



OFFICE OF THE MUNICIPAL CLERK
APPLICATION FOR MOBILE FOOD ESTABLISHMENT

In Accordance with Ordinance No. 14-1995

[] NEW [] RENEWAL

Type of License Requested: Class I _____ Class II _____ Class III _____ Class IV _____

Individual Name _____ Company Name _____

Owner Home Address _____ Business Address _____

Telephone# _____ Tax I.D. # _____

Date of Birth ____/____/____ Social Security # _____

EMPLOYEE: Name _____

Address _____

Date of Birth ____/____/____ Social Security # _____

Driver's License # _____

DESCRIPTION OF VEHICLE:

Make: _____ Model: _____ Year: _____ Color: _____

Description of products to be sold: _____

Days & Hours of Operation: _____

REFERENCES: Name, Address & Telephone Number:

1. _____

2. _____

3. _____

Have you or any employee(s) ever been convicted of any crime, misdemeanor or violation of any municipal ordinance? (Give particulars and disposition of every such case.) O Yes O No

Itinerant Restaurant Licenses for Food Peddlers: No license for an Itinerant Restaurant License pursuant to Article II of the Code of the Town of Dover shall be issued until application has also been made to and approved by the Health Officer.

Before any license is issued all requirements of Ordinance 14-1995 must be in compliance

Signature: _____ Date: _____

Office Use:

License Fee \$ _____ License # _____ Date Issued: _____ Expiration Date: _____

MOBILE VENDOR APPLICATION CHECKLIST

- _____ **Sales & Use Tax Certificate**
- _____ **Insurance Requirements**
- _____ **Vehicle Inspection from the Board of Health**
- _____ **Food & Drink License from the Board of Health**
- _____ **Physician Certificate**
- _____ **Photographs**
- _____ **Proof of Citizenship**
- _____ **Statement & Proof of Payment of Sale Tax**
- _____ **Vehicle Registration**
- _____ **Fire Official Inspection (if applicable)**
- _____ **Application & Fee**

*****PLEASE PROVIDE COPIES*****

NAME OF BUSINESS _____

ARTICLE II, Mobile Retail Food Establishments [Adopted 5-23-1995 as Ord. No. 14-1995EN(1)]

§ 199-9. Definitions.

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

ITINERANT RESTAURANT LICENSES -- License granted a peddler or solicitor who transports prepared food and/or foodstuffs to be prepared or cooked prior to sale and beverages for sale in the Town of Dover, by vehicle or pushcart. The food or beverage is to be sold to individual patrons while the vehicle or pushcart is stopped or parked.

LUNCH TRUCK -- A motorized vehicle with the ability to serve meals, including hot foodstuffs, sandwiches and beverages.

PERSON -- Includes the singular and the plural and any person, firm or corporation, association, club, partnership, society or another organization.

VEHICLES -- Wagons, carts, trailers, motor trucks, service dispensers or other types of conveyance.

§ 199-10. Licenses required; fees.

A. Classes.

(1) Licenses for itinerant restaurant shall be divided into the following classes:

- (a) Class 1. One (1) license per person for that area of town known as "The Downtown," bordered on the south by parking lots between Morris Street and Prospect Street, on the north by McFarland Street, on the east by Mercer Street and on the west by Prospect Street.
- (b) Class 2. One (1) annual license per person within the paved portion of the following public parks and/or playgrounds of the town: Crescent Field, Second Street Playground, Hooey Park, King Field, Hurd Park, Steffany Park at Waterworks and Overlook Park. The town's Police Department shall determine where, in each park, the licensee may be located, giving particular consideration to the safety of the children approaching the vendor.
- (c) Class 3. One (1) annual license per person for the sale of frozen dairy products and frozen snacks from a motorized vehicle. The licensee may sell in any zone, provided that no sale stops shall be for more than ten (10) minutes in any residential zone and thirty (30) minutes in any other zone.
- (d) Class 4. One (1) annual license per person for the sale of snacks and meals from a lunch truck. Licensees shall not be permitted to sell in any residential zone, and shall

any municipal ordinance, other than traffic offenses, the nature of the offense and punishment and/or penalty imposed.

- (9) Appropriate evidence as to good character and business responsibility of the applicant and any employee vending pursuant to the license, so that an investigator may properly evaluate the same.
- (10) A certificate from a licensed and practicing physician of the State of New Jersey, certifying that the applicant and/or any employee handling food to be sold to and consumed by the public has been examined on a certain date, within sixty (60) days prior to the filing of the application; and that, in the opinion of the physician, the applicant and/or employee is of sound physical condition, not subject to any contagious disease, illness, sickness and/or any other infirmity which might make him/her unfit for selling, dispensing, peddling or vending any food, drink or other consumable item.
- (11) Each applicant shall present proof that he/she is a citizen of the United States or a person satisfying all requirements of the immigration and naturalization laws, or other applicable law, for holding gainful employment in the United States. Each applicant shall be required to produce a certificate of registration from the Director of the Division of Taxation of the New Jersey State Department of the Treasury. Every applicant who holds a license issued under this Article during the year preceding the application shall present proof of payment of New Jersey sales tax required pursuant to N.J.S.A. 54:32B-1 et seq.

