

# CITY OF RAHWAY PEDDLER'S LICENSE

## ✓ Application Checklist

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**Required for business owners AND operators of businesses in the City. If owner and operator are the same individual, then only the operator's application is required.**

**Please make sure all items required are collected before beginning the process and submitting the documents to the Police department.**

\_\_\_ Completed Peddler's License Application.

If incomplete, the Police Department cannot do a background check, and this will prolong the processing of your permit.

\_\_\_ Two 2 ½ x 2 ½ passport-size photos of applicant.

\_\_\_ Background check fee (\$100 for initial license; \$50 for renewal) payable to "City of Rahway." Payment is to be made at the Rahway Police Dept. Records Bureau.

Renewing applicants will complete an online criminal history check. Paperwork can be obtained from the Rahway Police Records department.

\_\_\_ Payment of fingerprinting fee to service provider, Identogo. Instructions and scheduling information will be given to you upon receipt of completed application.

**The above documents are to be submitted to the Police Records Bureau.** When the fingerprint results are sent to us from Identogo, your application will then be forwarded to the Detective Bureau for the background check. Your application will then be forwarded to the Chief of Police for approval. If approved, the application will then be turned over to the City Clerk's Office, who will contact you about picking up and paying for your license.

\_\_\_ Copy of NJ Business Registration Certificate & Tax ID number.

\_\_\_ An annual License fee payment of \$300 is required (cash, check, money order) payable to "City of Rahway" at the City Clerk's office for issuance of your license.

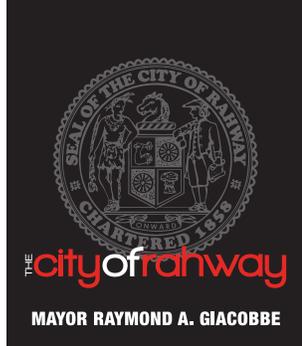
**Note:** If your business will be serving food, a food vendor's certificate issued by the Rahway Health Dept. is required after this application is approved by the Police Dept. Contact the Health Dept. at (732) 827-2085 to schedule an inspection. Final license will not be issued without a food inspection.

**Each application will be returned with the following items attached:**

\_\_\_ Completed License Release Authorization.

\_\_\_ Copy of New Jersey drivers abstract issued by NJMVC.

May be obtained at <https://www.state.nj.us/mvc/license/driverhist.htm>



# CITY OF RAHWAY

## APPLICATION FOR PEDDLER'S PERMIT

### License Owner Application

License No. \_\_\_\_\_  
Date issued \_\_\_\_\_  
Expires Jan. 15, \_\_\_\_\_

License fee: \$300 per vehicle or wagon / \$250 foot only  
Background check fee: \$100 Renewal background check fee: \$50

#### PLEASE PRINT

Name \_\_\_\_\_ Phone \_\_\_\_\_ E-mail \_\_\_\_\_  
Home address \_\_\_\_\_  
How long have you lived at the above address? \_\_\_\_\_  
Social Security No. \_\_\_\_\_ DOB \_\_\_\_\_ Age \_\_\_\_\_  
Birthplace \_\_\_\_\_ Gender \_\_\_\_\_ Height \_\_\_\_\_  
Weight \_\_\_\_\_ Eye Color \_\_\_\_\_ Hair Color \_\_\_\_\_

#### What type of business will you be conducting?

\_\_\_\_\_  
Business Name \_\_\_\_\_  
Address \_\_\_\_\_  
Tax ID \_\_\_\_\_  
Will you be using a vehicle(s) in the operation of the business?  Yes  No  
If yes, list vehicle type \_\_\_\_\_ License Plate \_\_\_\_\_

**Have you ever been convicted of a crime?**  Yes  No If yes, offense \_\_\_\_\_

List the name(s) and address (es) of those authorized to conduct business in the City of Rahway for your company. Each individual must complete a separate Peddler's Operator's License application.

**Employee 1** Name \_\_\_\_\_ Phone \_\_\_\_\_ E-mail \_\_\_\_\_  
Home address \_\_\_\_\_

**Employee 2** Name \_\_\_\_\_ Phone \_\_\_\_\_ E-mail \_\_\_\_\_  
Home address \_\_\_\_\_

**Employee 3** Name \_\_\_\_\_ Phone \_\_\_\_\_ E-mail \_\_\_\_\_  
Home address \_\_\_\_\_

**Employee 4** Name \_\_\_\_\_ Phone \_\_\_\_\_ E-mail \_\_\_\_\_  
Home address \_\_\_\_\_

Additional background check fees payable to the Rahway Police Dept. & Identogo are required. Attach two (s) passport-size photos not over 2 1/2 in x 2 1/2 in.

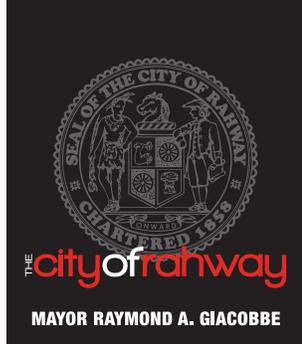
YOU ARE ADVISED THAT THIS FORM AND THE INFORMATION PROVIDED THEREON IS SUBJECT TO RELEASE TO THE PUBLIC UNDER THE OPEN PUBLIC RECORDS ACT (N.J.S.A. 47:1A-1 et seq.)

I have read and understand the requirements of this license as authorized by Ordinance O-44-21 and Ch. 311 of the Municipal Code and understand that violations of this ordinance may result in revocation of my license and/or fines not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days.

