



**BOROUGH OF LAWNSIDE
ORDINANCE NO. 01-2023**

ORDINANCE ESTABLISHING CHAPTER 77 FOOD TRUCK OPERATION

WHEREAS, the Borough Council of the Borough of Lawnside has determined that Food Trucks are to be permitted in the Borough of Lawnside; and

WHEREAS, the Borough Council of the Borough of Lawnside now seeks to establish Chapter 77 Food Truck Operation; and

BE IT ORDAINED by the Borough Council of the Borough of Lawnside that Chapter 77 of THE BOROUGH OF LAWNSIDE be established as follows:

Article I. Food Truck Operation

Every person who shall engage in or carry on any business as a Food Truck within the limits of the Borough of Lawnside, for the purpose of this Chapter, be deemed required to obtain a Food Truck License.

§ 77-1. DEFINITIONS.

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

BUSINESS — Includes businesses, trades, callings, professions and vocations.

FOOD TRUCK - An enclosed motor vehicle equipped with equipment and facilities, including 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 Borough of Lawnside, 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.

OWNER — Includes persons, firms, co - partnerships and corporations

ARTICLE II – Licensing.

§ 77-2. License required.

Every person who shall engage in or carry on any business as a Food Truck Operator within the limits of the Borough of Lawnside, for the purpose of this Chapter, be deemed required to obtain an annual Food Truck License by January 31st of each year. Food truck owners and operators must comply with all of the provisions of this chapter and the Camden County Health Code, if applicable.

A. Food Truck License Application shall give:

1. The name, address, telephone number and e-mail address and photograph of the food truck 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 truck 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 Truck, make, model, license plate number, VIN number, insurance policy number, insurance policy coverages and policy limits, a photograph of the vehicle and any other documents as determined by the CLEO.
4. Title, bill of sale or any other such proof sufficient to establish lawful ownership of the food truck to be registered.
5. Driver's license information for the driver of the Food Truck.
6. Business records of the Food Truck 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 CLEO.
7. A valid certificate issued by the Camden County Department of Health and Human Services, pursuant to N.J.A.C. 8:24-9.1.
8. A listing of expected location(s) of operations, a schedule of such operations, including expected days and hours of operation for the Food Truck.
9. Manufacturer specifications on decibels ranges generated by generators to be used during operations, if any.
10. 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.
11. A description of the method to be used for waste disposal and recycling of materials.
12. Any seating arrangements that will be provide on-site [only when public parking lots are being utilized as the on-site location].
13. 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.
14. 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).
15. Any other documents or other information as determined by the Fire Official, the CLEO, 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 Borough of Lawnside Code and the Camden County Health Code.

§77-3. Fees.

- A. The fees herein imposed for such licenses are imposed for revenue and regulation.
- B. All persons who shall be regulated under this chapter shall be required to pay an annual administrative charge of \$500.00.

- C. Any person who is not exempt by virtue of N.J.S.A. 45:24-9 et seq., shall be required to pay an annual licensing fee of \$3,000.00 for one truck and \$5,000.00 for two trucks.
- D. All food truck operators shall pay the required annual food truck license fees annually by January 30th of each year. Any food truck operator who does not pay the required annual food truck license fees by January 30th shall be assessed a late fee of \$100 at the time of application.

§77-4. Scope of License.

- A. A Food Truck License with the municipality name, business location, licensing year, and a mercantile license serial number shall be issued to the business owner after payment has been received by the Borough Clerk to conduct business operations in the municipality.
- B. A Food Truck License shall expire on December 31st of the licensing year.
- C. Any Food Truck Operator found to be transacting business without the required license is subject to cease of business operations until the business is in compliance and required fees are received by the Borough Clerk and subject to a fine of \$100 per day for violation of the terms aforementioned in this Chapter.
- D. Display - Food Truck licenses shall be attached to the food truck in such a way as to be conspicuously displayed to the public during all times of operation.
- E. License Operating Hours – Food Truck Sunday through Saturday, 8:00 a.m. to 8:00 p.m.

§77-5. Transfer, Assignment and Use.

- A. No person, persons or business owner shall be allowed to transact any business within the Borough of Lawnside, under any license granted under this chapter except the business for which such license was granted to. No license provided for by this chapter shall be transferred from one person/business to another person/business. A valid license that is in compliance for the current year is deemed acceptable for place to place transfer if originated by same person, persons or business owner.

§ 77-6. Operation for lawful purposes.

