2. Aquarium Loop Drive.
 - 3. Cooper’s Point Park and State Street; to include 3 Parking Spots.
 - g. 5th Street between Federal Street and Martin Luther King, Jr. Blvd. [in front of the Camden County Hall of Justice]
 - h. Other areas as deemed appropriate by the Director.

The Director shall have the discretion to take into account the proposed location(s) for a food truck or food trailer for operations and its proximity to other vending units, food trucks or food trailers in that area as well as the types of food offered by those vending units, food trucks or food trailers, in determining whether a food truck or food trailer license shall be issued for a specific time and location.

578-17. Applicable Laws.

A peddler, vending unit, food truck and food trailer shall meet all federal and state laws, regulations and Camden County and City of Camden Code provisions, including but not limited to, health, police and fire safety codes.

578-18. Applicability.

Same.

578-19. Special events.

In addition to the licenses issued pursuant to Section 578-16, above, any person satisfying the application requirements of this Chapter may, at the discretion of the Director, be issued a one- to three-day special events peddler's license, vending unit registration, food truck or food trailer license. The Director, in issuing such a license, may establish specific rules or other policies for this licensee that will remain in effect during the term of the issued license. A one-day license shall permit the licensee to conduct the business activities of a peddler, vending unit, food truck or food trailer within the City of Camden according to the provisions of this Chapter and all other applicable provisions of the City of Camden Code. A one-day license period shall extend for a single twenty-four (24) hour period beginning at 12:00 a.m. on the date specified on the license. All provisions of this Chapter shall apply to a one-day licensee.

578-20. Violations and penalties.

Same.

ARTICLE IV. Emergency Restrictions.

578-21. Authority to issue.

The Camden County Police Department, Metro Division, shall have the authority to issue temporary regulations restricting or prohibiting vending units, food trucks or food trailers when an emergency has been declared by the Chief or his designee in the area of Delaware Avenue, south of the light rail line to Clinton Street and the entire length of Harbor Boulevard or other areas as determined by the Police Chief or his designee.

578-22. Applicability.

Such temporary regulation provided for in section 578-21 above, may be issued when the Camden County Police Department, Metro Division determines that an emergency exists due to the size of scheduled events in the Waterfront Entertainment District, restrictions should be placed on vending and food truck activities in the areas described in section 578-21, herein.

578-23. Advance certification required; exception.

- A. Any regulation issued pursuant to this article, with the exception of emergent regulations, shall be filed with the office of the Municipal Clerk three business days prior to its effective date. The regulation shall be accompanied by a certification issued by the police official designated by the appropriate authority in the Police Department to prepare said certification. The certification shall set forth the reasons requiring the imposition of the temporary restrictions.
- B. Where, due to unforeseen circumstances, crowd control issues require the issuance of temporary regulations concerning the need to restrict vending units, food trucks and/or food trailers, the Camden County Police Department, Metro Division, may issue an emergent temporary regulation; provided however, the Camden County Police Department, Metro Division, shall file the temporary regulation and a certification, with the Office of the Municipal Clerk within two (2) business days of the issuance of the regulation. The certification shall set forth the reasons why the situation giving rise to the regulation could not have been anticipated so that the regulation could have been filed in advance of the event.

578-24. Posting of notices.

Same.

578-25. Responsibility of Police Department.

Same.

578-26. Duties and responsibilities.

The Director and the Chief License Inspector of the Department of Code Enforcement shall have all of the duties and responsibilities provided for in Section 485-9 of the Camden City Code to take all actions necessary by law to prosecute all violators of the provisions provided for herein, including but not limited to Section 485-9K of the Camden City Code.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

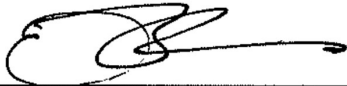
BE IT FURTHER ORDAINED that this ordinance shall take effect twenty (20) days after its final passage and publication as provided by law.

BE IT FURTHER ORDAINED that if any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

BE IT FURTHER ORDAINED that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction: March 12, 2024

The above has been reviewed and approved as to form.



DANIEL S. BLACKBURN
City Attorney



ANGEL FUENTES
President City Council



VICTOR CARSTARPHEN
Mayor

ATTEST: 

LUIS PASTORIZA
Municipal Clerk

Angel Fuentes, President
Councilperson-at-Large

Sheila Davis, Vice-President
Councilperson-at-Large

Nohemi Soria-Perez
Councilperson-at-Large

Luis Pastoriza, RMC, CMR
Municipal Clerk

Yenise E. Valdez
Assistant Municipal Clerk

Howard McCoach
Counsel-To-Council

Arthur Barclay
Councilperson, 1st Ward

Chris Collins
Councilperson, 2nd Ward

Falio Leyba-Martinez
Councilperson, 3rd Ward

Jannette Ramos
Councilperson, 4th Ward



MUNICIPAL CLERK
CITY OF CAMDEN
NEW JERSEY

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MEMORANDUM

DATE: April 19, 2024
TO: Victor Carstarphen, Mayor
FROM: Luis Pastoriza, Municipal Clerk
RE: Ordinance Final Passage – (MC-5493)

Ordinance Amending MC-5483, To Be Finally Adopted On March 20, 2024, And MC-5419, Adopted On October 11, 2022 And MC-5384 Adopted On May 10, 2022 Which All Amended Chapter 578 Of The Camden City Code Concerning The Licensing Of Peddlers, Vending Units And Food Trucks To Now Permit Licensed Food Trailers To Operate In The City Of Camden At The Same Locations As Food Trucks

In accordance with Rule XIX of the Administrative Code of the City of Camden (Rules of Procedure governing the City Council), I am delivering to you the attached ordinance adopted by City Council at a **Regular** meeting held on **4-9-2024**. Said article provides that "each ordinance shall be returned by the Mayor to the Municipal Clerk after the Mayor has affixed his /her signature thereto or after the expiration of **ten (10) days** from the date of its delivery to the Mayor in any event."

OFFICE OF THE MAYOR	
Received by: _____	Date: <u>4/19/24</u>
Date of Approval: _____	<u>4/24/24</u>