

## Borough of Flemington Event Checklist

### **Complete Permit Application**

### **Street Closing**

- If your event will involve the closing of ANY BOROUGH STREET, the route of the event must be indicated on the attached map. A written plan MUST be submitted with your application, outlining the procedure being implemented for the NOTIFICATION OF INTERESTED PARTIES affected by the street closing. INTERESTED PARTIES may include the County of Hunterdon, Borough Residents and Local Businesses.
- If the event will involve the closing of ANY BOROUGH STREET, the completed permit application must be first brought to the police department for approval.
- After receiving approval from the Police Department, the application must be brought to the Borough Clerk to be added to the agenda for the Borough Council Approval
  - Council meets the 2<sup>nd</sup> AND 4<sup>TH</sup> MONDAY of the month. Be sure to plan accordingly. Without this approval the streets CANNNOT be closed for your event
- Any questions about street closings, contact the **Borough Clerk at 908-782-8840** or the **Flemington Police Department at 908-782-3434**

### **Food Licenses**

- If your event will have food vendors, they must complete the Temporary Food License form attached and return it to the Borough a MINIMUM of 2 WEEKS PRIOR to the event. Any application received less than 2 WEEKS PRIOR to the event will be rejected.
- Any questions about food licenses, contact the **Borough Clerk at 908-782-884**

### **Fire Permit**

- If any food vendor is using ANY TYPE OF OPEN FLAME they must also complete the Fire Permit section of the application to be brought in with the food licenses application.
- Application must be submitted 2 WEEKS PRIOR to the event. Any application received less than 2 WEEKS PRIOR to the event will be rejected.
- Any questions about fire permits, contact the **Fire Marshal at 908-782-8840 ext. 227**

### **Liquor Licenses**

- If your event is seeking a liquor permit to serve any type of alcoholic beverages at your event the permit must be obtained through the ABC website at <http://www.nj.gov/oag/abc/licensing-files.html>. Any permit must be submitted a MINIMUM of 21 DAYS PRIOR to the event.
- The Borough does not issue any type of liquor permit.

APPLICATION FOR PERMIT TO OPERATE A TEMPORARY FOOD CONCESSION

NAME OF EVENT: \_\_\_\_\_ DATE OF EVENT: \_\_\_\_\_

PLACE OF EVENT: \_\_\_\_\_ TIME OF EVENT: \_\_\_\_\_

NAME OF EVENT COORDINATOR: \_\_\_\_\_ PHONE # DAY OF EVENT: \_\_\_\_\_

(The person listed above must be the designated person available on the day of event to answer any questions.)

NAME OF FOOD BOOTH: \_\_\_\_\_

TIME BOOTH(S) WILL BE READY FOR INSPECTION: \_\_\_\_\_ NUMBER OF FOOD BOOTHS: \_\_\_\_\_

NAME OF FOOD BOOTH OWNER: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

ADDRESS OF OWNER: \_\_\_\_\_

1. WHERE WILL FOOD BE STORED AND/OR PREPARED PRIOR TO THE EVENT? (STORAGE FACILITY MUST BE A LICENSED FACILITY – ITEMS MAY NOT BE STORED IN A PRIVATE HOME, NO FOODS MAY BE PREPARED IN A PRIVATE HOME.)

2. NAME OF ESTABLISHMENT: \_\_\_\_\_ INSPECTED BY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

3. HOW WILL YOU KEEP FOOD COLD? (41 DEGREES F.) ON SITE (at sales booth?)  
(Examples: food requiring refrigeration includes raw and previously cooked meats, poultry, fish, vegetables, salads, eggs and dairy products) \_\_\_\_\_

4. HOW WILL YOU KEEP HOT FOOD HOT? (135 DEGREES F.) ON SITE (at sales booth?)  
(Examples: cooked, ready-to-serve meats, poultry, seafood, tofu, cooked onions and peppers, potatoes, beans, falafel, chili, barbecue, veggie burgers, etc.) \_\_\_\_\_