It shall be a condition to the issuance of any and all licenses under this chapter that the said business shall be used and operated only for lawful purposes.

§ 77-7. Compliance with safety regulations and revocation.

No Food Truck license shall be issued to any person who has not complied with the laws of the State of New Jersey or the ordinances of the Borough of Lawnside providing regulations respecting the safety of persons who may have occasion to use the premises, place or thing licensed. Any licensed person, persons or business owner, who fails to comply with such laws or ordinances after due notice and opportunity to be heard, the CLEO or other official designated by the Governing Body may revoke such license.

§ 77-8. Access to premises to determine compliance.

Every person conducting a business required to be licensed hereby shall permit the CLEO or other official designated by the Governing Body to have access to any building or premises for the purpose of ascertaining

whether there has been compliance with the provisions of this chapter and other ordinances and to determine the fees to be paid, and any refusal thereof shall be deemed a violation of this chapter and be subject to the penalties hereof.

§ 77-9. Enforcement.

Any proper officer is hereby authorized and directed to use such of the police force of the borough as is necessary to execute and enforce all necessary and lawful police regulations as best protect and facilitate the carrying on of the several businesses, trades and occupations licensed by this chapter.

§ 77-10. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished for each offense by a fine not to exceed \$500 or by imprisonment for any term not exceeding 90 days in the county jail or in any place provided by the municipality for the detention of prisoners, or both. The Judge before whom any person is convicted of violating this chapter shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed in this chapter. In default of the payment of any fine imposed hereunder, any person convicted of any violation may, in the discretion of the Judge by whom he was convicted, be imprisoned in the county jail or place of detention provided by the municipality for any term not exceeding 90 days.

ARTICLE III. GENERAL REGULATIONS.

§ 77-11. Location of vending units.

- A. For purposes of this chapter food trucks shall be limited to Walter A. Gaines Way, the Lawnside Community Park over flow parking lot, the Wayne R. Bryant Senior Community Center and the Borough of Lawnside Municipal Building. The CLEO or other official designated by the Governing Body may expand these locations.

§ 77-12. Prohibited activities; vendors, vending units and food trucks.

No vending unit or food truck owner or operator shall:

- A. Place, stack, station or otherwise maintain any goods, wares, merchandise, signs or other items, other than an approved vending unit or food truck, on the streets or sidewalks.
- B. Use public litter receptacles for the disposal of business-related trash or recycling of the vendor, vending unit or food truck.
- C. Operate a vending unit or food truck 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 or food truck while being moved or operated.
- D. Leave any vending unit or food truck unattended, at any time, on the streets or sidewalks.
- E. Store, place or leave any vending unit or food truck overnight on the streets or sidewalks.
- F. 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.
- G. Conduct the business of peddling or operating a vending unit or food truck in such a way as to be a public nuisance.
- H. No vending unit or food truck shall impede or obstruct any street, street intersection or crosswalk.
- I. No vending unit or food truck shall impede the ingress or egress of any public or private driveway.

- J. No vending unit or food truck shall obstruct pedestrian space.
- K. No vending unit or food truck shall permit litter or garbage arising from their operations.
- L. No person shall place a vending unit, food truck or any other device designed to secure a vending or food truck location on Borough streets, sidewalks or public property
- M. No person shall camp out or otherwise occupy such space for the purpose of securing a vending or food truck location on Borough streets, sidewalks or public property
- N. Any person who is conducting vending or food truck activities at a location on the Borough 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.
- O. Any person who is conducting vending or food truck activities at a location on the Borough streets, sidewalks or public property shall make sales only between the hours of 8:00 a.m. to 8:00 p.m.

§77-13. Activities.

Food truck owner or operator shall:

- A. Operate a food truck only within the following time restrictions: Sunday through Saturday, 8:00 a.m. to 8:00 p.m.
- B. Be prohibited from conducting business or operating a food truck on private property, without the express consent of the property owner and approval of the Borough of Lawnside.
- C. Be prohibited from conducting business or operating a food truck within two hundred (200) feet of a brick and mortar restaurant or other food establishment.
- D. Utilize power sources of the food truck must meet all applicable electrical code standards.
- E. Be prohibited from having a food truck in motion unless all propane and natural gas tanks are shut off.
- F. Be prohibited from leaving a food truck in overnight storage unless all propane and anural gas tanks are shut off.
- G. Food truck operations shall take place from the side of the food truck only.
- H. No food truck shall make use of a drive-through service.
- I. The decibel levels for any generator shall meet the requirements set forth in Section 104-1 of the Borough of Lawnside Code.
- J. Have two (2) fully functioning fire extinguishers on the food truck: one Class K and one Class 2A-10BC.
- K. A food truck shall provide a suitably-sized receptacle for waste, which shall be located no more than ten (10) feet from the service window of the food truck. The receptacle shall be maintained and regularly emptied.
- L. All waste generated by the food truck's operations, including waste from customers and staff, shall be disposed of at the food truck's base of operations.
- M. A food truck shall be responsible for maintaining the premises on which it is operating in a safe and hygienic manner.

