

TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

License Application Packet

**Colts Neck Township
124 Cedar Drive
Colts Neck, NJ 07722
732.462.5470
www.coltsneck.org**



TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT Instructions

Pursuant to Colts Neck Township Ordinance 2019-18, all Temporary Mobile Retail Food Establishments are required to be Licensed by the Colts Neck Township Municipal Clerk.

Following are the applications and fees required to obtain a Mobile Retail Food Establishment License:

APPLICATIONS REQUIRED	REQUIRED BY	FEES*
1. Municipal Clerk Temporary Mobile Retail Food Establishment License Application	Municipal Clerk	<ul style="list-style-type: none"> • 90-day license - \$100.00
2. Health Department Temporary Mobile Retail Food Establishment License Application	Health Officer	<ul style="list-style-type: none"> • 14-day license - \$60.00 (maximum of 14 consecutive days) • 90-day license - \$300.00 • Serving only prepackaged (non-potentially hazardous) food may have a different fee schedule. Applicant must contact the Health Officer directory for details. See attached for contact information.
3. Fire Safety Permit Application (Multiple applications may be required. Please contact the Fire Marshall directly).	Fire Official	<ul style="list-style-type: none"> • One day permit - \$54.00 • 90-day extended permit - \$400.00 • Additional fees may be required. Applicant must contact the Fire Marshall directly for details. See attached for contact information.

Please read Chapters 124, 243 and 29 attached hereto for detailed rules and requirements in connection with the operation of a Temporary Mobile Retail Food Establishment.

*Fees may be paid by check, money order or cash. If paying by check or money order, each application requires a **SEPARATE** check or money order which must be made payable to **Colts Neck Township**.

This completed Application Packet, including the three (3) applications and three (3) fee payments **must be returned to the Municipal Clerk's office at least 30 days prior to your event.**



**TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT
Contact Information**

Municipal Clerk:

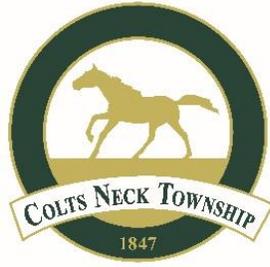
Ms. Trina Lindsey
124 Cedar Drive
Colts Neck, NJ 07722
Office Hours: Monday – Friday, 8:30 am to 4:30 pm
P) 732.462.5470 x100
tlindsey@coltsneck.org

Health Officer:

Mr. Tom Frank
124 Cedar Drive
Colts Neck, NJ 07722
Office Hours: Monday through Friday, 8:30 am to 4:30 pm. Availability varies based upon inspection schedule.
P) 732.462.5470 x109
tfrank@coltsneck.org

Fire Official:

Mr. Matthew Young
124 Cedar Drive
Colts Neck, NJ 07722
Office Hours: Monday through Friday, 12:00 pm – 2:00 pm.
P) 732.409.7134 or 732.462.9961
myoung@coltsneck.org
fireprevention@coltsneck.org



124 Cedar Drive
Colts Neck, NJ 07722
Web: www.coltsneck.org

Ph: (732) 462-5470
Fax: (732) 431-3173
TDD-TYY: (732) 462-6090

TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT APPLICATION

A non-refundable application fee of \$100.00 must be submitted with this application

1. Written consent from the property owner authorizing the Temporary Mobile Retail Food Establishment to conduct business on the property **must** accompany this application.

2. Applicant Name: _____

The name of the applicant; if a corporation, the names and addresses of the president and secretary shall be set forth; if a partnership, the names and addresses of all partners shall be set forth.

3. Name under which the business is conducted: _____

4. Mailing address: _____

Telephone Number: _____

Email: _____

5. Address and block and lot where business will be conducted:

Block _____ Lot _____

6. Date(s) business will be conducted: _____

7. Has the applicant ever had a license to conduct the business herein described denied or revoked?

Yes No

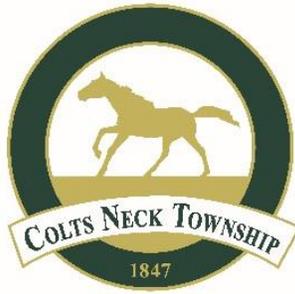
If yes, please explain: _____

By signing this application you certify that you agree to comply with the rules and regulations set forth in Chapter 124, Chapter 243 and Chapter 29 of the Municipal Code.