5. HOW WILL YOU PREVENT BARE HAND CONTACT WITH READY-TO-EAT FOODS? \_\_\_\_\_

6. DESCRIBE HANDWASHING FACILITIES AT YOUR BOOTH: \_\_\_\_\_

7. DESCRIBE THE WAREWASHING FACILITIES IN YOUR BOOTH: \_\_\_\_\_

8. LIST ALL FOOD AND BEVERAGE ITEMS THAT WILL BE SERVED:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. I agree to abide by the regulations as per N.J.A.C.8:24 et Seq.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
DATE

FEE: \$100.00-3 DAYS OR LESS/\$135.00-4 DAYS OR MORE. PAYMENT MUST ACCOMPANY THIS APPLICATION. PLEASE MAKE CHECKS PAYABLE TO "FLEMINGTON BOROUGH" (38 PARK AVENUE, FLEMINGTON, NJ 08822 – 908-782-8840)

ALL APPLICATIONS MUST BE SUBMITTED A MINIMUM OF 2 WEEKS PRIOR TO THE EVENT

FOR OFFICE USE ONLY:

APPROVED: YES \_\_\_ NO \_\_\_ PAYMENT RECEIVED \_\_\_\_\_ TEMPORARY FOOD LICENSE # \_\_\_\_\_

**BOROUGH OF FLEMINGTON**  
**PARADE PERMIT APPLICATION**  
**(OR SIMILAR DISPLAYS & EVENTS IN PUBLIC PLACES)**

PLEASE TYPE OR PRINT

**PURPOSE OF EVENT:** \_\_\_\_\_

Locations or Roadways to be used (Show on map): \_\_\_\_\_

Portion of Street, Sidewalk, Public Place to be used: \_\_\_\_\_

Contact / Applicant name, address & telephone numbers: \_\_\_\_\_

Organization Represented address & telephone numbers: \_\_\_\_\_

Chairperson, Authorized Person in Charge, Names of Committee Members: \_\_\_\_\_

Date of Event: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Total Hours (Including Setup & Cleanup): \_\_\_\_\_ Number of Persons Participating in Event: \_\_\_\_\_

Number of units, groups or displays: \_\_\_\_\_ Estimated attendance: \_\_\_\_\_

Number of vehicles: \_\_\_\_\_ Types of vehicles: \_\_\_\_\_

Interval between units, groups, displays or vehicles (time and distance): \_\_\_\_\_

