

ORDINANCE NO. 2020-17

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW
JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XX
ENTITLED “LICENSES-GENERAL” TO INCLUDE A NEW SECTION
INVOLVING MOBILE FOOD VENDORS**

WHEREAS, the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Belmar”) has received input and recommendations from the Belmar Fire Marshall concerning fire safety involving food trucks, trailers and carts; and

WHEREAS, Belmar believes it is appropriate and necessary to ensure fire safety for these vehicles; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey that Chapter XX of the codified ordinances of the Borough of Belmar entitled “Licenses-General” be amended and supplemented to include new Section 20-16 entitled “Food Truck, Trailer and Cart Fire Safety” which shall read as follows:

SECTION I. Definitions

Food Truck – A motorized vehicle registered and is able to be operated on the public streets of the State of New Jersey, in which ready to eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution.

Food Vendor – The owner or operator of a Food Truck, Food Trailer or Food Cart or the owner’s agent: hereinafter referred to as “Vendor”.

Food Cart – A Cart or other movable device used on the public sidewalks or in public places, in which ready to eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution, and which is not licensed as a food truck or food trailer.

Food Vehicle – Collectively, a Food Truck Food Trailer and a Food Cart.

SECTION II. Inspection required

- (a) No Food Truck, Trailer, Cart or Vehicle shall operate within the borders of the Borough of Belmar without first having been inspected and approved by Belmar Fire Prevention Bureau.
- (b) No Food Cart that is using propane shall operate within the borders of the Borough of Belmar without first having been inspected and approved by the Belmar Fire Prevention Bureau.

SECTION III. Annual Inspection; Certificate of Approval

- (a) Food Vehicles shall be inspected every time they are conducting business in the Borough of Belmar. Compliant Food Vehicles shall receive a Certificate of Approval valid until their departure within the Borough of Belmar which the Certificate is received. Certificates of Approval shall be displayed prominently in or on the Food Vehicle as directed by printed instructions on the Certificate.
- (b) Vendors shall apply for inspection and Certificate of Approval at the Belmar Fire Prevention Bureau located at 601 Main Street, Belmar New Jersey.
- (c) The inspection fee of \$54.00 shall be paid at the time of the application.
- (d) The Fire Official shall prepare a checklist for the inspection specifically detailing the requirements needed and the standards which must be complied with for approval. The checklist shall be publicly available. Nothing in this subparagraph shall be construed as limiting the authority of the Fire Official to supplement the requirements of the checklist in a particular case in the interest of public safety.
- (e) Vendors failing the inspection may be re-inspected at any time. No additional fee will be charged for the first re-inspection if within 30 days of the first inspection. The full inspection fee is required for re-inspections after that date and any additional re-inspections.
- (f) The \$54.00 fee is an application fee, and is nonrefundable.

- (g) This inspection is required for all mobile food vendors operating within the Borough of Belmar whether it is a private event, or public gathering.
- (h) The Monmouth County Health Department shall be made aware, and appropriate application be filed and must be approved by their office and inspected.
- (i) The application must be made 2 weeks prior to the event. Applications made less than two weeks before the event may be accepted up to the day of the event at the discretion of the Fire Official. A late service fee may be charged not to exceed double the standard fee. In no case may a Food Vehicle operate without approval by the Fire Official.
- (j) A food truck is only authorized on a public property or roadway when approved by the Borough of Belmar for such use.

SECTION IV. Violations

Any person who violates any provision of this article shall, upon conviction thereof, be punished by fine not exceeding \$2,000.00 imprisonment in the County/Municipal Jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

SECTION V. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION VI. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. This Ordinance shall take effect 20 days after final passage, adoption and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Council of the Borough of Belmar, County of Monmouth, State of New Jersey on **February _____, 2020 at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **February _____, 2020, at 6:00 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Borough of Belmar Municipal Building located at 601 Main Street, Belmar, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

APRIL CLAUDIO, Borough Clerk

CERTIFICATION

I, **APRIL CLAUDIO**, Municipal Clerk of the Borough of Belmar, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Mayor and Borough Council at a meeting held on the ____ day of _____, 2020.

APRIL CLAUDIO, Borough Clerk