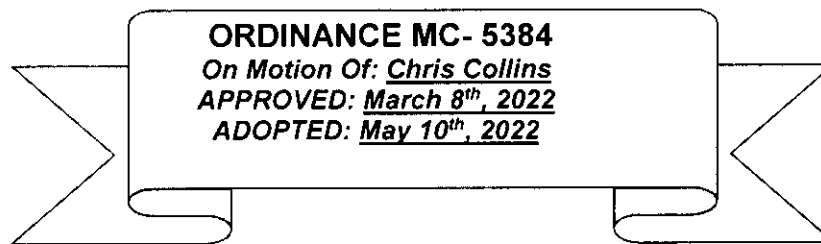


Collins
3-8-2022



*O-6
revised*

ORDINANCE AMENDING CHAPTER 578 OF THE CITY OF CAMDEN CODE AND CHAPTER 485 OF THE CITY OF CAMDEN CODE TO ALLOW FOOD TRUCKS TO OPERATE IN THE CITY OF CAMDEN AS PROVIDED FOR IN THIS CHAPTER.

WHEREAS, the City Council of the City of Camden has determined that Food Trucks are to be permitted in the City of Camden as provided for in this Chapter; and

WHEREAS, in order for Food Trucks to operate in the City of Camden, Chapter 578 of the City of Camden Code, Peddlers and Vending Units, and Chapter 485, Licenses and Business Regulations, must now be amended; and

WHEREAS, the City Council of the City of Camden now seeks to amend Chapter 578 of the City of Camden Code to incorporate a limited number of Food Trucks to operate in the City of Camden as provided for in this Chapter; now therefore,

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:

Director – Shall refer to the Director of Code Enforcement.

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 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 truck shall be no more than seven (7) feet wide and no more than 16 feet long.

Vending Unit – Any freestanding pushcart, wagon, table, shelving unit, rack vehicle or device, except for a Food Truck defined above, which may be moved, with or without assistance of a motor, which is used in the preparation, display, sale, transportation or storage of any good, wares or merchandise, personal service, food, food product or beverage intended for sale, consumption or distribution on or over the streets, highways or sidewalks of the City of Camden.

ARTICLE II – Licensing.

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

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 and food truck licenses and all peddlers, vending unit owners and operators and food truck owners and operators must comply with all of the provisions of this chapter, chapter 485 and the Camden County Health Code, if applicable.

578-3. License required. Fees.

- A. Same
- B. Same.

- C. No person shall operate or make use of a food truck on or over the streets, highways, sidewalks, or public areas unless such food truck has been inspected and has been issued a food truck 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 or food truck, as described herein.

578-4. Application.

- A. Peddler's License.
Same.
- B. Vending Unit Registration.
Same.
- C. Food Truck 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 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 Director.
 - 4. Vehicle information regarding the width and length of the food truck.
 - 5. Title, bill of sale or any other such proof sufficient to establish lawful ownership of the food truck to be registered.
 - 6. Driver's license information for the driver of the Food Truck.
 - 7. 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 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 Truck.
 - 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 provide 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.

578-5. Issuance; contents.

- A. Upon satisfactory completion of all application requirements of this chapter and chapter 485 by Peddlers, Vending Units and Food Trucks, 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 license is to be permitted for a certain location, shall also consider and take into account whether a food truck's overall width and length 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 or Food Truck 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 or a food truck 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) Food Truck License. A food truck license shall include the information as specified in section 485-15 of the City of Camden Code.

578-6. Display by licensee.

- A. Same.
- B. Same.
- C. 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.

578-7. Transfer, Assignment and Use.

- A. Same.
- B. Same.
- C. A Food Truck license shall not be assignable or transferable and may be used only in the operation of the food truck as provide 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 or food truck 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 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, or food truck 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.

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 and food trucks.