B. Insurance requirements.

- (1) Every licensee shall carry and maintain in force insurance covering its operations written by an insurance company licensed to do business in the State of New Jersey, providing the following minimum coverage and language:
 - (a) Comprehensive general liability: five hundred thousand dollars (\$500,000.) (combined single limit each occurrence).
 - (b) Business automobile liability: five hundred thousand dollars (\$500,000.) (each accident), or if the license is granted to an entity that does not own any automobiles and uses employees that would use their own automobiles to conduct the business, then employers' nonownership automobile liability would be acceptable for the business auto insurance requirement.
- (2) The town and its agents and employees shall be indemnified and held harmless from all claims and demands, losses and expenses arising from the permission granted, and shall be named as an additional insured.
- (3) The issuing company shall notify the town within ten (10) days of the cancellation of any of the policies.
- (4) The licensee shall provide proof of paid-up insurance coverage, and in the case of not having paid the policy for a full year, appropriate, i.e., monthly, quarterly or semiannual, proof shall be provided.

§ 199-12. Revocation or suspension by Health Officer.

- A. The Health Officer is authorized and empowered to suspend or revoke any license or permit regulated by this code, issued to or held by any person pursuant to this Article, where it is found that the licensee is violating any health code or is handling food in an unsanitary manner so as to be a danger to the public. It shall be the duty of the licensee to comply with or obey such order immediately and to conduct no further operation until permission has been granted by the Health Officer and the Board of Health. When the Health Officer contemplates a revocation action, he shall present the licensee with the opportunity for a hearing. Prior to the hearing, the Health Officer shall present written charges enunciating the reasons for the revocation and shall notify the licensee of the place and time the hearing will be held.
- B. Any license issued under this Article may be suspended or revoked upon notice and hearing before the Board of Aldermen. The license may be suspended, for a period not to exceed ten (10) days, for repeated failure to comply with the direction of a law enforcement officer or a representative of the Clerk/Administrator's office, to cease a practice which constitutes a violation of the ordinance. The license may be revoked for the following causes: procurement of the license by fraud, misrepresentation, false or misleading statements in securing a peddler's license or evasion or suppression of material facts in the application for a peddler's license; fraud, misrepresentation or knowingly false statement in the cause of carrying out of the business of peddling under this Article; or three (3) convictions of violations of any sections of this Article. Notice of the hearing shall be given in writing, shall be mailed five (5) days prior to the hearing date and shall set forth the grounds for suspension or revocation.

§ 199-13. Violations and penalties.

- A. Any person who fails to secure a license or violates any of the provisions of this Article shall, by conviction, be subject to one (1) or more of the following penalties:
 - (1) A fine not less than one hundred dollars (\$100.) and not to exceed one thousand dollars (\$1,000.);
 - (2) Imprisonment for any term not to exceed ninety (90) days; or
 - (3) A period of community service not to exceed ninety (90) days.
- B. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 199-14. Approval by Health Officer required.

No license or permit for an itinerant restaurant license pursuant to this Article II of the Code of the Town of Dover shall be issued until application has also been made to and approved by the Health Officer.

ORDINANCE 12-2009
OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF DOVER,
COUNTY OF MORRIS, STATE OF NEW JERSEY
AMENDING CODE SECTION 199-9 et. seq.
"MOBILE RETAIL FOOD ESTABLISHMENTS"

Be it ORDAINED by the Mayor and Board of Aldermen of the Town of Dover, County of Morris, as follows:

1. A new Section 199-16 is hereby enacted as follows:

Section 199-16. Hours of Operation and Areas. No holder of any class of a mobile retail food license shall be permitted to operate in any residential zone as shown on the Zoning Map of the Town of Dover before 8 a.m. in the morning and after sunset. Sunset shall be defined to be the published time of sunset in Dover, New Jersey by the United States Naval Observatory. Special events may be an exception as approved by the Mayor and Board of Aldermen.

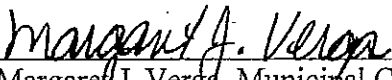
2. All ordinances or parts of ordinances inconsistent with this within ordinance are hereby repealed to the extent of such inconsistencies.