Signature

Print Name

Date



COLTS NECK HEALTH DEPARTMENT

IMPORTANT INFORMATION FOR TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT VENDORS

Please read the following important information before submitting your application:

1. The ***fully completed TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT LICENSE APPLICATION*** along with all required supporting documents must be completed and submitted to the ***Colts Neck Township Municipal Clerk*** at least 30 days prior to the event.
2. The ***TEMPORARY MOBILE RETAIL ESTABLISHMENT FLOOR PLAN DIAGRAM*** must be completed for all food trucks and free standing set-ups.
3. Food vendors with multiple locations at the same event will need to submit an application for each location.
4. Please be aware that a refund cannot be issued after a permit has been processed.



TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT APPLICATION

APPLICATION SUBMISSION DATE: _____

EVENT INFORMATION			
NAME OF EVENT:			
LOCATION:			
MUNICIPALITY:			
DATE(S) AND TIME(S) OF EVENT:			
VENDOR INFORMATION			
TRADE NAME:			
OWNER/CONTACT PERSON:			
MAILING ADDRESS:			
TELEPHONE #:		FAX #:	
CELL PHONE #:		EMAIL:	
DATE & TIME WILL BE SET UP/READY FOR INSPECTION:			
BASE OF OPERATION (Where foods/packaging materials are stored)			
NAME OF LOCATION:			
OWNER/CONTACT PERSON:			
MAILING ADDRESS:			
TELEPHONE NUMBER:			
TYPE OF TEMPORARY FACILITY (circle one)			
Mobile Food Truck	Freestanding	Other, Specify:	

*****NOTE*****

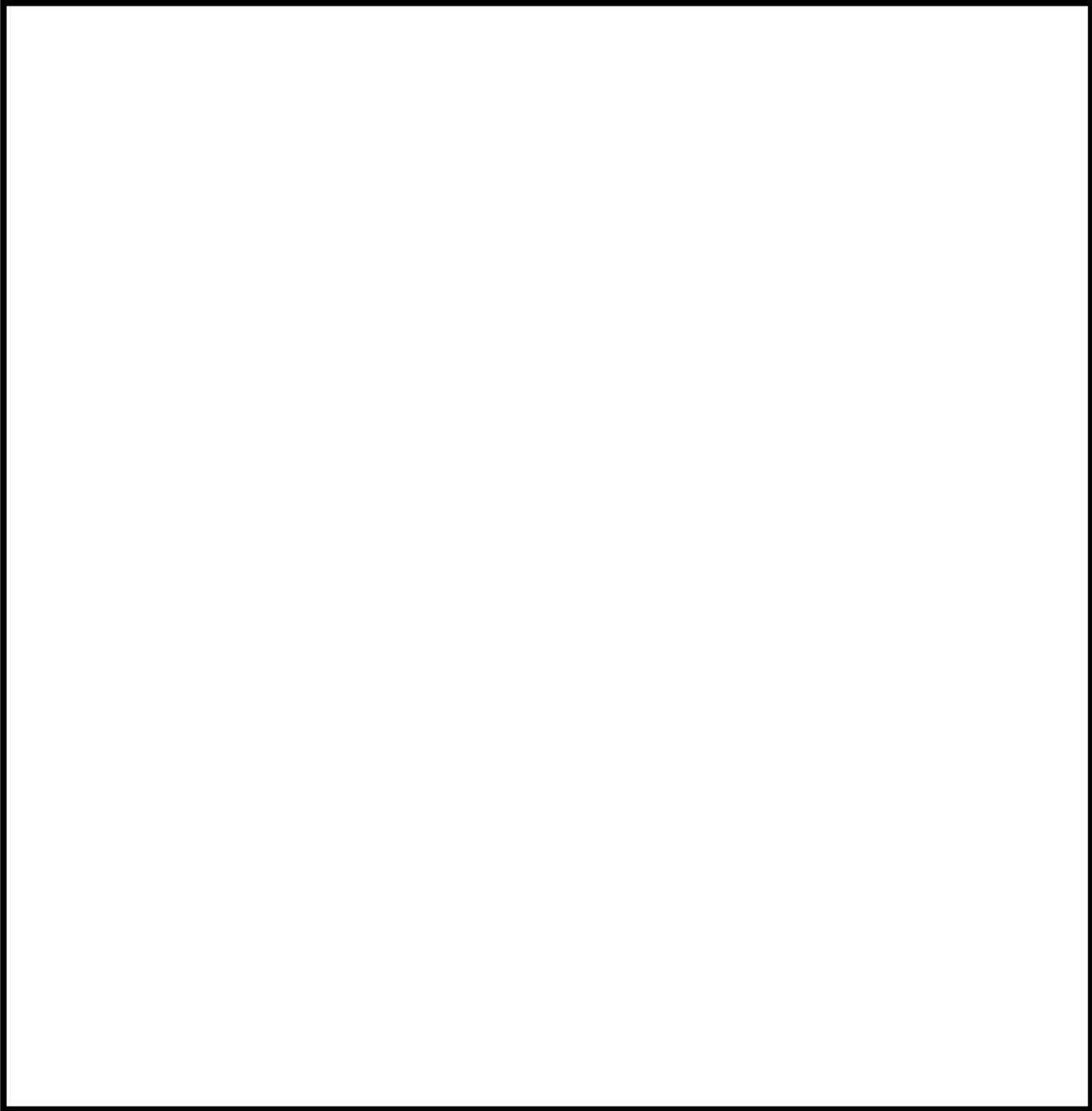
All vendors who are planning on preparing and serving at least 3 or more potentially hazardous food items **MUST** provide proof of current certification in food protection from a NJDHSS accredited and recognized certifying program. In addition, there **MUST** be at least one person-in-charge present and available at the site during all hours of operation.

