

Hoboken Food Truck Ordinance

Mobile Retail Food Vendors*

§ 147-1 Purpose.

A.

The City of Hoboken encourages the growth of mobile retail food vendors within the City of Hoboken while regulating the side effects of this growing industry, such as parking, traffic and waste disposal.

B.

This chapter seeks to regulate mobile retail food vendors through the annual issuance of licenses and permits. This chapter will assist the City with keeping record of mobile retail food vendor business within the City. License and permit fees will cover the cost of enforcement and administrative duties.

C.

This chapter limits the proximity of mobile food trucks to brick-and-mortar restaurants to secure safe and adequately spaced sidewalks in case of a fire, flood, and other natural or man-made disaster.

D.

This chapter seeks to limit the interaction between uses which are incompatible in character. While serving similar purposes, selling food to residents, mobile food trucks and brick-and-mortar restaurants function separately and are not complementary in nature.

E.

This chapter seeks to protect the character of stable commercial areas and to provide sufficient space in appropriate locations for each use. The City seeks to locate mobile food trucks in areas to better serve mobile populations. The City seeks to promote a desirable visual environment through limiting the interaction of each respective use.

F.

This chapter is not intended to effect, and shall not apply to, activities conducted on private property.

§ 147-2 Scope.

The provisions of this chapter shall apply to mobile food operations engaged in the business of cooking, preparing, and/or distributing food or beverage from mobile retail food vendors on public property within the City of Hoboken.

§ 147-3 Definitions.

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

MOBILE RETAIL FOOD VENDOR

Any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term "mobile retail vendor" shall include and incorporate the term "mobile retail food vendors," as defined in § 115-1. Only the following mobile units shall be authorized to obtain an annual mobile retail food license to stop and stand on public property, public rights-of-way and/or public streets and sidewalks, within the City limits, none of which shall exceed 35 feet in length:

[Amended 3-5-2014 by Ord. No. Z-285]

A.

MOBILE RETAIL MOTORIZED FOOD VENDOR — A food establishment that is located upon a motorized vehicle where food or beverage is cooked, prepared and served for individual portion service. Such food vendors comply with this chapter and all requirements of this chapter, as well as any other applicable section of this Code. Shall also be known as "mobile retail food vendors."

B.

MOBILE RETAIL NONMOTORIZED FOOD VENDOR — Movable, nonmotorized unit (e.g., pushcart) where food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

C.

MOBILE RETAIL PRE-PACKAGED FOOD VENDORS — A food establishment that is located upon a motorized vehicle where pre-packaged food or beverage is served for individual portion service. Mobile retail pre-packaged food vendors shall be subject to Chapter 146, and shall be exempt from the regulations of this chapter.

§ 147-4 Hours of operation.

A.

Weekdays: Sunday through Thursday, mobile retail food vendors shall operate between the hours of 6:00 a.m. and 9:00 p.m.

B.

Weekends: Friday and Saturday, mobile retail food vendors shall operate between the hours of 6:00 a.m. and 11:00 p.m.

§ 147-5 Transfer of license and/or permit prohibited; exceptions.

A.

No person holding a mobile retail food vendor license and/or permit shall sell, lend, lease or in any manner transfer any interest in a mobile retail food vendor license and/or permit.

B.

A license and/or permit holder may transfer said item as part of the sale of a majority of the stock in a corporation holding such a license and/or permit, as part of the sale of a majority of the membership interests of a limited-liability company holding such license and/or permit, or as part of the sale of a business or substantially all of its assets, provided that there shall be no allocated or actual value for the transfer of the license and/or permit, and provided that:

(1)

Prior to any such transfer, the transferor shall notify the Director of the Department of Health and Human Service's Health Officer and the Director of the Department of Transportation and Parking, in writing, and the transferee shall submit a mobile retail food vendor health license application and parking permit for approval, which approval must occur prior to transfer. Licenses and permits which are transferred prior to approval shall be null and void as of the date and time of transfer, if not previously approved pursuant to this section.

(2)

Any such transfer shall be subject to the terms and conditions of the original license and/or permit.

(3)

A transfer fee of \$25, payable to the City Clerk, and any and all application fees described in this chapter, shall be received prior to any transfer being approved.

C.

Any unauthorized transfer or attempt to transfer a license and/or permit shall automatically void such item. Additionally, whoever violates this provision, including both the transferor and transferee, shall be subject to penalties pursuant to § 147-10.