Applicant signature \_\_\_\_\_ Date \_\_\_\_\_

#### DO NOT WRITE BELOW THIS LINE

Police Dept. _____	Date: _____	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
Health Dept. _____	Date: _____	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
City Clerk _____	Date: _____	<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved



# CITY OF RAHWAY

## APPLICATION FOR PEDDLER'S PERMIT

### Operator Application

License No. \_\_\_\_\_

License fee: None for operator(s)

Date issued \_\_\_\_\_

Background check fee: \$100 Renewal background check fee: \$50

Expires Jan. 15, \_\_\_\_\_

#### PLEASE PRINT

Name \_\_\_\_\_ Phone \_\_\_\_\_ E-mail \_\_\_\_\_

Home address \_\_\_\_\_

How long have you lived at the above address? \_\_\_\_\_

Social Security No. \_\_\_\_\_ DOB \_\_\_\_\_ Age \_\_\_\_\_

Birthplace \_\_\_\_\_ Gender \_\_\_\_\_ Height \_\_\_\_\_

Weight \_\_\_\_\_ Eye Color \_\_\_\_\_ Hair Color \_\_\_\_\_

#### What type of business will you be conducting?

\_\_\_\_\_

Business Name \_\_\_\_\_

Address \_\_\_\_\_

Will you be using a vehicle(s) in the operation of the business?  Yes  No

If yes, list vehicle type \_\_\_\_\_ License Plate \_\_\_\_\_

Have you ever been convicted of a crime?  Yes  No If yes, offense \_\_\_\_\_

#### References:

Reference 1 Name \_\_\_\_\_ Phone \_\_\_\_\_ E-mail \_\_\_\_\_

Home address \_\_\_\_\_

Reference 2 Name \_\_\_\_\_ Phone \_\_\_\_\_ E-mail \_\_\_\_\_

Home address \_\_\_\_\_

Additional background check fees payable to the Rahway Police Dept. & Identogo are required.

Attach two (s) passport-size photos not over 2 ½ in x 2 ½ in.

YOU ARE ADVISED THAT THIS FORM AND THE INFORMATION PROVIDED THEREON IS SUBJECT TO RELEASE TO THE PUBLIC UNDER THE OPEN PUBLIC RECORDS ACT (N.J.S.A. 47:1A-1 et seq.)

I have read and understand the requirements of this license as authorized by Ordinance O-44-21 and Ch. 311 of the Municipal Code and understand that violations of this ordinance may result in revocation of my license and/or fines not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days.

Applicant signature \_\_\_\_\_ Date \_\_\_\_\_

#### DO NOT WRITE BELOW THIS LINE

Police Dept. \_\_\_\_\_ Date: \_\_\_\_\_  Approved  Disapproved

# IdentoGO<sup>®</sup> New Jersey Universal Fingerprint Form

[www.bioapplicant.com/nj](http://www.bioapplicant.com/nj)

By IDEMIA

(1) Originating Agency Number (ORI #) <b>NJ0201300</b>		(2) Category <b>LOX</b>	(3) Statute Number <b>13:59-1</b>	
(4) Reason for Fingerprinting <b>LOCAL ORDINANCE</b>		(5) Document Type <b>S1</b>	(6) Payment Information <b>\$42.80</b>	
(7) Contributor's Case # (Unique Identifier)		(8) Miscellaneous		
(9) First Name		(10) MI	(11) Last Name	
(12) Daytime Phone Number ( ) -	(13) Social Security Number (Optional)	(14) Date of Birth	(15) Height	(16) Weight
(17) Maiden or Alias Last Name	(18) Place of Birth (US State if US Citizen; Country for all others)		(19) Country of Citizenship	
(20) Home Address				
Address		City	State	Zip
(21) Gender (Select one) <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Both	(22) Hair Color	(23) Eye Color	(24) Race (Select One) <input type="checkbox"/> A Asian/ Pacific Islander (includes Asian Indian) <input type="checkbox"/> B Black <input type="checkbox"/> I American Indian / Alaska Native <input type="checkbox"/> W White ( Includes Hispanic/ Spanish Origin) <input type="checkbox"/> U Unknown	
(25) Occupation / Position (with respect to Requirement)	(26) Employer / Organization Name (with respect to Requirement)			
	Employer Address		State	Zip
	City			
<b>Identification Requirement</b> - Acceptable identification must be presented at the time of printing. Identification presented MUST be one (1) document that is current (not expired). A combination of documents will not be accepted. The single document must include the following criteria: Photo, Name, Address (home/issuing agency), Date of Birth. Acceptable ID must be issued by a Federal, State, County or Municipal entity for identification purposes. Examples of acceptable ID are: 1) Valid U.S. State Photo Driver's License/ Non Driver's License, 2) U.S. Passport, 3) USCIS Permanent Resident ID Card (issued after 5/10/2010), and 4) USCIS Employment Authorization Card (issued after 10/31/2011).				

**Please READ This Form Carefully:**

Follow all of the instructions provided by your agency/employer to complete the fingerprint process. You must have this form (Blocks 1 through 26) completed prior to scheduling your fingerprint appointment via the website or call center. **PLEASE PRINT LEGIBLY.** It is **required** that you **present** this completed Universal Fingerprint Form, IDG\_NJAPP\_051719\_V1, at your scheduled appointment.

**Appointment Scheduling:**

Scheduling is available anytime at [www.bioapplicant.com/nj](http://www.bioapplicant.com/nj). Appointments may also be scheduled through our Call Center. English and Spanish speaking agents are available at **1-877-503-5981**, Monday through Friday, 8:00AM to 5:00PM EST and Saturday, 8:00AM to 12 Noon EST.

