

**ORDINANCE 2016-12**

**ORDINANCE OF THE BOROUGH OF BAY HEAD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 177 OF THE BOROUGH CODE ENTITLED "PEDDLING AND SOLICITING"**

**BE IT ORDAINED**, by the Council of the Borough of Bay Head, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Chapter 177 of the Code of the Borough of Bay Head, entitled, "Peddling and Soliciting", is hereby amended and supplemented so as to revise §177-2, so as to read in its entirety as follows:

**§ 177-2. License required.**

No person shall engage in business as a peddler within the corporate limits of the Borough without first obtaining a license. If the peddler operates out of a mobile food unit, the peddler and the mobile unit must both be licensed. A "mobile food unit" is defined as any vending unit, motorized or not, including hand-carried portable containers, in or on which food or beverage is stored, cooked, cooled, or prepared and transported for retail sale, or given away at temporary or fixed locations. Application for all peddler and mobile food unit licenses shall be made to the Municipal Clerk on forms provided by the Borough. Applications will not be accepted until the first business day of each calendar year. Upon authorization of the Borough Council, the Clerk shall issue a license for the conduct of activities under this chapter. A maximum of three licenses for mobile food units shall be issued for activities conducted pursuant to the provisions of this chapter. Of those three licenses, one shall be issued for a mobile food unit for the preparation and/or sale of hot food. Such licenses shall be issued on a, "first come, first served," basis, with the first two complete applications for mobile food units serving cold food, and the first complete application for a mobile food unit serving hot food to be issued licenses upon approval by resolution. Any license issues is subject to suspension or revocation for failure to comply with the provisions of this Chapter or any applicable state law. Such suspension or revocation shall only occur after an opportunity for a hearing before the governing body on no less than ten days notice.

**SECTION 2.** Chapter 177 of the Code of the Borough of Bay Head, entitled, "Peddling and Soliciting", is hereby amended and supplemented so as to revise §177-3, so as to read in its entirety as follows:

**§ 177-3. Fees.**

The annual license fee for a peddler shall be \$250.00 for a license to vend cold food and \$500.00 for a license to vend hot food. No portion of the fee shall be prorated for any part of the year.

**SECTION 3.** Chapter 177 of the Code of the Borough of Bay Head, entitled, "Peddling and Soliciting", is hereby amended and supplemented so as to revise §177-4, so as to read in its entirety as follows:

**§ 177-4. Use of streets and sidewalks.**

- A. No peddler shall have an exclusive right to any location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

- B. No peddler shall have the right to use any street or sidewalk or part thereof east of East Avenue, nor shall any peddler have the right to use any street or sidewalk or part thereof where the street has a speed limit in excess of 25 miles per hour, specifically including, but not limited to, Route 35 (Main Avenue) and Bay Avenue.
- C. No peddler shall have the right to use any part of a street or sidewalk for a period in excess of 30 minutes, except for the hot food licensee who shall have the right to remain in one location for periods not in excess of 60 minutes. Upon the expiration of such thirty-minute or sixty-minute period, a peddler shall be required to relocate to another area at least one block away from that part of the street or sidewalk previously used for the conduct of the peddler's activities.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law.

**ATTEST:**

**APPROVED:**

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Patricia M. Applegate, Municipal Clerk

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William W. Curtis, Mayor

Introduced on First Reading: April 4, 2016  
Introduced on Seconded Reading: May 2, 2016  
Approved on Seconded Reading: May 2, 2016

**ATTEST:**

**APPROVED:**

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Patricia M. Applegate, Municipal Clerk

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William W. Curtis, Mayor