

**BOROUGH OF PARAMUS
ORDINANCE #2025-09**

AN ORDINANCE TITLED "MOBILE FOOD TRUCK ESTABLISHMENTS"

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Paramus that a new Chapter 250 of the Code of the Borough of Paramus is hereby created to be titled "MOBILE RETAIL FOOD ESTABLISHMENTS":

§ 250. MOBILE RETAIL FOOD ESTABLISHMENTS

§ 250.1. Definition.

For purposes of this section, a "mobile retail food establishment" is defined as any movable restaurant, truck, van, trailer, cart, bicycle, watercraft, or other movable unit, including hand-carried portable containers, in or on which food or beverage is transported, stored or prepared for retail sale or given away at temporary locations.

It does not include:

- a. A vendor selling fresh, uncut fruits and/or vegetables at a community farmer's market.
- b. Deliveries of food to customers from a licensed retail food establishment operating from a fixed location.

§ 250.2. Annual Mobile Retail Food Establishment License Required.

- a. Unless previously approved by the Mayor and Council or Borough Clerk, as appropriate, to operate at a special event, as described in this section, all mobile retail food establishments are required to obtain an annual Mobile Retail Food Establishment license, along with any other approvals required by this section or any other provision of the Borough Code, before commencing the sale of any food or beverages within the Borough of Paramus. Mobile Retail Food Establishment licenses are valid from January 1st to December 31st of that calendar year (or 366 days in the event of a leap year).
- b. The annual Mobile Retail Food Establishment Fees are as follows:
 - 1) Board of Health license fee is \$150;
 - 2) Fire Prevention fee is \$150;
 - 3) Borough Clerk fee is \$50.
 - 4) Zoning Dept fee is \$50.00
- c. At any time, a mobile retail food establishment is conducting the sale of food or beverages within the Borough, the mobile retail food establishment shall prominently display copies of (1) the annual Mobile Retail Food Establishment license issued by the Board of Health pursuant to this Subsection 250 and (2) the operating permit allowing the mobile retail food establishment to serve food and beverages at a particular location, issued by the Borough.

- d. Mobile Retail Food Establishment licenses are not transferrable and may not be sold or leased to any other Party.
- e. Mobile retail food establishments are subject to random inspections by the Borough Clerk and Fire Prevention Department at any time while they are operating within the Borough.

250.3. Application Process.

- a. Before the Paramus Board of Health issues, a Mobile Retail Food Establishment license, the applicant shall provide all information and documentation required by the Board of Health to ensure the applicant is prepared to meet all of the requirements of this section and of N.J.A.C. 8:24, "Sanitation in Retail Food Establishments, Food and Beverage Vending Machines and Cottage Food Operations," and has the capacity and capabilities of operating in a clean and sanitary manner.
- b. The applicant must provide documentation that all persons working for the mobile retail food establishment are certified food protection managers who have shown proficiency through obtaining a food safety certificate and passing a food safety certification examination administered by an accredited certifying program recognized by the Conference for Food Protection. Certified food protection managers shall maintain the currency of their food safety certificate by following the accredited certifying program's requirements for renewal. The applicant must noticeably post these certifications within their Mobile Retail Food Establishment(s).
- c. If the mobile retail food establishment intends to serve food or beverages from a vehicle, whether motorized or nonmotorized, such as a truck, van, trailer or pushcart, proof of ownership of the vehicle must be supplied, along with proof of general liability insurance with at least \$500,000 in coverage. If the vehicle is motorized, proof of motor vehicle insurance as required by N.J.S.A. 39:6B-1 must be supplied. The Board of Health shall inspect and approve any vehicle to be used in the operations of a mobile food vendor before issuing a mobile food vendor license.

§ 250.4. Fire Permits Required for Certain Operations.

All mobile retail food establishments shall comply with the requirements established by the Paramus Fire Prevention Bureau and as set forth by the New Jersey Uniform Fire Code to ensure that the operations of the mobile retail food establishments do not present a fire hazard. Any mobile retail food establishment that prepares, cooks, or other utilizes an open flame in its operations must register and pay the annual registration fee, as established by Borough Code 241-9A(7) before commencing operations. All mobile retail food establishments must be inspected at every event, inspection fees will be in accordance with Borough Code 241-9D. Additional requirements can be found in Borough Code 241-9E. The Fire Prevention Bureau is empowered to conduct safety checks of any mobile retail food establishment to ensure compliance with the New Jersey Uniform Fire Code.

§ 250.6. Dates, Hours and Other Conditions of Operation.