**Payment:**

When an applicant is responsible for payment, payment is required at the time of scheduling. The following forms of payment are accepted: Visa, MasterCard, American Express, Discover and prepaid debit cards, or electronic debit (ACH) from a checking account. Accounts will be debited immediately.

**Cancel/ Reschedule:**

Appointments may be canceled or rescheduled via the website or the call center before the deadline of 5PM EST the business day prior to the scheduled appointment (Saturday Noon for Monday appointments). An appointment fee of \$12.00 plus tax (\$12.80) will be incurred by applicants who do not cancel/reschedule their appointment prior to the deadline. Idemia Identity & Security will refund the remainder of the fee paid (state/federal search fees) to the original payment method.

**Unable to be Fingerprinted:**

An applicant is considered "Unable to be Fingerprinted" for any of the following reasons: Failure to appear for scheduled appointment, inability to present proper identification, inability to present this completed Universal Fingerprint Form IDG\_NJAPP\_051719\_V1, or the information on this form does not exactly match the information provided during the scheduling process. Applicants unable to be fingerprinted will incur a \$12.00 plus tax (\$12.80) appointment fee. Idemia Identity & Security will refund the remainder of the fee paid (state/federal search fees) to the original payment method.

**PCN and Receipts:**

Upon the completion of fingerprinting you will be assigned a PCN number. The PCN will be recorded on this form and on your receipt. Idemia Identity & Security will not provide *duplicate receipts, PCN Numbers or any appointment/printing information after the time of printing.*

Applicant ID Number:	Payment Authorization:	PCN:
Scheduled Day & Date:	Scheduled Time:	Scheduled Site:
Agency Information: <b>RAHWAY PD</b>		

You **MUST** retain a copy of this form and the receipt of printing for your personal records.

**APPLICANTS MUST NOT ALTER, SHARE, OR REUSE THIS FORM**

IDG\_NJAPP\_051719\_V1



# City of Rahway Police

ONE CITY HALL PLAZA  
RAHWAY, NEW JERSEY 07065

**Jonathan R. Parham**  
Director of Police

**David L. DeSordi**  
Chief Law Enforcement Officer

## RELEASE AUTHORIZATION

To all courts, Probation Department, Law Enforcement Agencies, Selective Services Board, Physicians, Hospitals, Employee, Education and other Institutions and Agencies without exception, I \_\_\_\_\_, am making an application for a (select one)

Peddler

Food Truck

To the City of Rahway and as a result an investigation is being conducted to determine my eligibility. Therefore, you are hereby authorized to release to the Rahway Police Department or its representative any and all information, documentary or otherwise pertaining to me, which they may request.

A photo static copy of this authorization will be considered as effective and valid as the original:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone# \_\_\_\_\_ Cell# \_\_\_\_\_

SS# \_\_\_\_\_ DOB: \_\_\_\_\_

NJD# \_\_\_\_\_ Expiration date: \_\_\_\_\_

\_\_\_\_\_  
Applicants Signature/Date

\_\_\_\_\_  
Witness (City of Rahway Employee/ Date)

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**Note:** Persons who have had their application denied based on information provided by the State Bureau of Identification (criminal history) have the right to challenge the accuracy of the report and will be given an opportunity to correct or completed that record.

# ADOPTED ORDINANCE

## CITY OF RAHWAY, NEW JERSEY

No.     O-44-21    

### AN ORDINANCE AMENDING CHAPTER 311 PEDDLING, SOLICITING AND VENDING OF THE CITY OF RAHWAY TO ADD ARTICLE VI FOOD VEHICLES

NOW, THEREFORE, be it ordained, by the City Council of the City of Rahway, County of Union, State of New Jersey, as follows:

**Section 1.** Chapter 311 Article III shall be amended to read as follows:

#### **Article III - Peddlers**

§ 311-19 Definitions.

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

#### **PEDDLER**

A. Includes any person traveling by foot, wagon, motor vehicle or in or upon any other type of vehicle or conveyance, from house to house, store to store or street to street, carrying with ~~him~~ any wares, merchandise or goods for the purpose of:

- (1) Offering and exposing the same for sale; or
- (2) Making sales and delivering any of said articles to purchasers.

B. Includes a person who, without traveling from place to place, sells or offers for sale wares, merchandise or goods from a wagon, motor vehicle or any other type of vehicle or conveyance.

C. Includes the words "hawker," "huckster" and "vendor."

D. Any person who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a "peddler."

**E. Does not include food vehicles which are controlled under Article IV of this Chapter.**

#### **DAY**

**Shall be reckoned from 12:00 midnight to 12:00 midnight.**

## VEHICLE

**Any mode of conveyance or anything with or without a wheel or wheels, whether stationary or propelled by muscular power or other means.**

§ 311-20 **Business** license and **employee** permit required.

A. Any individual who owns and/or operates a peddling business must first obtain a license from the City Clerk.

B. Employees of peddling businesses actively peddling within the City of Rahway must first obtain a permit from the City Clerk.

C. Licenses and permits must be displayed in full view during the course of business.

D. Licenses/permits must be renewed annually each calendar year.

E. Background checks will be conducted on an annual basis for each holder of a license or permit. **Background checks resulting with the following convictions may result in a denial for licenses and permits:**

(1) **Conviction of a crime that was proven to be committed recklessly or with malicious intent, and was proven as inherently vile, unethical, or depraved, contrary to the rules of society.**

(2) **Conviction of a third degree crime within a year of the application date will automatically disqualify the applicant. Conviction of a third degree crime over one year prior to the application date will be reviewed with additional consideration of other convictions. Examples of third degree crimes include but are not limited to terroristic threats, theft or shoplifting (over \$500.00), aggravated assault, fraud, burglary and distribution of controlled dangerous drugs.**

(3) **Conviction of crimes against children, domestic violence, and/or sexual assault shall result in automatic disqualification for the applicant.**

F. It is the responsibility of the license holder to ensure that each new employee who engages in the activities regulated by this article completes an application and receives a permit.

