

**ORDINANCE 2018-15**

**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 amend § 177-2 entitled “General Provisions.” so as to amend subsection E.1.(b) in its entirety, so that it shall read as follows:

(b) No peddler shall have the right to use any part of a street or sidewalk in excess of 30 minutes. Upon the expiration of such thirty-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 2.** Chapter 177 of the Code of the Borough of Bay Head, entitled, “Peddling and Soliciting”, is hereby amended and supplemented so as to amend § 177-2 entitled “General Provisions.” so as to remove subsection E.1.(d) in its entirety, and to renumber existing section E.1.(e) as E.1.(d)

**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 amend § 177-2 entitled “General Provisions.” so as to add subsection G which shall read as follows:

G. Persons licensed under N.J.S.A. 45:24-9 are required to comply with all of the Borough’s regulations applicable to the business of peddling or selling products from mobile food units as set forth in this chapter.

**SECTION 4.** Chapter 177 of the Code of the Borough of Bay Head, entitled, “Peddling and Soliciting”, is hereby amended and supplemented so as to amend § 177-3 entitled “License required.” so as to amend subsection D. in its entirety, so that it shall read as follows:

- D. The number of licenses issued under this article shall be limited as follows:
- (1) A maximum of two licenses for mobile food units shall be issued for activities conducted pursuant to the provisions of this chapter, including persons holding validly issued licenses under N.J.S.A. 45:24-9.
  - (2) In the event that any licenses have not been assigned to persons holding a validly issued and effective license under the provisions of N.J.S.A. 45:34-9 by the end of the application period, and the Borough of Bay Head has received other qualified applications, any remaining license(s) shall be assigned by lottery by the Municipal Clerk and/or his/her designee on the first Monday of February at 10:00 am, subject to the approval by the Borough Council.
  - (3) No licenses shall be issued for a mobile food unit for the preparation and/or sale of hot food.
  - (4) Any license issued 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 10 days' notice.

**SECTION 5.** Chapter 177 of the Code of the Borough of Bay Head, entitled, “Peddling and Soliciting”, is hereby amended and supplemented so as to amend § 177-4 entitled “Fees.” in its entirety so that it shall read as follows:

The annual license fee for a peddler shall be \$300 for a license to vend cold food. No portion of the fee shall be prorated for any part of the year. Said licensing fees shall be paid immediately following the close of the auction as prescribed in § 177-3.D(3). The license shall expire on the 31st day of December in the year of issuance.

**SECTION 6.** Chapter 177 of the Code of the Borough of Bay Head, entitled, “Peddling and Soliciting”, is hereby amended and supplemented so as to amend § 177-7 entitled “Exceptions.” in its entirety so that it shall read as follows:

This chapter shall not apply to the delivery of eggs, bread, newspapers or other such necessary and perishable articles of food or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.

**SECTION 7.** This ordinance shall take effect after second reading and publication as required by law.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Patricia M. Applegate, Municipal Clerk

\_\_\_\_\_  
William W. Curtis, Mayor

Introduced on First Reading: November 5, 2018  
Introduced on Second Reading: December 3, 2018  
Approved on Second Reading: December 3, 2018

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Patricia M. Applegate, Municipal Clerk

\_\_\_\_\_  
William W. Curtis, Mayor