- a. At least five business days prior to operating on any private commercial, industrial or office property within the Borough, a mobile retail food establishment shall file with the Board of Health a schedule of the dates and times it will be serving food and beverages for the ninety-day period at each location where a zoning permit has been granted. Any changes to that schedule shall be filed with the Board of Health at least three business days in advance. Provided all of the requirements of this section are met, the Board of Health shall issue an operating permit authorizing the mobile retail food establishment to serve food and beverages on that specific private commercial, industrial or office property. A separate operating permit shall be required for every property on which a mobile retail food establishment will be conducting operations. There is no charge for an operating permit.
- b. It shall be a violation of this section for a mobile retail food establishment to serve food and beverages at any other time than as set forth on the schedule it has filed with the Board of Health for a specific private commercial, industrial or office property.
- c. Maximum operating hours for any mobile retail food establishment are 10:00 a.m. until 7:00 p.m., seven days per week.
- d. Mobile retail food establishments shall make every effort to minimize noise and odors while in operation and shall ensure that customers have trash receptacles readily available on site, or some other adequate means to ensure the proper disposal of any food or other waste generated.
- e. Mobile retail food establishments utilizing motorized vehicles are prohibited from parking any such vehicle on any property where the mobile retail food establishment has been authorized to serve food and beverage between the hours of 11:30 p.m. and 6:00 a.m. the following morning. This provision shall not apply if the motorized vehicle is stored in a garage located on the property. Exceptions may be granted by the Borough Administrator for no more than five nights and only in connection with a special event open to the general public, such as a fair, festival or carnival.
- f. A mobile retail food establishment shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, or standup counters, in connection with its operations. The foregoing shall not apply to already existing facilities located on the property where the mobile food vendor is operating.

§ 250.7. Inspections and Enforcement.

The Board of Health, Building Department, Fire Department, Police Department and Borough Administrator are empowered to conduct inspections of any mobile retail food establishment to ensure compliance with the provisions of this section that are within their respective areas of jurisdiction, along with any other applicable provisions of the Borough Code or New Jersey laws or regulations. These officers are further authorized to enforce this section and all of its provisions.

§ 250.8. Water Requirements.

Water meeting the requirements specified under this section shall be made available for a mobile retail food establishment using one of the following means:

- a. A supply of containers of commercially bottled drinking water;
- b. One or more closed portable water containers;
- c. An enclosed vehicular water tank;
- d. An on-premises water storage tank; or
- e. Piping, tubing, or hoses connected to an adjacent approved source.

§ 250.9. Sewage and Other Liquid Wastes.

Sewage and other liquid wastes shall be removed from a mobile retail food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created. A tank for liquid waste retention shall be thoroughly flushed and drained in a sanitary manner during the servicing operation.

§ 250.10. Indoor Surface Characteristics.

Indoor surface characteristics shall include the following:

- a. Except as specified in paragraph a2 below, materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be:
 1. Smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted;
 2. Closely woven and easily cleanable carpet for carpeted areas; and N.J.A.C. 8:24-6.1(a)1ii.
 3. Non-absorbent for areas subject to moisture such as food preparation areas, walk-in refrigerators, ware washing areas, toilet rooms, mobile retail food establishment servicing areas, and areas subject to flushing or spray cleaning methods.
- b. Exterior surfaces of buildings and mobile retail food establishments shall be of weather resistant materials and shall comply with law.

§ 250.11. Violations and Penalties.

Any person who violates any of the provisions of this section shall be subject to the penalties established by § 1-15 of the Borough Code. Additionally, any vehicle, whether motorized or nonmotorized, such as a truck, van, trailer or pushcart, used in a mobile food vending operation without all applicable licenses and permits as required by this section shall be deemed a public safety hazard and may be impounded.

§ 250.12. License Revocation or Suspension.

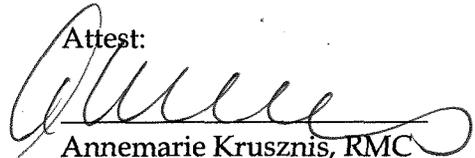
Failure to comply with any of the provisions of this section may result in having any license or permit issued under the provisions of this section revoked or suspended for a specified period of no greater than 90 days, by the licensing authority, Borough officer responsible for enforcement or by the Borough Council. The foregoing is in addition to the penalties established by § 1-15 of the Borough Code.

Section 2. If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

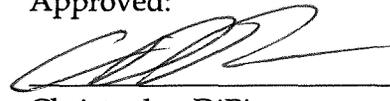
Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon final passage and publication according to law.

Attest:


Annemarie Krusznis, RMC
Borough Clerk

Approved:


Christopher DiPiazza
Mayor

Introduction: April 1, 2025

Final: April 22, 2025