If this is applicable to your operation, you must provide a copy of your certification and complete the following:

NAME OF FOOD SAFETY MANAGER:			
CERTIFYING AGENCY:			
CERTIFICATION NO.:		DATE CERTIFIED:	

TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT FLOOR PLAN DIAGRAM

Please show and label all equipment to be used, such as handwash station, cold and hot holding equipment, cooking and reheating equipment, warewashing station, tables, floor/overhead coverage, and storage area.



EQUIPMENT LIST – Identify equipment used in your temporary food establishment. Check all boxes that apply.

<p style="text-align: center;">HANDWASH STATION (Required for any open food)</p> <input type="checkbox"/> 5 gallon insulated container with continuous flow spigot & 5 gallon catch bucket <input type="checkbox"/> Plumbed hand sink <input type="checkbox"/> Warm water <input type="checkbox"/> Liquid pump hand soap & paper towels	<p style="text-align: center;">COOKING/REHEATING EQUIPMENT</p> <input type="checkbox"/> Grill/BBQ <input type="checkbox"/> Fryer <input type="checkbox"/> Smoker <input type="checkbox"/> Oven <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____	<p style="text-align: center;">COLD/HOT HOLDING EQUIPMENT</p> <input type="checkbox"/> Ice chest Source of Ice _____ <input type="checkbox"/> Refrigerator <input type="checkbox"/> Freezer <input type="checkbox"/> Grill/BBQ <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____
<p style="text-align: center;">TEMPERATURE MONITORING</p> <input type="checkbox"/> Thin-probe stem thermometer(s) <input type="checkbox"/> Indicating thermometer(s) <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____	<p style="text-align: center;">SANITIZATION</p> <input type="checkbox"/> 3 compartment sink <input type="checkbox"/> 3 portable tubs <input type="checkbox"/> Bucket & wiping cloths <input type="checkbox"/> Bleach & test strips <input type="checkbox"/> Other _____	<p style="text-align: center;">FOOD & EQUIPMENT PROTECTION</p> <input type="checkbox"/> Canopy/tent <input type="checkbox"/> Tarp <input type="checkbox"/> Shelving/pallets <input type="checkbox"/> Sneeze guard <input type="checkbox"/> Foil/plastic wrap <input type="checkbox"/> Other _____
<p style="text-align: center;">FOOD HANDLER HYGIENE</p> <input type="checkbox"/> Clean shirt/apron <input type="checkbox"/> Hair restraint/baseball cap <input type="checkbox"/> Disposable gloves <input type="checkbox"/> Serving tongs <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____	<p style="text-align: center;">WASTE DISPOSAL</p> <input type="checkbox"/> Trash receptacles <input type="checkbox"/> Wastewater receptacles <input type="checkbox"/> Grease receptacles <input type="checkbox"/> Other _____ <p style="text-align: center;">*****Wastewater & Grease must be properly disposed of. Disposing onto the surface of the ground and/or the storm drain are NOT acceptable.*****</p>	<p style="text-align: center;">OTHER</p> <input type="checkbox"/> _____ <input type="checkbox"/> _____

STATEMENT: I hereby certify that all information provided is correct, and I fully understand that any deviation from the information provided without prior approval from the Colts Neck Health Department may nullify final approval. I further agree to comply with all temporary retail food establishment requirements.