Are animals to be used: \_\_\_\_\_ if so, specific type: \_\_\_\_\_

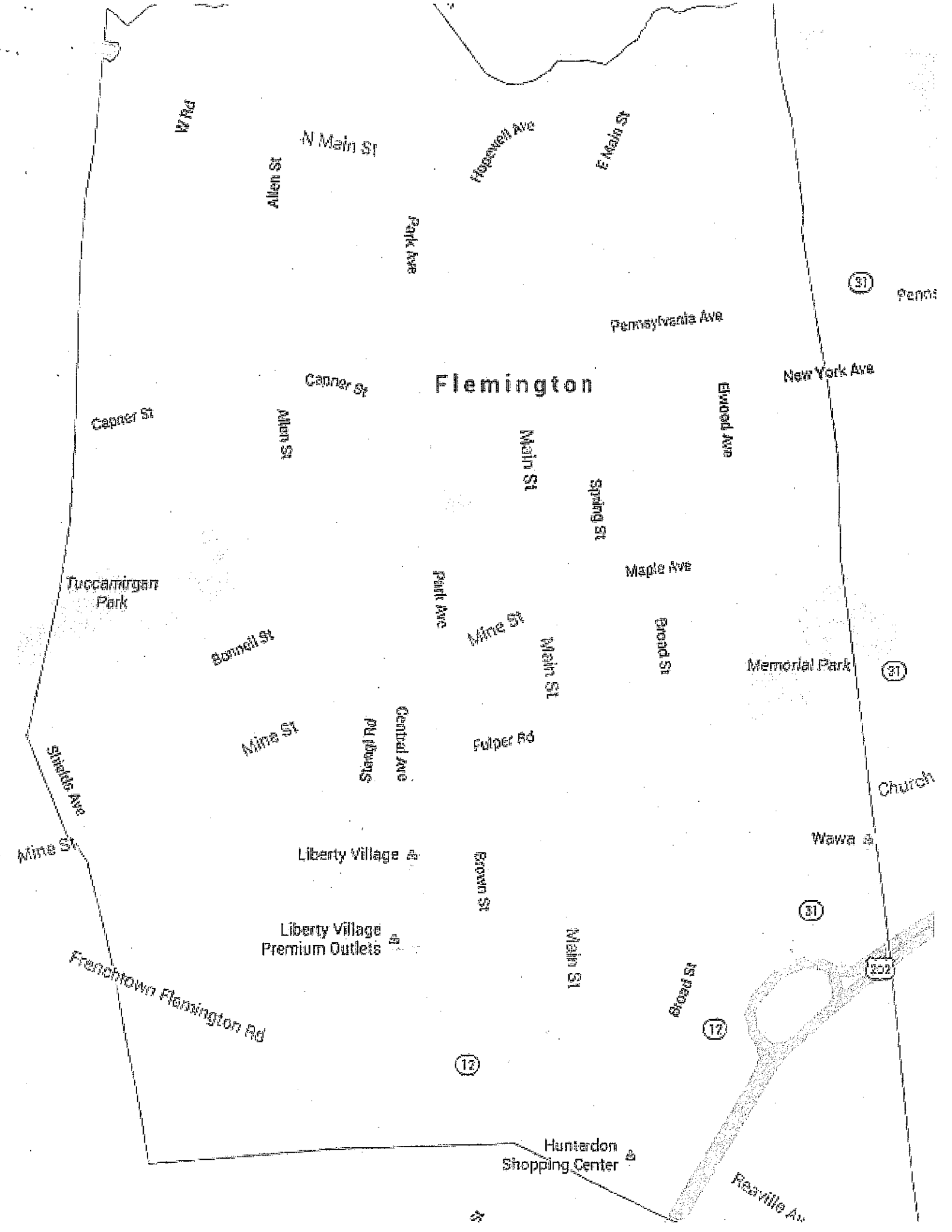
1. If the events is designed to be held, on behalf of or for, any person other than the applicant communication form said person or organization must accompany this application.
2. If event will use or traverse any state or county road within the Borough of Flemington written authorization from said agency must accompany this application.

Additional Information: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_ Chief of Police Signature \_\_\_\_\_ Date \_\_\_\_\_



W Rd

N Main St

Roosevelt Ave

E Main St

Allen St

Park Ave

31

Panda

Pennsylvania Ave

# Flemington

New York Ave

Canner St

Canner St

Allen St

Elwood Ave

Main St

Springs St

Tuccamingan Park

Maple Ave

Somell St

Park Ave

Mine St

Main St

Broad St

Memorial Park

31

Mina St

St Johns Rd

Central Ave

Fulper Rd

Church

Shelton Ave

Mine St

Liberty Village

Brown St

Wawa

31

Liberty Village Premium Outlets

Main St

202

Frenchtown Flemington Rd

Broad St

17

13

Hunterdon Shopping Center

Reaville Av

St

**Flemington Borough Fire Safety**

38 Park Avenue

Flemington, NJ 08822

Phone: 908-782-8840, X227 Fax: 908-782-0142

**APPLICATION FOR FIRE SAFETY PERMIT**

If the event is canceled,  
please call the Fire Marshal  
at 908/531-6290 two (2)  
hours prior to the event or  
as soon as you know.

Type of Fire Permit Requested: \_\_\_\_\_ Date(s) requested: \_\_\_\_\_

Location/Event Name: \_\_\_\_\_

Location/Event Address: \_\_\_\_\_

**Applicant Information:**

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

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

Contact Person Day of Event: \_\_\_\_\_ Phone Day of Event: \_\_\_\_\_

Date and time requested permit application will be ready for inspection: \_\_\_\_\_

The above-named applicant hereby requests permission to conduct the following activity (see permit types attached) at the above location:

\_\_\_\_\_  
\_\_\_\_\_

And for the keeping, storage, occupancy, sale, handling or manufacture of the following: (tents; see \* and \*\*)

\_\_\_\_\_  
\_\_\_\_\_

\*An electrical permit is required to be obtained from the Flemington Borough Building Department pursuant to the NJ Uniform Construction Code.