G. Holders of special licenses from the State of New Jersey pursuant to the regulations of N.J.S.A. 45:24-9, as supplemented and amended, (honorably discharged veterans and exempt members of volunteer fire departments, volunteer fire engineer, hook and ladder, hose supply company or salvage corps. of any municipality or fire district in the State of New Jersey who hold exemption certificates issued to them) must fill out an application and pay for any background checks with the New Jersey Division of State Police but shall be exempt from any of the City's administrative fees for background checks hereunder. Only honorably discharged veterans who have resided in the State of New Jersey for at least six months and in Union County for at least three months shall qualify for this exemption.

H. All licenses and permits shall expire on the last day of each calendar year.

I. Upon termination of an employee, all permits of terminated employees must be returned to the City Clerk within 10 days of such termination.

J. All peddlers selling food items from a vehicle must have the vehicle(s) inspected by the City Health Department and present a valid food license at the time of application for a peddlers license.

§ 311-21 **Business License/employee permit applications.**

Any person desiring a license or permit under this article shall file, on a form to be supplied by the City Clerk, an application with the City stating the following:

A. **Business License** application.

- (1) Name of applicant's business.
- (2) Address of applicant's business.
- (3) Telephone number of applicant's business.
- (4) Name and social security number of applicant.
- (5) Applicant's home address and telephone number.
- (6) Date and place of applicant's birth.
- (7) Place or places of residence of applicant for the preceding three years.
- (8) The kind and nature of merchandise to be sold or offered for sale.
- (9) Whether or not the applicant will use or employ any vehicles in connection with the operation of the business licensed under this article and, if so, the number of vehicles, license plate number and description of each vehicle.
- (10) Whether or not the applicant has ever been convicted of a crime, misdemeanor or violation of any ordinance concerning peddlers and/or hawkers and, if so, where and the nature of the offense or convictions.
- (11) All applications for licenses must be accompanied by an approved fingerprint check from the Rahway Police Department.
- (12) All applications must be accompanied by a signed peddlers license authorization form **to consent to the Rahway Police Department to run a background check.**
- (13) Two passport-size photographs, one of which ~~must~~ **will** be attached to the license.

B. **Employee Permit** application.

- (1) Name of employer's business.
- (2) Address of employer's business.
- (3) Telephone number of employer's business.
- (4) Name and social security number of applicant.
- (5) Applicant's home address and telephone number.
- (6) Date and place of the applicant's birth.
- (7) Place or places of residence of the applicant for the preceding three years.
- (8) The kind and nature of merchandise to be sold or offered for sale.

(9) Whether or not the applicant will use or employ any vehicles in connection with the operation of the business licensed under this article and, if so, the number of vehicles, license plate number and description of each vehicle.

(10) Whether or not the applicant has ever been convicted of a crime, misdemeanor or violation of any ordinance concerning peddlers and/or hawkers and, if so, where and the nature of the offense or convictions.

(11) All applications for permits must be accompanied by an approved fingerprint check from the Rahway Police Department.

(12) All applications must be accompanied by a signed permit application release authorization form **to consent to the Rahway Police Department to run a background check.**

(13) Two passport-size photographs, one of which ~~must~~ **will** be attached to the permit.

#### § 311-22 Exemptions.

The following persons are to be deemed outside the coverage of this article and exempt from the licensing provisions and fee requirements (except where noted) thereof:

~~A. Any vendor of meat, milk, poultry or eggs.~~

~~B. A. Any person selling only at wholesale, from sample, to dealers in the wares, merchandise or goods sold.~~

~~C. B. Any person selling newspapers or periodicals **only**.~~

~~D. Any person engaged in the business of selling goods, wares or merchandise from a store or building in the City.~~

~~E. C. Any farmer or gardener selling goods of his own growth.~~

~~F. D. Any federal census takers and polls or surveys taken pursuant to federal, state or local law shall not be prohibited by this article.~~

#### § 311-23 **Business License** fees.

A. The license fee for peddlers who use or employ one or more wagons or other vehicles shall be ~~\$200~~ **\$300** annually **per vehicle or wagon**, except that holders of special licenses pursuant to § 311-20G shall be exempt.

B. The license fee for peddlers who do not use or employ wagons or other vehicles, but carry their wares or goods about by foot, shall be ~~\$400~~ **\$250** annually; except that holders of special licenses pursuant to § 311-20G shall be exempt.

C. For initial **business** license/ **employee** permit application:

(1) Each applicant is responsible for the cost of fingerprinting.

(2) Fee of \$100, payable to the City of Rahway to cover the administrative fee for the background check, except holders of special licenses pursuant to § 311-20G shall be exempt.

D. For an annual background check at renewal:

(1) Each applicant is responsible for the cost of the secondary check.

(2) Fee of \$50, payable to the City of Rahway to cover the administrative fee for the background check, except holders of special licenses pursuant to § 311-20G shall be exempt.

§ 311-24 ~~Stationary p~~**P**eddling locations.

A. No person authorized to conduct a business of being a peddler shall disturb the public by crying out his wares nor by creating a nuisance, nor shall any such person remain or allow any vehicle or conveyance to remain within 100 feet of any one residence building **or 500 feet of any retail or any business establishment** for a period of time exceeding 15 consecutive minutes for the purpose of conducting such business.