_____ _____
 Applicant/Owner Signature Date

<input type="checkbox"/> APPROVED	Date: _____	Inspector: _____				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%; padding: 5px;">Restrictions:</td> <td style="width:70%; padding: 5px;">For Office Use Only</td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> </table>			Restrictions:	For Office Use Only		
Restrictions:	For Office Use Only					
<input type="checkbox"/> NOT APPROVED	Date: _____	Inspector: _____				
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Reason(s):						

Colts Neck Fire Prevention Bureau

124 Cedar Drive Colts Neck NJ, 07722

MATTHEW YOUNG, FIRE OFFICIAL

E-mail: MYOUNG@COLTSNECK.ORG

Office (732) 462-9961

Fax (732) 462-8460

APPLICATION FOR FIRE SAFETY PERMIT

The N.J. State Fire Code N.J.A.C. 5:70-2.7(a) states:

"Permits shall be required and obtained from the local enforcing agency for the activities specified in this section, except where they are an integral part of a process or activity by reason of which a use is required to be registered and regulated as a life hazard use. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the Fire Official.

NOTE: Each individual act requires a separate permit. There are five (5) types of permits. Consult your local Fire Official for the types of permit(s) required and the fee schedule. **The activity is not to take place unless the Fire Official has issued a permit.** Conducting the activity before an inspection and receiving an approved permit will result in penalties and fines. Allow 2-3 weeks after filing an application for processing and scheduling of the inspection.

Please PRINT all information clearly

Applicant Name: _____ Address: _____

Applicant Phone #: _____ Applicant Email: _____

Event/Activity Location: _____

Date(s) of the Event/Activity: _____ Time of Event: _____

Event On-site contact: _____ On-Site Phone #: _____

The above named applicant hereby requests permission to conduct the following activity at the indicated location (please describe):

I hereby acknowledge that I have read this application, that the information given is correct and that I am the owner or duly authorized person to act in the owner 's behalf and as such hereby agree to comply with the applicable requirements of the Fire Code as well as any specific conditions imposed by the Fire Official.

Applicant Signature: _____ Date: _____ Title: _____

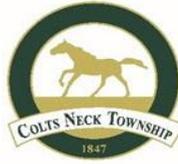
MAKE CHECKS PAYABLE TO: COLTS NECK TWP. FIRE PREVENTION

***** FOR OFFICE USE ONLY BELOW*****

Permit Type: _____ Fee: _____ Check #: _____ Date Received: _____

Inspection Date: _____ () Approved () Denied () Approved with conditions

_____ Fire Official Signature



TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Chapter 124. Food Establishments

Chapter 124. Food Establishments

[HISTORY: Adopted by the Township Committee of Colts Neck Township as indicated in article histories. Amendments noted where applicable.]

Article I. Temporary Mobile Retail Food Establishments

[Adopted 9-25-2019 by Ord. No. 2019-18]

§ 124-1. License required.

It shall be unlawful for any temporary mobile retail food establishment, as defined in this chapter, to engage in any such business in the Colts Neck Township without having first obtained a valid temporary mobile retail food establishment license from the Municipal Clerk in compliance with the provisions of this chapter.

§ 124-2. Definitions.

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

TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Any movable restaurant, truck, van, trailer, cart, bicycle, tent, watercraft or other moveable 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.

§ 124-3. Application information and fee.

A. Applicants for a temporary mobile retail food establishment license under this chapter must file with the Municipal Clerk an application, in writing, which shall give the following information:

- (1) The name of the applicant; if a corporation, the names and addresses of the president and secretary shall be set forth; if a partnership, the names and addresses of all partners shall be set forth.
- (2) The name under which the business is to be conducted.
- (3) The present mailing address, telephone number and email address of the business.
- (4) The address, block and lot at which the temporary mobile retail food establishment will be conducting business.

- (5) The date(s) the temporary mobile retail food establishments will be conducting business.
- (6) Whether or not the applicant has ever had a license to conduct the business herein described denied or revoked. If such license has been denied, the applicant shall set forth in detail the facts leading to such denial.
- (7) Written consent from the property owner authorizing the temporary mobile retail food establishment to conduct business on the property.
- B. The temporary mobile retail food establishment license shall be valid for a maximum of 90 days.
- C. At the time of filing the application, a fee of \$100 shall be paid to the Municipal Clerk to cover the cost of investigation of the facts stated therein.
- D. Prior to the issuance of a license, in his or her discretion, the Municipal Clerk shall have the authority to cause a routine police check to be made of the applicant to verify the validity of the information above described.