\*\*A separate permit is required to be obtained from the Flemington Borough Fire Safety.

**PLEASE NOTE THAT COOKING UNDER AN OCCUPIED TENT IS STRICTLY PROHIBITED AS PER N.J.A.C. 5:70-3; 2404.15.5**

**PLEASE NOTE THAT SMOKING IS PROHIBITED IN/UNDER ANY TENT AS PER N.J.A.C. 5:70-3, 2404.6**

I hereby acknowledge that the information given is correct, and agree to comply with applicable requirements of the New Jersey Fire Code as well as any specific conditions imposed, and if not, this permit may be revoked and I will be subject to penalties as provided by law.

Applicant's Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**PLEASE NOTE:**

- Failure to be present at the time of inspection will result in a denial of the fire safety permit.
- Failure to comply with all conditions at the time of inspection will result in denial of the fire safety permit.
- The permit may be revoked by the Fire Marshal or designated representative for failure to comply with the conditions of issuance or any violations of any provisions of the NJ Fire Code.
- The use of a device or commencing operation, process or activity for which a permit was required prior to an inspection shall constitute a violation of N.J.A.C. 5:70-2.12(b)7.i and the operator shall be subject to a penalty.

Make check payable and mail to: **Flemington Borough Fire Safety, 38 Park Avenue, Flemington, NJ 08822**

**ALL APPLICATIONS MUST BE SUBMITTED A MINIMUM OF 2 WEEKS PRIOR TO THE EVENT**

**Office Use Only:**

Permit Type \_\_\_\_\_ ( ) Conditions Imposed ( ) Denied ( ) Approved \$ \_\_\_\_\_ Check/M.O.# \_\_\_\_\_

Received by: \_\_\_\_\_ Permit Fee Type 1 \$54.00 Type 2 \$214.00 Type 3 \$427.00 Type 4 \$641.00

Fire Inspector: \_\_\_\_\_

**This is a non-refundable fire safety permit fee.**

## **TYPE 1 PERMIT - \$54.00**

1. **Bonfires;**
2. The use of a torch or flame-producing device to remove paint from, or seal membrane roofs on, any building or structure;
3. The occasional use of any non-residential occupancy other than Use Groups F, H or S for group overnight stays of persons over 2 ½ years of age, in accordance with section F-709.0 of the Fire Prevention Code;
4. Individual portable kiosks or displays when erected in a coverall mall for a period of less than 90 days, and when not covered by a Type 2 permit;
5. **The use of any open flame or flame producing device, in connection with any public gathering, for purposes of entertainment, amusement, or recreation must have (1) 2A:10BC extinguisher at all times and (1) K extinguisher if using oils, fats or solid fuel at all times;**
6. Welding and cutting operations except where the welding and cutting is performed in areas approved for welding and is registered as a Type B Life Hazard use;
7. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194;
8. The use of any open flame or flame-producing device in connection with the training of non-fire service personnel in fire suppression or extinguishment procedures;
9. **The occasional use in any building of a multipurpose room, with a maximum permitted occupancy of 100 or more for amusement, entertainment or mercantile type purposes.**
10. The storage or handling of class I flammable liquids in closed containers of aggregate amounts of more than 10 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building.
11. The storage or handling of class II or IIIA combustible liquids in closed containers of aggregate amounts of more than 25 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building.
12. Any permanent cooking operation that requires a suppression system in accordance with N.J.A.C. 5:70-4 (g) and is not defined as a life hazard use in accordance with N.J.A.C. 5:70-2.4.
13. The use as a place of public assembly, for a total of not more than 15 days in a calendar year, of a building classified as a commercial farm building under the Uniform Construction Code.
14. The temporary use of any building or portion thereof as a special amusement building for a total of not more than 15 days in a calendar year.
15. **The erection, operation or maintenance of any tent, tensioned membrane structure or canopy, excluding those used for recreational camping purposes, that meets the criteria in (a) 3xvi (1) or (2) below shall require a Type 1 permit. Tents, tensioned membrane structures or canopies greater than 16,800 square feet in area and greater than 140 feet in any dimension, whether one unit or composed of multiple units; remaining in place for more than 180 days; used or occupied between December 1 and March 31; having a permanent anchoring system or foundation; or containing platforms or bleachers greater than 11 feet in height shall be subject to the permitting requirements of the Uniform Construction Code (N.J.A.C. 5:23-2.14).**
  - a. The tent, tensioned membrane structure or canopy is greater than 900 square feet and more than 30 feet in any dimension whether it is one unit or composed of multiple units, but 16,800 square feet or less in area and 140 feet or less in any dimensional, whether it is one unit or composed of multiple units.
  - b. The tent, tensioned membrane structure or canopy contains platforms or bleachers 11 feet or less in height;
16. The erection, operation or maintenance of any outdoor combustible maze shall require a Type 1 permit if the outdoor combustible maze is less than six (6) feet in height and does not contain electrical equipment. Outdoor combustible mazes that are six feet or greater in height or contain electrical equipment shall be subject to the permitting requirements of N.J.A.C. 5:23-2.14.
  - a. For the purposes of applying this requirement, an outdoor combustible maze is an attraction that lacks a roof and is designed to disorient patrons, reduce vision, present barriers or otherwise impede the flow of traffic and does not consist solely of living rooted plants such as corn stalks or trees, but includes mazes created from plants that have been cut and attached to an object to support them.
    - i. Mazes consisting solely of living, rooted plants, such as corn stalks or trees, may be repaired using cut, replacement plants that are otherwise the same as those of which the maze is created without the need for a permit.
    - ii. No permit shall be required for mazes up to 42 inches in height created of bales of hay or straw.