B. As used in this section, "residence building" shall mean a detached dwelling used as a place of residence by not more than two families.

C. ~~No peddler may stop to sell goods in the Special Improvement District~~

**C. No person shall appear upon any public street or park a vehicle or permit a vehicle to stand upon any public street within 200 yards of any school premises within the City during any day for the purpose of or during the process of soliciting a sale or sales or any business, or of displaying food, goods, merchandise or any article whatsoever, or of offering to sell or selling the same to any person.**

**§ 311-25 Hours limited; fees.**

**A. No person shall appear upon any public street within the City from 9:00 p.m. to 8:00 a.m. of the following day for the purpose of or during the process of soliciting a sale or sales or any business, or of displaying food, goods, merchandise or any article whatsoever, or of offering to sell or selling the same to any person.**

§ 311-25 ~~25~~ **26** Revocation of license.

The Business Administrator of the City reserves the right to cause the City Clerk to revoke and/or rescind any license or permit granted under this article if the person or organization with such license or permit, as applicable, shall be found:

A. Using false or fraudulent statements in obtaining such license or permit.

B. Using false or fraudulent statements or other misrepresentations in the course of carrying on business or employment under such license or permit, as applicable.

C. Conducting the business of canvassing, soliciting, peddling or hawking in an unlawful manner or in such a manner as to constitute a breach of the peace or nuisance or a menace to the health, safety and welfare of the citizens of the City of Rahway.

**D. Selling items including but not limited to, tobacco products, products containing THC, alcohol, firearms and ammunition, fireworks, or any other items that have legal age restrictions or are deemed as a controlled substance.**

§ 311-26 **27** Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 **\$1,000** or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**Section 2.** Chapter 311 Article IV shall be amended and removed as follows:

**Article IV Street Vendors**

~~§ 311-28 Purpose.~~

~~It is hereby declared that hawking, peddling and vending upon certain public streets of the City have created traffic problems resulting in safety hazards; and so, therefore, it becomes necessary to regulate the foregoing in order to promote traffic safety and alleviate traffic hazards.~~

~~§ 311-29 Definitions.~~

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

**DAY**

~~Shall be reckoned from 12:00 midnight to 12:00 midnight.~~

**VEHICLE**

~~Any mode of conveyance or anything with or without a wheel or wheels, whether stationary or propelled by muscular power or other means.~~

~~§ 311-30 Vending vehicles near schools.~~

~~No person shall park a vehicle or permit a vehicle to stand upon any public street within 200 yards of any school premises within the City during any day for the purpose of or during the process of soliciting a sale or sales or any business, or of displaying food, goods, merchandise or any article whatsoever, or of offering to sell or selling the same to any person.~~

~~§ 311-31 Vending near schools.~~

~~No person shall appear upon any public street within the area described in § **311-30** during any day for the purpose of or during the process of soliciting a sale or sales or any business, or of displaying food, goods, merchandise or any article whatsoever, or of offering to sell or selling the same to any person.~~

~~§ 311-32 Hours limited; fees.~~

~~[Amended 5-12-2003 by Ord. No. O-37-03; 9-12-2011 by Ord. No. O-25-11]~~

~~A. No person shall appear upon any public street within the City from 9:00 p.m. to 8:00 a.m. of the following day for the purpose of or during the process of soliciting a sale or sales or any business, or of displaying food, goods, merchandise or any article whatsoever, or of offering to sell or selling the same to any person.~~

~~B. All vendors shall, before offering any goods, wares or merchandise for sale, pay to the City Clerk the sum of \$10 for each anticipated day that vendor intends to offer goods, wares or merchandise for sale on the public streets of the City. Upon payment of such amount and submission of an application, said vendor will receive a license from the City Clerk for said period of days.~~

~~§ 311-33 **Violations and penalties.**~~

~~Any person who violates any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$500 or imprisonment for a period not exceeding 90 days, or both.~~

**Article IV Transient Merchants and Itinerant Vendors**

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

**TRANSIENT MERCHANTS OR ITINERANT VENDORS**

**Include persons, whether principal or agent, who engage in a merchandising business in the City, with intent to close out or discontinue such business within one year from the date of commencement, including those who, for the purpose of carrying on such business, hire, lease or occupy any building, structure or railroad car for the exhibition and sale of goods, wares and merchandise. Nothing in this definition shall be construed to apply to or affect the sale of fruits, vegetables and farm products, such as meat, poultry, butter and eggs.**

**§ 311-28 Business license required; application; fee; display of license.**

**A. All persons seeking to do business as a transient merchant or itinerant vendor, as the same is described in this article, shall apply to the City Clerk for a license before the commencement of said business. The application shall specify if any electrical wiring, motor or operation mechanism is to be utilized and/or installed by said merchant or vendor. The application shall include a map or sketch showing the ingress and egress of traffic, if any, on the site, indicating the location of off-street parking and indicating the impact on traffic in the neighborhood. Attached to each application shall be a certification from the following officers or departments of the City of Rahway:**

**(1) Chief of Police, certifying that the proposed location will not create a traffic hazard nor endanger the lives or safety of pedestrians using the sidewalk in the immediate vicinity.**

**(2) Zoning Officer, certifying that the proposed site is a permitted use at the location requested.**

(3) Fire Chief, certifying that the site used does not constitute a fire or safety hazard.

(4) City Clerk, certifying that a bond has been posted in accordance with N.J.S.A. 45:24-5.

(5) State of New Jersey, Division of Taxation, a certificate of authority.