3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

4. The Ordinance shall take effect in accordance with law.

ATTEST:

TOWN OF DOVER, COUNTY OF MORRIS


Margaret J. Verga, Municipal Clerk


James P. Dodd, Mayor

Introduced: 5/26/09
Published:
Adopted: 6/09/09

§ 199-15. Time limit.

No person or operator of a mobile retail food establishment shall be permitted to remain in any neighborhood for a period exceeding thirty (30) minutes during a four-hour period. This provision shall be enforced by the Police Department.

C. General requirements.

- (1) No licenses issued pursuant to this Article shall be valid for vending food at any special event. Licensees hereunder must apply for a special events vending license in order to vend at such an event.
- (2) All licenses issued under this Article shall be issued annually on June 1. Itinerant food vendors which are already licensed by the town and whose licenses expire on June 1 shall have ten (10) days prior to the expiration date to renew such licenses at the required fee, until such licensees no longer desire such licenses, and shall, upon a first-come, first-served basis, have preference for the location at which they wish to be stationed. This right shall be forfeited if not renewed within the ten-day period prior to expiration. If there are more applicants for any class of license than there are licenses authorized for that class, existing licensees who have renewed in a timely fashion shall receive first preference and additional licenses shall be issued in sequence from a waiting list of applicants maintained by the Town Clerk, upon inspection and approval of any cart or vehicle by the Division of Health.
- (3) No license issued under this Article shall be assigned or transferred.
- (4) Class 3 and 4 licenses shall be issued only to itinerant food vendors who utilize a motor vehicle which complies with N.J.S.A. 39:1-1, et seq.
- (5) Whenever a mobile vehicle is used in the dispensation of food, it shall comply with the following regulations:
 - (a) Each itinerant mobile restaurant vehicle shall be attended at all times by a certified food handler of the age of eighteen (18) years or over.
 - (b) Each itinerant mobile restaurant vehicle in which food handling is exposed to the outdoor elements shall contain a dust guard enclosing the food preparation area.
 - (c) Each itinerant mobile restaurant vehicle shall contain a trash disposal receptacle.
 - (d) Before leaving any location, the operator of each itinerant mobile restaurant vehicle shall be responsible for policing of any trash or garbage caused by the use of the itinerant restaurant at that location.
 - (e) Itinerant mobile restaurant vehicles shall not be parked closer than fifty (50) feet from the curbline of any intersection, fire hydrant or crosswalk, nor shall they be parked within one thousand (1,000) feet from any property line of any public or private school.
 - (f) No holder of any itinerant mobile restaurant license, of whatsoever class, shall dispense any foodstuff or product to the occupant of any motor vehicle at any time said vehicle is parked, stopped or standing within any public right-of-way.
 - (g) All licenses shall be posted in a conspicuous place on the licensed vehicle.

be limited to sale of food on private property with the permission and invitation of the property owner. Licensees may sell food for as long as one (1) hour in the morning and one (1) hour in the afternoon of any twenty-four-hour period.

(2) All licenses shall be annual and expire on June 1 of each year.

B. Licenses for itinerant restaurants shall be restricted to the following number of licenses and selected by lottery conducted by the Municipal Clerk as follows:

(1) Class 1. Two (2) licenses, no more than one (1) per person.

(2) Class 2. Three (3) licenses, no more than one (1) per person.

(3) Class 3. Three (3) licenses, no more than one (1) per person.

(4) Class 4. There shall be no limit on the number of licenses issued.

C. Fees. The fees for all licenses shall be one hundred dollars (\$100.).

§ 199-11. Application requirements; insurance.

A. All applicants shall pay the license fee required and shall file with the Town Clerk a sworn written application, in duplicate, on the forms to be furnished by the Clerk, which shall give the following information:

- (1) The name and description of the applicant, including date of birth, driver's license number and social security number or tax identification number.
- (2) The permanent home address and full local address, if any, of the applicant, and any of the applicant's employees who may be vending. Any employee of the licensee shall be required to submit to a background check similar in scope to the licensee. If the applicant is a corporation, the name and address of its registered agent.
- (3) The name and address of employer, firm or person represented, together with credentials establishing the exact relationship.
- (4) A brief statement of the name of the business and description of the merchandise to be sold or distributed.
- (5) If a vehicle is to be used, a description of such vehicle and its license number.
- (6) The days of the week and the hours of the day during which the licensed activity will be conducted.
- (7) A photograph of the applicant taken not more than sixty (60) days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure a minimum of one and one-half by one and one-half (1 1/2 x 1 1/2) inches.
- (8) A statement as to whether the applicant and any employee who will be vending, pursuant to this license, has been convicted of any crime, misdemeanor or violation of