§ 124-4. Temporary mobile retail food establishment rules and regulations.

Property owners may invite a temporary mobile retail food establishment on their premise subject to the following rules and regulations.

- A. The property is zoned B-1, Business, or a farm containing a minimum of 15 contiguous acres, or public property (state, county or Township).
- B. Property owners may invite a temporary mobile retail food establishment on site for a total of no more than three times per calendar week.
- C. A temporary mobile retail food establishment shall not be invited for longer than eight hours per day and at all other times must remove from the parcel all materials associated with the business.
- D. No temporary mobile retail food establishment shall operate before 7:00 a.m. or after 10:00 p.m. This period does not include setup or breakdown operations.
- E. Temporary mobile retail food establishments shall not operate within 200 linear feet of a brick-and-mortar retail food establishment building.
- F. Temporary mobile retail food establishments in the B-1 Business Zone shall not operate within 500 linear feet of a residential zone boundary.
- G. Temporary mobile retail food establishments shall maintain a twenty-foot separation from any building on-site.
- H. In the B-1 Business District, temporary mobile retail food establishments must operate from a legal off-street parking space(s) on the property which shall not constitute one of the minimum required parking spaces for any other use on site. On farms and public property, temporary mobile retail food establishments may operate in open fields, but must maintain a minimum seventy-five-foot front yard setback.
- I. Temporary mobile retail food establishments shall not obstruct or interfere with the free flow of vehicle or pedestrian traffic and shall not park in any fire lane, access aisle, minimum required front, side or rear yard setback, sidewalk, sight triangle or public right-of-way.
- J. Temporary mobile retail food establishments shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- K. No amplified music or loud speakers shall be permitted.
- L. No lighting shall be provided, except that localized lighting may be used on or in the temporary mobile retail food establishment for the purpose of inside food preparation and menu illumination.
- M. Temporary mobile retail food establishments shall not display any signs other than those exhibited on the temporary mobile retail food establishment.
- N. Temporary mobile retail food establishment operations shall be limited to the sale of food and beverage. No sales or service of alcohol shall be allowed by temporary mobile retail food establishments.
- O. Temporary mobile retail food establishments shall provide at least one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede vehicular

or pedestrian traffic. All litter or debris generated within a minimum of fifty-foot radius of the temporary mobile retail food establishment shall be collected and removed by the temporary mobile retail food establishment.

P. All associated equipment and operations associated with a truck, van, trailer or cart shall be self-contained within the temporary mobile retail food establishment. No furniture, tables, chairs, umbrellas, grills, generators, extension cords, tents, pop-ups, flags, banners, propane tanks or structures shall be placed outside or attached to any sign, light pole, tree or similar object.

Q. No temporary mobile retail food establishment shall tie into any on-site utilities (electric, gas, potable water, sanitary facilities, etc.) and must be self-contained units. All trash, liquid waste, grease, etc., associated with the operation shall be removed at the end of each day and shall not be disposed in a building on site, storm drain, sidewalk, street or landscape area.

R. Temporary mobile retail food establishments shall maintain a ten-foot separation distance from any combustible object, including other vehicles.

S. At all times the temporary mobile retail food establishment shall have the following documents in its possession and present to a Township Official upon request:

(1) A valid Colts Neck Township temporary mobile retail food establishment license.

(2) A valid retail food establishment license from the Colts Neck Board of Health pursuant to Chapter **243** of the Code of Colts Neck Township.

(3) A valid fire safety permit from the Colts Neck Fire Official pursuant N.J.A.C. 5:70 et seq.

§ 124-5. Exemption.

The following activities shall be exempted from this chapter and obtaining a Temporary Mobile Retail Food license from the Township Clerk, but may require a retail food establishment license and fire safety permit:

A. Single-family residential property owners may invite temporary mobile retail food establishments for private parties.

B. Ice cream vendors going from place to place or from street to street soliciting orders.

C. Temporary mobile retail food establishments that serve a site that is actively under construction pursuant to a valid building permit and do not vend to the general public during their stop and if their presence on site is limited to actively engaging in sales and are not parked in a stationary location without making sales.

§ 124-6. Enforcement.

This chapter shall be enforced by the Police Department, Code Enforcement Officer, Zoning Officer, Fire Marshal or Health Officer.