B. All transient merchants or itinerant vendors shall, before offering any goods, wares or merchandise for sale, pay to the City Clerk the sum of \$200. Upon payment of such amount and submission of an application as set forth in this article, said vendor shall be entitled to apply for and receive from the City Clerk a license. The license shall be in effect in favor of the person to whom it is issued for a period of 45 days from the date of issuance.

C. The license granted shall be displayed by the licensee in a conspicuous place on the site where the business is transacted. Failure to produce the license to a police officer or other designated City official shall be grounds for suspending business at the site until the license is produced.

#### § 311-29 Statutory compliance.

Before a license shall issue under this article, the applicant for a license under this article shall comply with the provisions of N.J.S.A. 45:24-4, 45:24-5 and 45:24-6.

#### § 311-30 Exemptions.

The provisions of this article shall not apply to organizations listed as exempt in N.J.S.A. 45:24-7, in addition to which is added as an exempt organization any organization whose membership is composed of veterans who have served the United States in any war.

#### § 311-31 Violations and penalties.

Any transient merchant or itinerant vendor who fails to comply with the requirements of this article or any part thereof or who makes a false or fraudulent representation in any statement required by this article to be filed by him or who falsely represents, by advertising or otherwise, that such personal property is, in whole or in part, damaged goods saved from fire or who makes any false statement as to the previous history or character of such personal property shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days, or both.

Section 3. Chapter 311 shall be amended to add Article V Food Vehicles as follows:

### ARTICLE V FOOD VEHICLES

#### § 311-32 Purpose

The purpose of this article is to define the process, licensing, location, and operations for vendors engaging in the preparation and sale of food from mobile, non-permanent vehicles within the City of Rahway.

#### § 311-33 Definitions

## 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 carts shall refer to a cart or other movable device that is intended to remain in a stationary location for a period of time.

## FOOD PUSH CART

A nonmotorized vehicle designed to be pushed, where a person goes from place to place by traveling on public sidewalks, selling ice cream products, frozen confectionery products, water ices, beverages, foods and foodstuffs which, prior to service, require only limited preparation or are prepackaged, where the purpose is to sell or attempt to sell these items to customers from such vehicle or push cart.

## FOOD TRAILER

A nonmotorized vehicle designed to be towed by a motorized vehicle that is 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 TRUCK

A motorized vehicle that is 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 VEHICLE

Collectively, a food truck, food trailer and a food cart.

## MOBILE FOOD VENDOR

The owner or operator of a food truck, food trailer or food cart, pushcart, or the owner's agent, whether such food or beverages are prepared on-site or prepared elsewhere and transported to the site of the sale.

## FROZEN DESSERT TRUCK

A motorized vehicle that is registered and is able to be operated on the public streets of the State of New Jersey, in which frozen desserts are carried for purposes of retail sale on public streets.

## VEHICLE

Any mode of conveyance or anything with or without a wheel or wheels, whether stationary or propelled by muscular power or other means.

## § 311-34 Business license and employee permit required

- A. Any individual / company that wishes to operate as a mobile food vendor must first obtain a license from the City Clerk.
- B. The information and content of the License/Permit application shall be the same as the requirements for a Peddler license/permit as defined in Section 311-21.

- C. Employees of mobile food vendors within the City of Rahway must first obtain a permit from the City Clerk.
- D. Licenses and permits must be displayed in full view during the course of business.
- E. Licenses/permits must be renewed annually each calendar year. Licenses/permits are not transferable.
- F. Background checks will be conducted on an annual basis for each holder of a license or permit. Background checks resulting with the following convictions may result in a denial for licenses and permits:
  - (1) Conviction of a crime that was proven to be committed recklessly or with malicious intent, and was proven as inherently vile, unethical, or depraved, contrary to the rules of society.
  - (2) Conviction of a third degree crime within a year of the application date will automatically disqualify the applicant. Conviction of a third degree crime over one year prior to the application date will be reviewed with additional consideration of other convictions. Examples of third degree crimes include but are not limited to terroristic threats, theft or shoplifting (over \$500.00), aggravated assault, fraud, burglary and distribution of controlled dangerous drugs.
  - (3) Conviction of crimes against children, domestic violence, and/or sexual assault shall result in automatic disqualification for the applicant.
- G. It is the responsibility of the license holder to ensure that each new employee who engages in the activities regulated by this article completes an application and receives a permit.
- H. Holders of special licenses from the State of New Jersey pursuant to the regulations of N.J.S.A. 45:24-9, as supplemented and amended, (honorably discharged veterans and exempt members of volunteer fire departments, volunteer fire engineer, hook and ladder, hose supply company or salvage corps. of any municipality or fire district in the State of New Jersey who hold exemption certificates issued to them) must fill out an application and pay for any background checks with the New Jersey Division of State Police but shall be exempt from any of the City's administrative fees for background checks hereunder. Only honorably discharged veterans who have resided in the State of New Jersey for at least six months and in Union County for at least three months shall qualify for this exemption.
- I. All annual licenses and permits shall expire on January 15<sup>th</sup> (or the first regular business day thereafter if the 15<sup>th</sup> falls on a weekend or holiday) of the following year.
- J. Upon termination of an employee, all permits of terminated employees must be returned to the City Clerk within 10 days of such termination.
- K. Annual License Limits
  - (1) A maximum of five (5) licenses for food vehicles operated by vendors that do not have a brick-and-mortar eating and drinking establishments, or a restaurant, including restaurants with plenary retail consumption licenses within the City of Rahway shall be available each year.
  - (2) A maximum of five (5) licenses for food vehicles operated by businesses which already, prior to the application for a license have a brick and mortar eating and drinking establishments, or a restaurant, including restaurants with plenary retail consumption licenses within the City of Rahway.