### **TYPE 2 PERMIT - \$214**

1. Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials;
2. Fumigation or thermal insecticide fogging;
3. Carnivals and circuses employing mobile structure used for human occupancy;
4. The use of a covered mall in any of the following manners:
  - a. Placing or constructing temporary kiosks, display booths, concession equipment or the like in more than 25 percent of the common area of the mall;
  - b. Temporarily using the mall as a place of assembly;
  - c. Using open flame or flame devices;
  - d. Displaying liquid or gas fueled powered equipment; or
  - e. Using liquefied petroleum gas, liquefied natural gas and compressed flammable gas in containers exceeding 5 pound capacity.
5. Storage outside of buildings of LP-gas cylinders when a part of a cylinder exchange program.

### **TYPE 3 PERMIT - \$427**

1. Industrial processing ovens or furnaces operating at approximately atmospheric pressure and temperature not exceeding 1400 degrees Fahrenheit which are heated with oil and gas fuel or which contain flammable vapors from the project being processed;
2. Any wrecking yard or junk yard; or
3. The storage or discharge of fireworks.

### **TYPE 4 PERMIT - \$641**

1. Storage or use at normal temperature and pressure or more than 2000 cubic feet of flammable compressed gas or 6000 cubic feet of non-flammable compressed gas;
2. The production or sale of cryogenic liquids; the storage or use of more than 10 gallons of liquid oxygen; flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than 500 gallons of non-flammable, non-toxic, cryogenic liquids;
3. The storage, handling and processing of flammable, combustible and unstable liquids in closed containers and portable tanks in aggregate amounts of more than 660 gallons;
4. To store or handle (except medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices):
  - a. More than 55 gallons of corrosive liquids;
  - b. More than 500 pounds of oxidizing materials;
  - c. More than 10 pounds of organic peroxides;
  - d. More than 500 pounds of nitromethane;
  - e. More than 1000 pounds of ammonium nitrate;
  - f. More than one micro curie of radium not contained in a sealed sources;
  - g. More than one mill curie of radium or other radiation material in a sealed source or sources;
  - h. Any amount of radioactive material for which the specific license from the Nuclear Regulatory Commission is required;  
or
  - i. More than 10 pounds of flammable solids.
5. The melting, casting, heating, treating, machining or grinding or more than 10 pounds of magnesium per working day; or

