

TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE No. 24-10

An Ordinance of the Township of Raritan, County of Hunterdon, State of New Jersey, amending and updating Chapter 258 entitled “Food Carts, Food Trucks and Other Commercial Vehicle-Based Activities” of *The Code of the Township of Raritan*.

BE IT ORDAINED by the Township Committee of the Township of Raritan, in the County of Hunterdon and State of New Jersey, as follows:

Section 1. Chapter 258 entitled “Food Carts, Food Trucks and Other Commercial Vehicle-Based Activities” of Part II entitled “General Legislation” of *The Code of the Township of Raritan* is hereby supplemented and amended to read as follows: [New language **bold and underlined**, deleted language ~~double strikethrough.~~]

Chapter 258. Food Carts, Food Trucks and Other Commercial Vehicle-Based Activities.

§258-1. Purpose.

The operation of food carts, food trucks and other commercial vehicle-based activities within the Township creates valid public concerns related to public safety, public health, crime and fraudulent business practices. It is the purpose of this Chapter to regulate these activities for the benefit of the residents of the Township of Raritan.

§258-2. Definitions.

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

CRAFT ALCOHOLIC BEVERAGE MANUFACTURER

Craft alcoholic beverage manufacturers are alcoholic beverage license holders who are permitted to coordinate with food vendors for the offer of sale of food products on the licensed premises pursuant to N.J.S.A. 33:1-1, et seq., as amended by P.L. 2023, c. 290, and as may be hereinafter amended.

FOOD CART

A hand-pushed mobile kitchen or hand-pushed cart used for the sale of food, drink, ice cream, frozen desserts, fresh vegetables or fruit.

FOOD TRUCK

A vehicle from which food is prepared and/or served that does not allow customers or other individuals other than the operator and its employee(s)=to operate within.

LICENSED PREMISES

When used in connection with Craft Alcoholic Beverage Manufacturers, the term “licensed premises” shall have the same meaning as defined in N.J.S.A. 33:1-1, et seq., as may be hereinafter amended.

NONPROFIT AND CHARITABLE EVENT

An event that will take place within Raritan Township that is organized by a nonprofit entity and is being held to raise money for a recognized charity or nonprofit purpose, and which is not considered a special event pursuant to Chapter 386, Article I, of the Revised General Ordinances of the Township of Raritan.

OTHER COMMERCIAL VEHICLE-BASED ACTIVITY

The sale of nonedible goods and products from a vehicle or cart.

REGULATED ACTIVITY

The operation of food carts, food trucks and other commercial vehicle-based activities.

SPECIAL EVENT

Any event that has been authorized pursuant to Chapter 386, Article I, of the Revised General Ordinances of the Township of Raritan.

§258-3. License required.

- A. Any person desiring to engage in any regulated activity must apply for and receive, prior to such activity taking place, a license pursuant to this Chapter.
- B. A separate application shall be required for each entity or person wishing to engage in a regulated activity. A separate application shall be required for each nonprofit and charitable event and special event.
- C. **An annual application shall be required for each Craft Alcoholic Beverage Manufacturer wishing to engage in a regulated activity. Each application shall provide written proof of a valid Alcoholic Beverage Control (“ABC”) license having been issued for the licensed premises, as well as a certification of good standing. Each**

application shall provide a survey of the property upon which the licensed premises is located, identifying the licensed area, the proposed location of the regulated activity, and parking for the site, which shall be subject to review and approval by the Township Zoning Officer. Each application shall identify the requested days and hours of operation of the regulated activity throughout the year.

If, at the determination of the Township Zoning Officer, the regulated activity triggers any site plan approval requirements, then such approval shall be obtained prior to the issuance of a license under this Chapter.

No annual license shall be issued to a Craft Alcoholic Beverage Manufacturer pursuant to this Chapter if the licensed premises is located within a residential zone district. Food trucks shall only be permitted at Craft Alcoholic Beverage Manufacturer's licensed premises located in non-residential zone districts.