- (3) Without amendment to this Ordinance, the City may issue additional licenses for Rahway owned a brick-and-mortar eating and drinking establishments, or a restaurant, including restaurants with plenary retail consumption licenses, where circumstances outside business owners' control prevent or significantly diminish the operating ability of brick-and-mortar eating establishments. Examples include executive orders which limit occupations of indoor dining, natural disasters, and other similar extreme circumstances.
- L. A license shall not be issued unless proof of insurance is provided for:
- (1) Motor vehicle insurance as per N.J.S.A. 39:6B-1
  - (2) Proof of general liability insurance providing a minimum of \$1,000,000 coverage per occurrence.
- M. Special Event License.
- (1) A vendor operating at a special event (i.e. party, fair, festival, movie production, etc.) where there will be a food vehicle is required to comply with this section, unless regulated elsewhere in this article.
  - (2) An application for a special event license must be filed no later than two weeks before 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.
    - a. Applications shall include the location and specific duration of the special event. The special event license shall expire at the state conclusion of the special event.
  - (3) Special event licenses shall not be subject to the license maximums stated in Section 311-34.K. above.
  - (4) Special event licenses are for one (1) day only and are not subject to the regular location restrictions listed in Section 311-37.B.
  - (5) Fees for special event licenses shall be \$50 per truck per day:

### § 311-35 Inspections

- A. All food vehicles must be inspected by the City Health Department and present a valid food license at the time of application for a mobile food vendor license.
- B. New or replacement food vehicles shall be inspected before operating. Operators shall submit specifications related to equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications prior to the scheduled inspection. Additionally, operators shall submit information related to the layout, mechanical schematics, construction materials, and finish schedules. The City Health Department may request additional information required for the proper review of the food vehicle.
- C. No changes shall be made to approved food vehicles without re-inspection by the City Health Department.
- D. No food vehicle that utilizes propane shall operate within the borders of the City of Rahway without first having been inspected and approved by the Rahway Fire Department Fire Prevention Bureau. No changes shall be made to an approved food vehicle without re-inspection by the Fire Department.
- E. Food vehicles shall be inspected annually. Compliant food vehicles shall receive a certificate of approval valid until January 15<sup>th</sup> (or the first regular business day thereafter if the 15<sup>th</sup> falls on a weekend or holiday) of the following year.

- F. Certificates of approval shall be displayed prominently in or on the food vehicle as directed by printed instructions on the certificate.
- G. The inspection fee shall be paid at the time of application. For continuous operation within the City, a yearly permit is required.
  - (1) For renewal, the vendor must file an application and pay the required fee prior to each new year, and an appointment for inspection will be scheduled no later than March 1.
  - (2) If the renewal fee is paid prior to the new year as required above, the certificate of approval shall be temporarily extended until the date of the vendor's required annual inspection provided it is no later than March 1.
- H. Food Vehicles failing the inspection may be reinspected at any time. No additional fee will be charged for the first reinspection if within 30 days of the first inspection. The full inspection fee is required for reinspections after that date and any additional reinspections.

### § 311-36 Fees

- A. The license fee for mobile food vendors shall be \$500 annually, per food vehicle for a business that does not have an existing brick-and-mortar eating establishment within the City, except that holders of special licenses pursuant to § 311-41H shall be exempt.
- B. The license fee for mobile food vendors shall be \$250 annually, per food vehicle for a business that has an existing brick-and-mortar eating establishment within the City, except that holders of special licenses pursuant to § 311-41H shall be exempt.
- C. For initial license/permit application:
  - (1) Each applicant is responsible for the cost of fingerprinting.
  - (2) Fee of \$100, payable to the City of Rahway to cover the administrative fee for the background check, except holders of special licenses pursuant to § 311-41H shall be exempt. The aforementioned fee does not include the cost of fingerprinting. Fees for fingerprinting are set by an outside vendor.
- D. For an annual background check at renewal:
  - (1) Each applicant is responsible for the cost of the secondary check.
  - (2) Fee of \$50, payable to the City of Rahway to cover the administrative fee for the background check, except holders of special licenses pursuant to § 311-41H shall be exempt.
- E. The inspection fee for each food vehicle shall be \$100.

### § 311-37 Operational Regulations and Restrictions

- A. General
  - (1) All products so sold or offered for sale from such vehicles shall comply with all the laws and local ordinances relating to food and food products.
  - (2) It shall be unlawful for a food vehicle vendor to:
    - a. Sell or offer to sell his or her products in streets where the permitted speed limit is 30 miles per hour or more, unless there is a delineated shoulder.
    - b. Sell or offer to sell his or her products to a person standing in the roadway, nor shall he or she allow any unauthorized person to ride in or on the vehicle.
    - c. No food vehicle shall serve food or drink to a motorist or occupant of a vehicle.