### **TYPE 5 PERMIT - \$ RESERVED AMOUNT**

1. Reserved.

### 3-16 Special Events.

**Editor's Note:** Prior ordinance history includes portions of Ordinance No. 17-1980, 15-1990 and 2005-31.

#### 3-16.1 Definitions.

- a. "Chief of police" shall mean the chief of police of the Borough of Flemington.
- b. "Special event" shall mean any parade, march, ceremony, show, demonstration, rally, vigil, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, sidewalk, park or other public place in the Borough of Flemington.
- c. "Special event permit" shall mean a permit as required by this section.
- d. "Person" shall mean any person, firm, partnership, association, group of two or more people, corporation, company or organization of any kind.

(Ord. No. 2008-3; Ord. No. 2014-20)

#### 3-16.2 Permit Required; Exceptions.

No person shall engage in, participate in, aid, form or start any special event, unless a special event permit shall have been obtained from the chief of police.

- a. This section shall not apply to the following:
  1. A governmental agency acting with the scope of its functions; or
  2. Any person acting under regulatory or statutory authority.

(Ord. No. 2008-3; Ord. No. 2014-20)

#### 3-16.3 Application for Permit.

A person seeking issuance of a special event permit shall file an application with the chief of police on forms approved by such officer.

a. An application for a special event permit shall be filed with the chief of police not less than six nor more than 30 days before the date on which it is proposed to conduct the special event.

- b. The application for a special event permit shall set forth the following information:
  1. The name, address and telephone number of the person seeking to conduct the special event;
  2. If the special event is proposed to be conducted for, on behalf of, or by an organization of any kind, the name of the organization and of the authorized and responsible heads of such organization;
  3. The name, address and telephone number of the person who will be the special event chairman or organizer and, if different, who will be responsible for the conduct of the special event;
  4. The date when the special event is to be conducted;
  5. The route to be traveled, the starting point and the termination point or, if the special event is going to be in a fixed location and not moving, the location where the special event will be held;
  6. The approximate number of persons who will constitute or partake in the special event;
  7. If animals will be included in the special event, the specific type of each animal and whether each is domestic or wild;
  8. The number and description of the motor vehicles or any other type vehicle expected to be used in the special event;
  9. The specific times when such special event will start and terminate;
  10. A statement as to whether the specific event will occupy all or only a portion of the width of the sidewalk(s) or street(s) proposed to be traversed or on which it will be located;



11. The location of the street(s) or any assembly area(s) to be used for the special event;
12. The time at which units of the special event will begin to assemble at each such assembly area;
13. The interval of space to be maintained between units of the special event if the event will be moving;
14. If the special event is designed to be held by, or on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the special event, authorizing the applicant to apply for the permit on its behalf;
15. A statement of the purpose of the special event; and
16. Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued.
17. The application shall contain a map indicating the location of the nonsmoking area as required under Section 3-26. An applicant reserves the right to request a waiver from designating a nonsmoking area in a written request stating why the applicant cannot comply that must accompany the application. Based upon the review of the written request in light of the other information in the application and the factors for issuing a permit set forth in subsection 3-16.4 of this section, the chief of police shall have the authority to waive the nonsmoking area designation based on compelling logistic reasons.
  - c. If the special event will use or traverse any State or county road or highway or be located on any Federal, State or county property within the Borough of Flemington, the application shall be accompanied by a written consent or other written authorization to hold such special event on the date and at the time requested, issued by the public agency or body having jurisdiction and control over said road, highway or property.
  - d. When it reasonably appears that the applicant for a special event permit could not have complied with subsection 3-16.3 by filing the application for the special event permit not less than six days before the date on which it is proposed to conduct the special event, the chief of police shall have the authority to consider any application hereunder which is filed within such six-day period in the same manner as if it had been timely filed, provided the applicant sets forth the good faith reasons it could not timely comply in its written application for the permit.