No peddler, vending unit or food truck 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 or food truck, on the streets or sidewalks.
- C. Use public litter receptacles for the disposal of business-related trash or recycling of the peddler, vending unit or food truck.
- D. 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.
- E. Leave any vending unit or food truck unattended, at any time, on the streets or sidewalks.
- F. Store, place or leave any vending unit or food truck 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 or food truck in such a way as to be a public nuisance.
- J. No person shall place a vending unit, food truck or any other device designed to secure a vending or food truck 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 or food truck location on City streets, sidewalks or public property during said hours. Any person who has conducted vending or food truck 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 or food truck to make sales between 12:00 a.m. to 8:00 a.m.
- K. No peddler, vending unit or food truck shall impede or obstruct any street, street intersection or crosswalk.
- L. No peddler, vending unit or food truck shall impede the ingress or egress of any public or private driveway.
- M. No peddler, vending unit or food truck shall obstruct pedestrian space.
- N. No vending unit or food truck shall permit litter or garbage arising from their operations.

578-15. Activities; Food trucks

In addition to Section 578-13 above, a 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 12:00 a.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 City of Camden.
- 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 anatural 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 870-251 of the City of Camden 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.

578-16. Food truck licenses and locations.

Subject to Section 578-19 below, the City of Camden shall issue no more than seven (7) food truck licenses during any specific timeframe to operate in the City of Camden. Licensed food trucks shall be permitted to operate in the following areas:

- 1. Camden Business District
- 2. Areas with High Levels of Pedestrian Traffic:
 - a. Broadway at Market Street
 - b. Federal Street at Broadway
 - c. Federal Street at 5th Street
 - d. Second Street at Cooper Street
 - e. Martin Luther King, Jr. Boulevard at Broadway
 - f. Vesper Avenue at Haddon Avenue
 - g. Park Boulevard between Kaighn Avenue and Baird Boulevard
 - h. Federal Street between 30th and 33rd Streets
 - i. Morgan Boulevard at 9th Street
 - j. Waterfront area
 - k. Other areas as deemed appropriate by the Director.

The Director 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.

578-17. Applicable Laws.

A peddler, vending unit and food truck shall meet all federal and state laws, regulations and Camden County and City of Camden Code provisions, including but not limited to, health 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 or food truck 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 or food truck 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 or food trucks 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~~⁷ 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~~⁷, above.

578-23. Advance certification required; exception.

A. Same.

B. Where, due to unforeseen circumstances, crowd control issues require the issuance of temporary regulations the operations of restricting vending units and/or food trucks, the Camden County Police Department, Metro Division, may issue an emergent regulation; provide however, the Camden County Police Department, Metro Division, shall file the regulation and certification required by section 578-19A, with the Office of the Municipal Clerk within two (2) business days of the issuance of the regulation. In addition to the items required in section 678-19A, the certification shall also 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.

The Camden County Police Department, Metro Division, shall post notices of the emergency restrictions within the prohibited area at a minimum of once every one-hundred (100) feet.

578-25. Responsibility of Police Department.

The Camden County Police Department, Metro Division, shall prepare the appropriate procedures designating responsibility for compliance with filing and notice provisions required by this Article.

BE IT FURTHER ORDAINED, that Chapter 485 of the City of Camden Code is hereby amended as follows:

485-9. Duties and responsibilities.

K. Take all actions necessary by law to prosecute all violators of the provisions herein, of the Code of the City of Camden, Chapters 169, 193, 204, 217, 225, 248, 264, 286, 325, 329, 378, 383, 390, 394, 416, 434, 439, 456, 467, 478, 496, 500, 507, 512, 545, 578, 587, 620, 661, 667, 705, 758, 766, 785, 791 and 822 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.

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.

The above has been reviewed
and approved as to form.

MICHELLE BANKS-SPEARMAN
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

Shaneka Boucher
Councilperson, 1st Ward

Chris Collins
Councilperson, 2nd Ward

Marilyn Torres
Councilperson, 3rd Ward

Felisha Reyes-Morton
Councilperson, 4th Ward



**MUNICIPAL CLERK
CITY OF CAMDEN
NEW JERSEY**

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MEMORANDUM

DATE: May 16, 2022
TO: Victor Carstarphen, Mayor
FROM: Luis Pastoriza, Municipal Clerk
RE: **Ordinance Final Passage – (MC-5384)**

**Ordinance Amending Chapter 578 Of The City Of Camden Code And Chapter 485 Of
The City Of Camden Code To Allow Food Trucks To Operate In The City Of Camden
As Provided For In This Chapter**

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 **5-10-22**. 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: Ryania Walker Date: 5.16.22

Date of Approval: 5/20/22