§ 124-7. Violations and penalties.

A violation of any provision of this chapter shall be punishable as provided in § **1-9** of this Code.



TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT Chapter 243. Food Establishments, Retail

Chapter 243. Food Establishments, Retail

[HISTORY: Adopted by the Board of Health of the Township of Colts Neck: Art. I, 5-11-1970 (Ch. 47, Art. I of the 1969 Code); Art. II, 10-19-1982 (Ch. 47, Art. II of the 1969 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. **73**.

Sanitary Code — See Ch. **188**.

Vending machines — See Ch. **230**.

Article I. General Standards

[Adopted 5-11-1970 by (Ch. 47, Art. I, of the 1969 Code)]

§ 243-1. Adoption of code.

[Amended 10-7-1997]

A code regulating retail food establishments and fixing penalties for violations is hereby established pursuant to N.J.S.A. 26:3-69.1 through 26:3-69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

§ 243-2. Title.

[Amended 6-24-2015]

The codes established and adopted by this article are described and commonly known as Chapter **24** "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines."

§ 243-3. Copies on file.

[Amended 6-24-2015]

Three copies of Chapter **24** "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines," have been placed on file in the office of the Secretary of this Board of Health, located at the Township Hall, upon the introduction of this chapter and will remain on file in said office for use and examination by the public.

§ 243-4. Violations and penalties.

[Amended 6-24-2015]

Any person who violates any provision of or order promulgated under this article or code established herein shall, upon conviction thereof, be liable to a penalty of not less than \$100 nor more than \$1,000 for each violation. Each day a particular violation continues shall constitute a separate offense.

Article II. Licenses

[Adopted 10-19-1982 by (Ch. 47, Art. II, of the 1969 Code)]

§ 243-5. License required.

[Amended 6-24-2015]

It shall be unlawful for any person or anybody to conduct a retail food establishment as defined in and governed by Chapter **24**, "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines," established by ordinance of the Colts Neck Township Board of Health dated May 11, 1970, referred to as Chapter 47, Article **I**, of the Revised General Ordinances of the Township of Colts Neck, without first having procured a license from the Colts Neck Township Board of Health so to do or without complying with any or all of the provisions concerning operation and maintenance of the same as contained in the aforementioned Chapter **24** "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines."

§ 243-6. Fee schedule.

[Amended 10-7-1997; 5-13-2009; 6-24-2015]

A. Annual license fees are based on the size of establishment as follows:

Size of Establishment (square feet)	Fee
Under 1,000	\$100
Over 1,000 but less than 2,000	\$125
2,000 to 4,000	\$150
Over 4,000	\$200

B. Year-round food establishments selling only prepackaged foods that are not potentially hazardous in nature shall be charged \$40 annually.

C. Any establishment who fails to submit a complete application with the required fee to the Health Department by January 31 of each calendar year will be assessed a late fee equal to 50% of the initial licensing fee.

[Added 9-25-2019 by Ord. No. 2019-18]

D. A temporary retail food operator(s) license (in accordance with N.J.A.C. 8:24) shall be valid for a maximum period of 14 consecutive days. The fee for a fourteen-day temporary retail food operator(s) license shall be \$60. An extended temporary retail food operator(s) license shall be valid for a maximum of 90 consecutive days. The fee for a ninety-day extended temporary retail food operator(s) license shall be \$300.

[Amended 9-25-2019 by Ord. No. 2019-18]

E. Temporary food operators selling only prepackaged foods that are not potentially hazardous in nature shall be charged \$30. The temporary license is only applicable for a specifically defined event as approved by the Health Department.

F. Food vending machines shall be charged \$75 annually.

G. Exempt temporary mobile retail food establishments pursuant to § **124-5B** and **C** of the temporary mobile retail food establishment chapter shall apply for an annual license. The fee for the annual license shall be \$120.

[Amended 9-25-2019 by Ord. No. 2019-18]

H. The Board of Health may waive the annual food licensing fee for produce stands selling only fresh, unprocessed agricultural products; self-operated school cafeterias and religious, civic and/or other approved nonprofit Township functions.

§ 243-7. Suspension or revocation.