§77-14. Licenses Issuance Limitation

The CLEO or other official designated by the Governing Body shall issue no more than three (3) food truck licenses during any specific timeframe to operate in Borough of Lawnside.

§77-15. Food Truck Location

- A. Licensed food trucks shall be permitted to operate in the following areas:
1. Oak Ave Redevelopment Area
 2. Bell Ave Redevelopment Area
 3. Areas with High Levels of Pedestrian Traffic:
 - a. E. Charleston Ave
 - b. Dr. Martin Luther King Jr. Road
 - c. Other areas as deemed appropriate by the CLEO.
- B. The CLEO or other official designated by the Governing Body shall have the discretion to take into account a food truck's proposed location for operations and its proximity to other vending units or food trucks in that area as well as the types of food offered by those vending units or food trucks, in determining whether a food truck license shall be issued for that specific time and location.

§77-16. Applicable Laws.

A vending unit and food truck shall meet all federal and state laws, regulations, Camden County and Borough of Lawnside Code provisions, including but not limited to health codes.

§77-17. Special event Licensing.

- A. A one- to three-day special events license, vending unit registration or food truck license may be issued for special events.
- B. The CLEO or other official designated by the Governing Body may establish specific rules or other policies for this special event licensee that will remain in effect during the term of the issued license.
- C. A one- to three day license shall permit the licensee to conduct the business activities of a vending unit or food truck within Borough of Lawnside according to the provisions of this Chapter and all other applicable provisions of Borough of Lawnside Code.
- D. A one-day license period may extend for a single twenty-four (24) hour period beginning at 12:00 a.m. on the date specified on the license.
- E. A non-refundable \$200.00 special event license fee will be imposed for every food truck vendor.
- F. The special event license will only be valid for the designated event date or rain date specified by the special event coordinator. The license will only be honored for the specified rain date, if rain date is held within the same calendar year.

§77-18. Violations and penalties.

- A. First offense: Any person, company and/or corporation who shall be found guilty of violation of this chapter shall be fined \$250 plus court costs.
- B. Second offense: Any person, company and/or corporation who shall be found guilty of violation of this chapter shall be fined \$500 plus court costs.
- C. After second offense, the food truck license will be revoked.

ARTICLE IV. EMERGENCY RESTRICTIONS.

§77-19. Authority to issue.

The Borough of Lawnside Police Department shall have the authority to issue temporary regulations restricting or prohibiting vending units or food trucks in all areas based on the discretion of the CLEO.

§77-20. Applicability.

Such temporary regulation provided for in section 77-19 above, may be issued when the Police Department determines that, due to the size of scheduled events restrictions should be placed on vending and food truck activities in the areas described in section 76-19, above.

§77-21. Duties and responsibilities of owner and operator.

Take all actions necessary by law to prosecute all violators of the provisions herein, of the Code of the Borough of Lawnside, Chapters 36, 37, 39, 42, 51, 51A, 53, 69, 76, 80, 84, 86, 102, 103, 104, 105, 106, 106A, 110, 112, 121, 133, 140, 145, and 169 and any other relevant ordinances requiring inspections and the issuance of licenses.

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.

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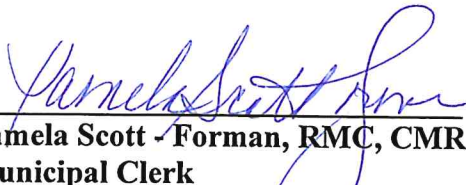
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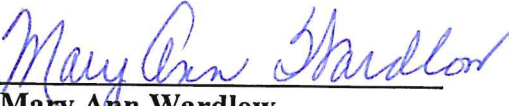
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ADOPTED: MARCH 1, 2023

BOROUGH OF LAWNSIDE


Pamela Scott - Forman, RMC, CMR
Municipal Clerk


Mary Ann Wardlow
Mayor

ADOPTED: MARCH 1, 2023