D. Applications shall be made pursuant to Chapter 301, Licensing, of this Code. Each application shall include a fee as provided in Chapter 245, Fees, § 245-4. Notwithstanding the preceding, food carts and food trucks to be operated in connection with a nonprofit and charitable event may request the fee to be waived, which waiver may be granted in the sole discretion of the Township Committee upon a showing of good cause.

E. ~~E.~~ **Except for annual licenses granted to Craft Alcoholic Beverage Manufacturers, the** term of a license issued pursuant to this Chapter is event-specific and shall be concurrent with the length of each individual specific event listed in § 258-4A(2) and B(2).

F. ~~F.~~ Exhibition of license. Each license holder shall prominently display the license whenever engaging in a regulated activity in the Township.

G. ~~G.~~ The license and fee required by this Chapter is separate and distinct from any license(s), permit(s) or fee(s) that may be required by the Board of Health or the Hunterdon County Health Department, **as well as alcoholic beverage licenses issued by the Township or the ABC.**

H. **All applications for any license pursuant to this Chapter shall include a copy of the Certificates of Insurance for the subject property, as well as from the operator(s) of the food carts, food trucks and other commercial vehicle-based activities.**

§258-4. Regulations applicable to each regulated activity.

A. Food carts and food trucks.

(1) Food carts and food trucks shall be licensed in the Township of Raritan subject to the restrictions of this Section.

- (2) Food carts and food trucks shall only be allowed to operate at nonprofit and charitable events, ~~and special events,~~ **and at the licensed premises of Craft Alcoholic Beverage Manufacturers.**
- (3) Prior to being issued a license pursuant to this Chapter allowing the use of a food cart or food truck in the Township, said food cart or food truck must be inspected by the Hunterdon County Health Department and found to be in compliance with all applicable rules and regulations of the County of Hunterdon, the Township of Raritan and the State of New Jersey.
- (4) Food carts and food trucks must not remain stationary in any one location for more than eight (8) consecutive hours, **unless otherwise specifically permitted in connection with an annual license granted to Craft Alcoholic Beverage Manufacturers.**
- (5) If a food cart or food truck is parked along the public right-of-way, business may only be transacted from the curbside of the vehicle or cart.
- (6) No food cart or food truck shall double-park along the public right-of-way. No food cart or food truck shall illegally park or stand in any public right-of-way or parking area.
- (7) No food truck shall have its engine running if parked along the public right-of-way.
- (8) Any food truck or food cart which offers to sell, displays for sale or sells fruits, vegetables and farm products shall, at all times, keep all fruits, vegetables and produce of any kind and nature completely screened and covered with satisfactory materials in order to avoid and eliminate the accumulation of flies or any other insects from alighting around or upon any and all merchandise.
- (9) Any food truck or food cart which offers to sell, displays for sale or sells seafood, meats, poultry or dairy products shall transport the same solely in refrigerated compartments, and all such products shall remain refrigerated at all times up to the time of sale. The refrigerated compartments, during the use thereof, shall be maintained at a properly low temperature to completely safeguard all products from a health and sanitary standpoint to the fullest reasonable extent possible as determined by the Hunterdon County Department of Health for the safety and welfare of the public and in compliance will all applicable health codes and regulations.
- (10) No operator of any food truck or food cart shall allow any debris, waste material, rotting produce or merchandise of any kind or any unfit produce to remain in or upon his vehicle, unless contained in a leakproof metal container having a properly fitted metal cover and in compliance will all applicable health codes and regulations.

- (11) No operator of any food truck or food cart shall permit any waste materials or parts of produce or any other merchandise to remain in or upon any street, roadway, curbs or walks, and he or she shall at all times remove any debris that may have fallen from said vehicle so that the same is immediately placed in a leakproof metal container as provided for in Subsection A(10) of this section.