§ 147-6 Operation.

A.

Any mobile retail food vendor being operated without a valid mobile retail food vendor license and/or permit shall be deemed a public safety hazard and may be ticketed and impounded.

B.

Mobile vendor licensees shall be required to display the mobile retail vendor license and/or permit prominently when located in a permitted location. Being the lawful holder of a City of

Hoboken mobile vendor license and/or permit shall not be a valid defense to a citation for failure to prominently display the license in violation of this chapter.

C.

No City of Hoboken employee shall own more than 10% of any mobile retail food vendor license and/or permit.

§ 147-7 Enforcement.

Unless otherwise specified herein, this chapter shall be enforced by any Code Enforcement Officer, Parking Enforcement Officer, the Hoboken Police Department, and/or the Health Officer.

§ 147-8 License fees and parking permits.

A.

Mobile retail motorized food vendor business license. The application fee for a license or any renewal of a license granted by the City shall be \$500. The cost of the annual Health Certificate shall be included in this fee.

B.

Mobile retail motorized food vendor parking permit. Mobile retail motorized food vendors operating within the City of Hoboken are required to purchase an annual parking permit. Permits are available as follows:

Time Length (weekly)	Annual Amount
4 days	\$1,600
7 days	\$2,500

(1)

The parking permit shall be renewable on an annual basis.

(2)

Parking permit extended time endorsements. Applicants with both a valid business license and parking permit may seek an extended time endorsement on their parking permits. This endorsement will allow mobile vendors to extend their stay in metered parking zones beyond the customary two hours allowed under § 190-29.8. This fee for extended parking shall be based on the length of a mobile vending vehicle. This fee shall be \$20 per linear foot. Length of vehicle will be determined by the City at the time of the annual health inspection. Extended time endorsement shall not exempt mobile food vendors from paying the standard rates when parked in metered parking zones.

§ 147-9 Supplemental regulations.

A.

Mobile retail food vendors shall not exceed 35 feet; this number may be increased upon special written request, at the discretion of the Director of Transportation and Parking.

B.

Mobile retail food vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.

C.

The City reserves the right to temporarily move any mobile retail food vendor to a nearby location for emergency purposes as determined in the sole discretion of the City.

D.

Any permit not used for a period of 14 consecutive days or longer shall be revoked by the City.

E.

All licensees and permittees shall comply with all applicable state statutes, all applicable City of Hoboken ordinances, and any other law or regulation which may be applicable under the given circumstances.

F.

Mobile retail food vendors shall comply with all ordinances, laws and regulations relating to noise in effect by the City of Hoboken,^[1] County of Hudson and State of New Jersey.

[1]

Editor's Note: See Ch. 133, Noise Control.

G.

During periods of special events, as herein defined, the Director of the Department of Health and Human Services may suspend §§ 147-9 and 147-21 of this chapter. The Director of Health and Human Services, at his/her sole discretion, may declare, in writing, with notice to all licensed and/or permitted mobile retail food vendors, that any event within the City of Hoboken is a special event for purposes of this section.

H.

Mobile retail food vendors shall maintain an on-vehicle GPS-based system that transmits standard GPS latitude and longitude coordinates in a format/protocol compatible with the City's GPS tracking systems/maps, and shall make these data openly available to the public and the City of Hoboken for tracking and enforcement purposes. GPS coordinates shall be broadcast no less frequently than once every five minutes and shall transmit these coordinates whenever the vehicle is within City limits. Vendors should be aware that enforcement of overlapping vendor operations will be documented via these data, so nonfunctioning or delayed data service will

significantly impact any determination called for by the City as to which vendor arrived first at a particular location.

I.

Violators of Subsection **H** shall, upon conviction, be subject to a fine not exceeding \$250 or imprisonment for a period not exceeding 90 days, or both. These penalties are in addition to any penalties resulting from separate violations incurred under this chapter.

§ 147-10 Violations and penalties.

Unless otherwise specified herein, any person violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both. The amount of such fine and/or imprisonment shall be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this chapter may subject the license to suspension or revocation as provided for herein.

*The within regulations belong to the Hoboken Municipal Code. Be aware that Hoboken has several other related ordinances that you might want to look at in their Chapter 147, which cover issues such as food truck fire and health regulations.