A. Any license issued upon the terms and provisions of this article may be suspended or revoked by the Board of Health of the Township of Colts Neck for the violations by the licensee of any provision of this article or the Retail Food Establishment Code of New Jersey (1965) or whenever it shall appear that the business, trade, calling, profession or occupation of the person, firm or corporation to whom such license was issued is conducted in a disorderly or improper manner or in violation of any law of the United States, the State of New Jersey, any article of this municipality, or that the person or persons conducting the retail food establishment is of an unfit character to conduct the same, or that the purpose for which the license has been issued is being abused to the detriment of the public or is being used for a purpose foreign to that for which the license was issued.

B. A license issued under the terms and provisions of this article shall not be revoked, canceled or suspended until a hearing thereof shall have been had by the Colts Neck Township Board of Health. Written notice of the time and place of such hearing shall be served upon the licensee at least three days prior to the date set for hearing. Such notice shall also contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending such license. Notice may be given by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon said license. At the hearing before the Board of Health, the person at grief shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Board of Health, the complaint may be dismissed; or if the governing body concludes that the charges have been sustained and substantiated, it may revoke, cancel or suspend the license thereof. The licensee nor any person acting for him or her directly or indirectly shall not be entitled to another license to carry on the same business within the Township of Colts Neck unless the application of such licensee shall be approved by the Board of Health.

§ 243-8. Applicability to interstate commerce and other government activities.

No provision in this article shall be applied so as to impose any unlawful burden on either interstate commerce or any activity of the state or federal government.

§ 243-9. Violations and penalties.

Any person, firm or corporation who shall violate any of the provisions of this article shall, upon conviction, be punished with a fine not to exceed \$500 or by imprisonment in the County Jail not to exceed 90 days, or by both such fine and imprisonment, and each violation of any of the provisions of this article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.



TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT Chapter 29. Fire Prevention Bureau

Chapter 29. Fire Prevention Bureau

[HISTORY: Adopted by the Township Committee of the Township of Colts Neck 2-24-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Fire department — See Ch. **28**.

Insurance — See Ch. **142**.

§ 29-1. Creation: agency designation.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) and more particularly, N.J.A.C. 5:71-2.2 and 2.3, there is hereby created a Fire Prevention Bureau within the Township of Colts Neck for the purpose of enforcing the provisions of the Uniform Fire Safety Act and the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 et seq.) at the local government level by the Township of Colts Neck.

§ 29-2. Definitions.

As used in this chapter, all words shall be defined as set forth in the Uniform Fire Safety Code, and as more particularly set forth in N.J.A.C. 5:70-1.5 and N.J.A.C. 5:71-1.4.

§ 29-3. Duties of agency.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Township of Colts Neck, other than owner-occupied one- and two-family dwellings used exclusively for dwelling purposes and buildings, structures and premises owned or operated by the federal government, interstate agencies or the state and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 29-4. Life-hazard uses.

The local enforcement agency established by § **29-1** shall carry out the periodic inspection of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 29-5. Organization.

The local enforcement agency established by § 29-1 shall be the Fire Prevention Bureau, which shall consist of the Fire Official (Chief of the Bureau) who shall report to the Township Administrator and any other inspectors as may be necessary to complete inspections in a timely manner. Also, the Fire Prevention Bureau shall consist of any secretarial or clerical staff as may be needed. Additional inspectors and staff must have the prior approval of the Township Committee.

§ 29-6. Appointments; qualifications; term of office; duties; removal.

A. The local enforcement agency shall be under the direct administrative supervision and control of the Fire Official who shall be appointed by the Mayor and Township Committee. The Fire Official shall serve a term of three years.

B. The Fire Official and any fire inspectors under his supervision shall be certified by the state.

C. In addition to the duties required pursuant to N.J.A.C. 5:71-3.3, the Fire Official (Chief of the Bureau) shall be responsible for the daily operations of the Fire Prevention Bureau and shall inspect all structures and premises, except one- and two-family owner-occupied dwellings, as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire apparatus, endanger life or violate any of the provisions or the intent of the New Jersey Uniform Fire Code or any Ordinance in the Code of the Township of Colts Neck affecting fire safety.

D. The Fire Official shall also serve as Fire Marshall for the Township of Colts Neck and shall investigate every reported fire occurring within the jurisdiction that involves the loss of life or serious injury or caused damage to property. Such investigation shall be initiated upon occurrence of such fire incident.

E. Fire inspectors and other employees as may be necessary for the local enforcement agency to properly carry out its responsibilities shall be appointed by the governing body upon the recommendation of the Fire Official. All life-hazard use inspectors shall be certified by the state.

F. The Fire Official, inspectors and other employees of the agency shall be considered public employees and subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by same.

§ 29-7. Permits and fees.