B. Other commercial vehicle-based activities.

- (1) Other commercial vehicle-based activities shall be licensed in the Township of Raritan subject to the restrictions of this Section.
- (2) Other commercial vehicle-based activities shall only be allowed to operate at nonprofit and charitable events and special events.
- (3) Vehicles used for other commercial vehicle-based activities must not remain stationary in any one location for more than eight (8) consecutive hours.
- (4) If a vehicle or cart used for other commercial vehicle-based activities is located along the public right-of-way, business may only be transacted from the curb side of the vehicle.
- (5) No vehicle used for other commercial vehicle-based activities shall double-park along the public right-of-way. No vehicle or cart used for other commercial vehicle-based activities shall illegally park or stand in any public right-of-way or parking area.
- (6) No vehicle used for other commercial vehicle-based activities shall have its engine running if parked along the public right-of-way.
- (7) No operator of a vehicle used for other commercial vehicle-based activities shall display for sale outside the vehicle any goods or products, including, but not limited to, furniture, pictures, paintings, or rugs.

§258-5. Authority of Township Committee.

The Township Committee of the Township of Raritan may, by resolution, waive any limitations or requirements of this Chapter upon a demonstration by the licensee or prospective licensee that same will not negatively impact the health, safety and welfare of the residents of the Township. Any waiver granted shall be at the Township Committee's sole discretion.

§258-6. Persons exempt from licensing requirements.

A. The following persons are exempt from the licensing requirements of this Chapter:

- (1) Any person honorably discharged from the military services of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9 and 45:24-10.
 - (2) Any person who is an exempt fireman of a volunteer fire department as defined by N.J.S.A. 45:24-9 and 45:24-10, possessing a license in conformity with said law.
 - (3) Any person who is exempt from such licensing requirements pursuant to State law.
- B. Regardless of the foregoing, the persons listed in Subsection A above must comply with the substantive health and safety requirements of this Chapter.

Section 2. Section 245-4 entitled “Fee Schedule” of Chapter 245 entitled “Fees” of Part II entitled “General Legislation” of *The Code of the Township of Raritan* is hereby supplemented and amended to read as follows: [New language **bold and underlined**, deleted language ~~double-strikethrough~~.]

§245-4. Fee Schedule.

Description	Section Number / Ordinance Number	Amount
Alarm systems	§ 175-4D	
Registration		\$10
Change or reregister for new owners		\$10
Alcoholic beverage control licenses	§ 179-3B	
Club		\$188 per year
Hotel/motel		\$2,500 per year
Plenary retail consumption		\$2,500 per year
Plenary retail distribution		\$2,500 per year
Board of Health licenses and vital statistics		See § 492-3
Business license transfers	§ 301-7	\$250
Business registration	§ 216-2	\$20
Certification of documents		See § 245-2
Certified list of names from current tax duplicates, required to give notice of hearing on an application for development	§ 296-22A(3)	See Chapter 296, Schedule IV
Certified property owners list		See § 245-2
Clothing donation bin	§ 222-3	\$25
Coin-operated amusement device, operator	§ 184-9B	\$50 per year per machine
Community garden fee	Ord. No. 12-4	
For 1 year		\$30
Senior citizens (65 years or older)		\$20