- d. No food vehicle shall provide in-truck dining services or sidewalk tables and chairs.
  - e. Occupy any location situated within 200 feet of the property of any elementary, middle or high school, whether public or private.
  - f. Occupy any location situated within 100 feet of any residence building or 500 feet of any restaurant or eating and drinking establishment.
  - g. Vacate a temporary location without first removing all waste and debris which has been caused by his or her occupancy or his or her patrons.
  - h. A mobile vendor subject to the provisions of N.J.S.A. 39:4-128.7 shall, to the extent said statute is inconsistent with this article, comply with the statute. Otherwise, this article shall apply.
- B. Locations. Notwithstanding anything herein to the contrary, a food vehicle, other than a frozen dessert truck as defined in N.J.S.A. 39:4-128.3, may occupy the following locations strictly in compliance with the conditions imposed by this article and where applicable, the special conditions imposed by this subsection and set forth below.:
- (1) All Food Vehicles
    - a. New Brunswick Avenue: Between E Inman Avenue and E Hazelwood Avenue;
    - b. East Hazelwood Avenue: Between Witherspoon Street and Hart Street;
    - c. E Inman Avenue: Between Elizabeth Street and Leesville Avenue;
    - d. Regina Avenue: Between New Brunswick Avenue and Holly Place.
    - e. St. Georges Avenue, subject to distance requirements from residences and restaurants and eating establishments, and all State requirements.
  - (2) Frozen dessert trucks. Frozen dessert trucks are permitted on all streets located outside of the central business district, provided that they do not remain parked at one location in excess of 15 minutes. Licenses for frozen dessert trucks shall not count towards the maximum number of food vehicle licenses issued.
  - (3) Private Commercial Properties. Food vehicles may only occupy private commercial properties with the expressed permission of the property owner in the I-L Light Industrial and I-H Heavy Industrial Zones. Hours of operation shall be limited to the hours of operation of the private commercial property on which the food vehicle has permission to be located. In the event that a private property in the aforementioned zones is within 100 feet of a residential use or zone, food vehicles shall not be permitted between the hours of 7:00 p.m. and 7:00 a.m. All food trucks located on private property shall be required to obtain a Zoning Permit from the City. All food trucks located on private property count towards the maximum permitted number of licenses. In no case shall a food vendor be located within 500 feet of a bricks and mortar eating establishment or a residential use. Police, fire, and health shall review any application for a food vehicle to be located on private property as permitted in this section to ensure the health and safety of the food operator, customers, and employees of the site. Any contract or agreement shall be filed with the City.
    - a. Without amendment to this Ordinance, the City may issue approvals to Rahway owned businesses with bricks and mortar eating establishments to permit a food vehicle on their premises where circumstances outside business owners' control prevent or significantly diminish the operating ability of bricks and mortar eating establishments. Examples include executive orders which limit

occupations of indoor dining, natural disasters, and other similar extreme circumstances.

**(4) Residents and not-for-profit organizations may request the presence of food vehicles on their property for special events.**

- a. Such request shall be made to the City Clerk pursuant to §311-34.M., who shall make a determination in their own discretion. Such determination shall include the number of food vehicles and the allowed hours of operation. In no case shall the City Clerk grant permitted allowed hours for the aforementioned prior to 8 A.M. or after 9 P.M. Such a request shall be subject to the Special Event license requirements in Section 311-34.M.
- b. Food Vehicles may be located in the parking space within the right-of-way in front of the requestor's property. In no event shall the food vehicle be permitted on the sidewalk or elsewhere within the street. Service windows shall face the sidewalk.
- c. Property owners, residents and/or organizations giving permission to or requesting the presence of motorized food vendors shall assure that the food vehicle is parked legally and not obstructing the flow of vehicle or pedestrian traffic.

**(5) Permits issued shall be issued for the above locations in accordance with written procedures established by the Zoning Authority and filed with the City Clerk.**

- C. No motorized food vendors shall operate or be parked in an area where parking of motor vehicles is prohibited, restricted or regulated unless expressly authorized by the City.
- D. Nothing in this chapter shall limit the City from hiring food vehicles for special events. The City, at its own discretion, may determine the number of food vehicles, the allowed hours of operation, and may utilize public property, public recreation facilities, streets and/or sidewalks for such events.
- E. Parking on public streets is limited to the hours of 9:00 a.m. to 10:00 p.m. Tuesdays through Saturdays and 9:00 a.m. to 7:00 p.m. Sundays and Mondays.
- F. Food and drinks may only be sold on public streets between the hours of 9:00 a.m. to 9:00 p.m.
- G. Each vendor must place a trash can of adequate size and a recycle can within ten feet of the vendor's location. Vendors are required to remove trash and to properly dispose of trash and recyclable containers and materials within 30 feet of their location prior to departure. No trash or recyclables shall be disposed of in receptacles owned by the City or nonprofit corporations or associations that place trash or recycling receptacles on the street for use by the public, nor placed alongside the aforementioned receptacles.

### **§ 311-38 Revocation of License**

**The Business Administrator of the City reserves the right to cause the City Clerk to revoke and/or rescind any license or permit granted under this article if the person or organization with such license or permit, as applicable, shall be found:**

- A. Using false or fraudulent statements in obtaining such license or permit.
- B. Using false or fraudulent statements or other misrepresentations in the course of carrying on business or employment under such license or permit, as applicable.
- C. Conducting the business of mobile food vending in an unlawful manner or in such a manner as to constitute a breach of the peace or nuisance or a menace to the health, safety and welfare of the citizens of the City of Rahway.

**D. Selling item including but not limited to, tobacco products, products containing THC, firearms and ammunition, fireworks, or any other items that have legal age restrictions.**

**§ 311-39 Violations and Penalties**

**Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.**

**Section 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed.

**Section 4.** If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a 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.

**Section 5.** This ordinance shall become effective after second reading and publications as required by law.

**MOTION:** Newbury  
**YES:** Councilmembers Baker, Brown, Cox, Farrar,  
Gibilisco, Miles, Mojica, Newbury  
**NO:** None  
**ABSTAIN:** None  
**ABSENT:** Parson

**SECOND:** City Council

\_\_\_\_\_  
Danielle Newbury, Council President

\_\_\_\_\_  
APPROVAL Raymond A. Giacobbe, Mayor

**INTRODUCTION:** November 8, 2021  
**ADOPTION:** December 13, 2021

\_\_\_\_\_  
ATTEST Jeffrey J. Jotz, City Clerk