A. The permit fees established by the New Jersey Uniform Fire Code, as established in N.J.A.C. 5:70-2.9, shall be followed.

B. Fees for nonprofit and government bodies and organizations may be waived upon the recommendation of the Township Committee of the Township of Colts Neck or its designee.

[Amended 2-24-2016]

C. In addition to the inspections and fees required for life-hazard uses pursuant to the Uniform Fire Safety Act and the regulations of the Department of Community Affairs, the following inspections and fees are required for non-life-hazard uses and shall be carried out by the Fire Prevention Bureau:

(1) Mercantile businesses shall be inspected yearly, or at change in title or tenancy, with a per visit fee schedule of:

(a) Thirty-five dollars for the first 1,000 square feet.

(b) Five dollars for each additional 1,000 square feet.

(2) Factories, light industrial or commercial uses shall be inspected yearly, or at change in title or tenancy, with a per visit fee schedule of:

(a) Forty dollars for the first 1,000 square feet.

(b) Fifty dollars for 1,001 square feet to 3,500 square feet.

(c) Sixty dollars for 3,501 square feet to 6,000 square feet.

- (d) Seventy dollars for 6,001 square feet to 10,000 square feet.
- (e) Eighty dollars for excess of 10,000 square feet.
- (3) Warehouses shall be inspected yearly, or at change in title or tenancy, with a per visit fee schedule of
 - (a) Forty dollars for the first 2,000 square feet.
 - (b) Fifty dollars for 2,001 square feet to 5,000 square feet.
 - (c) Sixty dollars for excess of 5,000 square feet.
- (4) Repair shops and service businesses shall be inspected yearly, or at change in title or tenancy, with the same fee schedule as that pertaining to mercantile businesses.
- (5) Business offices (lawyers, doctors and other professional offices, barbershops and insurance offices) shall be inspected yearly, or at change in title or tenancy, with the same fee schedule as that pertaining to mercantile businesses. In cases where more than one business occupies one building, each business will be subject to the inspection and fee schedule as that pertaining to mercantile businesses.
- (6) All other types of structures and facilities not otherwise described or included in this section shall be inspected yearly, or at change in title or tenancy, with the same fee schedule as that pertaining to mercantile businesses.
- (7) Inspections of smoke detectors in all R-3 dwellings (as per the Uniform Fire Code) shall occur at change in title or tenancy with a per visit fee schedule of:
 - (a) Thirty-five dollars for a residence up to 3,500 square feet.
 - (b) Five dollars for each additional 1,000 square feet.
 - (c) Not to exceed a maximum of \$75.
- (8) Temporary mobile retail food establishments. The Fire Marshal may inspect temporary mobile retail food establishments at any time during the duration of the fire safety permit. A temporary mobile retail food establishment may apply for a one-day fire safety permit or a ninety-day extended fire safety permit. The application for a ninety-day extended permit must clearly state the specific dates and locations the temporary mobile retail food establishment will be operating. The ninety-day extended fire safety permit shall be attached to a specific vehicle or temporary mobile retail food establishment. Vendors with multiple vehicles shall obtain separate ninety-day fire safety permits for each vehicle used. The fee for a temporary mobile retail food establishment fire safety permit shall be as follows:
[Added 9-25-2019 by Ord. No. 2019-18]
 - (a) One-day permit: \$54.
 - (b) Ninety-day extended permit: \$400.

§ 29-8. Technical Amendments.

(Reserved)

§ 29-9. Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the local Construction Board of Appeals. If no such body exists, appeals shall be made to the county Construction Board of Appeals.

§ 29-10. Enforcement, violations and penalties.

Enforcement, violations and penalties shall be assessed, levied and collected as set forth in the Uniform Fire Safety Act, the Uniform Fire Code (more particularly N.J.A.C. 5:70-2.12, Penalties) and all other applicable laws of the State of New Jersey.

§ 29-11. Municipal claims for fire damage to properties.

Fire insurance payment of claims shall be in accordance with Chapter **142**, Insurance, Article **I**, Fire Insurance Claims, of the Code of the Township of Colts Neck.

§ 29-12. Expenses.

Expenses of the Fire Prevention Bureau shall be paid by the Township Committee by regular voucher, it being the intent that the Fire Prevention Bureau shall work closely with the Township Committee to keep expenses to a minimum while fulfilling the purpose of this chapter. The Township Attorney, or his designee, shall provide legal assistance and representation to the local enforcement agency.