Description	Section Number / Ordinance Number	Amount
Schools and nonprofit organizations		No fee
Conditional use application		See Chapter 296, Schedule IV
Construction Code		See § 230-3
Computer disk copies of Township minutes		See § 245-2
Copies, in person and by mail		See § 245-2
Curb construction or alteration permit	§ 410-18B	\$20
Disposal of tires at recycling center	Ord. No. 04-37	\$5 for car size; \$7 for truck size
Documents and research, miscellaneous		See § 245-2
Dog/cat license/registration	§ 188-2	
Not spayed or neutered		\$15 per year
Spayed or neutered		\$12 per year
Registration tag		\$0.50
Duplicate license/registration tag		\$0.50
Replacement license/registration tag		\$0.50
Renewal after May 31, late fee		\$25
License for potentially dangerous dog	§ 188-25	\$700
Driveway construction or alteration permit	§ 410-18A	\$35
Driveway improvement	§ 410-19D	\$35
Excavation permit	§ 410-24	\$50
Grading permit for certification of soil erosion and sediment control plans	§ 296-203B	See Chapter 296, Schedule IV
Facsimiles		See § 245-2
Fire Code; certificates of smoke detector and carbon monoxide alarm compliance		See § 249-4C
Registration of non-life-hazard uses		See § 249-11
Food carts, food trucks and other commercial vehicle-based activities	§ 258-3	\$100
<u>Food carts, food trucks - Craft Alcoholic Beverage Manufacturer – Annual License</u>	<u>§ 258-3</u>	<u>\$500</u>
Food establishment, retail	§ 477-4	See § 492-3
Information, noncurrent		See § 245-2
Junkyard license	§ 287-2	\$25 per year
Kennel, annual fee	§ 188-3B	
10 animals or fewer		\$10
More than 10 animals		\$25
Lead-based paint inspection	§ 355-42	\$500
Massage, bodywork and somatic therapy establishments		
Late fee	§ 314-6C	\$50
Reinspection	§ 314-6E	\$150
Non-recycling permits		

Description	Section Number / Ordinance Number	Amount
Regular permit (6 dropoffs)	Ord. 06-35	\$30 per year
Replacement permit (2 dropoffs; 1 replacement only)	Ord. 09-6	\$30
Notices — agenda by mail		See § 245-2
Peddlers, solicitors, canvassers and transient merchants	§ 347-3	\$200
Pet shop, annual fee	§ 188-3B	\$10
Police reports		See § 245-2
Pool or billiard table	§ 351-5	\$50 each per year
Public assembly		
License application	§ 193-3	\$50
License	§ 193-8	\$50 for each 100 people
Recreation area reservation fees		See § 334-4
Recycling permits		
Regular recycling permits, yearly (up to 3 stickers)	Ord. No. 06-35	\$5
Replacement recycling permits for 1 to 3 stickers	Ord. No. 10-12	\$5
Reproduction of the historical film "A Man & His Land"	Ord. No. 03-23	\$4 per disk
Returned checks		See § 245-2
Searches		See § 245-2
Sign permits		See § 230-3
Site plan review and inspection	§ 296-76	See Chapter 296, Schedule IV
Soil log testing, permeability	§ 516-10	See § 492-3
Special event application	§ 386-4	\$50
Special meeting request	§ 296-26J	See Chapter 296, Schedule IV
Special road event application	§ 386-8	\$50
Subdivision		
Application	§ 296-60	See Chapter 296, Schedule IV
Approval certificate copies		See Chapter 296, Schedule IV
Subpoena of Township employees		See § 245-2
Subsurface sewage disposal	§ 516-3	See § 492-3
Swimming pool operation license	§ 521-4	See § 492-3
Tax bills and photographs or duplicates		See § 245-2
Taxicabs and limousines		
Limousine license	§ 435-6	\$50 for each limousine service plus \$10 for each limousine which is covered under the required insurance policy
Taxicab license	§ 435-16	\$250 for each licensed taxicab; \$100 for each

Description	Section Number / Ordinance Number	Amount
		taxicab driver other than the owner
Tent erection		
Below 10,000 cubic feet		\$3
Above 10,000 cubic feet		\$5
Towing application	§ 439-4	
Initial		\$150
Renewal		\$100
Transcripts		See § 245-2
Transportation Improvement District 1		See § 296-55
Vacant building or structure registration	§ 355-39	\$50 initial registration; \$250 if not paid within 6 months of notification by the Township
Variance application	§ 296-187	See Chapter 296, Schedule IV
Vehicle impoundment (police lot)	§ 459-8	\$6 per day of storage
Zoning permits	§ 296-26I	See Chapter 296, Schedule IV
Zoning certificate of reoccupancy	§ 296-26K	See Chapter 296, Schedule IV

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid in any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Raritan, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Township of Raritan are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. This Ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

Date Adopted:

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**

Donna Kukla, Township Clerk

Mayor Scott Sipos