(Ord. No. 2008-3; Ord. No. 2011-15; Ord. No. 2013-19; Ord. No. 2014-20)

#### 4-3 RETAIL FOOD ESTABLISHMENTS.

##### 4-3.1 *License Required.*

A license from the local board of health shall be required for any retail food establishment as defined in and governed by the Retail Food Establishment Code of New Jersey (1965). The establishment shall comply with all provisions concerning operation and maintenance contained in the above-mentioned code. All licenses are effective from January 1st to December 31st of the same year. (Ord. 8-1969, S 1; Ord. 2013-22; Ord. No. 2015-16)

##### 4-3.2 *Fees.*

The fees for licensure of retail food establishments are hereby fixed as follows:

a. *Category 1.* Newsstands, pharmacies, liquor stores, video stores and other establishments handling commercially prepared, prepackaged, nonpotentially hazardous foods as an incidental part of their business will pay \$135.00.

b. *Category 2.* B&B's which serve full breakfasts; agricultural markets, (where there is no food preparation) where potentially hazardous foods are offered for sale or where grocery food items account for 50 percent or more of the sales will pay \$135.00. B&B's which serve continental breakfasts are exempt from licensing and inspection, as are agricultural markets offering for sale only raw agricultural products with only an incidental amount of grocery items.

c. *Category 3.* All other retail food establishments will pay \$235.00 per year starting January 1, 2004.

d. Temporary retail food establishments operating for three days or fewer will pay \$100.00, those operating for four days or more will pay \$135.00. An applicant must make application at least 2 weeks prior to the event.

e. Mobile Food Vehicles (vehicles that come to an event and are stationary throughout the event) may obtain an annual food license to attend events in Flemington Borough shall pay a fee of \$300.00. If a mobile food truck is using an open flame to prepare foods the vendor must obtain a Class I Fire Permit from the fire marshal each time the vehicle parks for an event. The license period will be from January 1 through December 31. An applicant must make application at least 2 weeks prior to the event.

f. Farm markets will pay an annual blanket fee of \$240.00 to cover the following types of vendors: baked goods-prepared in a licensed and inspected kitchen, whole uncut fruits and vegetables, including mushrooms, jarred foods for example: jellies, jams, pickles, honey, maple syrup, cider etc., refrigerated foods for example: eggs, cheese etc., frozen meats, coffees, teas, plants soaps, olive oils and vinegars. The license period will be from January 1 through December 31. An applicant must make application at least 2 weeks prior to the event.

g. Farm markets offering food for immediate consumption will pay an additional fee of \$150.00 annually for foods that are prepared for immediate consumption that are not packaged. If these vendors are utilizing an open flame to prepare or to keep food at safe temperature as specified by the Hunterdon County Health Department the vendor must obtain a Class I Fire Permit from the fire marshal each time the vendor sets up their preparation area. The license period will be from January 1 through December 31. An applicant must make application at least 2 weeks prior to the event.

h. Annual licenses must be renewed for the upcoming year by January 31st to avoid the imposition on the applicant of a \$30.00 late fee in the case of a category 1 or 2 license, and a \$50.00 late fee in the case of a category 3 license.

(Ord. 8-1969, S 2; Ord. 19-1984, S II; Ord. 16-1988, S I; Ord. 2002-18, S 1; Ord. 2003-21, S 1; Ord. 2013-22; Ord. No. 2015-16)

##### 4-3.3 *Suspension or Revocation of License.*

Any license issued under the terms of this section may be suspended or revoked by the board of health because of the violation by the licensee of any provision of this section or (N.J.A.C. 8:24) Chapter 24, "Sanitation in Retail Food

Establishments and Food and Beverage Vending Machines" or whenever it shall appear that the business, trade, calling, profession or occupation of the person to whom the license was issued is conducted in a disorderly or improper manner or in violation of any Federal, State, or municipal law, or that the person conducting the retail food establishment is of an unfit character to conduct the establishment, or that the purpose for which the license was 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.

A license shall not be revoked, cancelled or suspended until a hearing has been held by the board of health. Written notice of the time and place of the hearing shall be served upon the licensee at least three days prior to the date set for the hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking, canceling or suspending the license. Notice may be given either by personal delivery to the person to be notified or by certified mail addressed to the person to be notified at the business address appearing upon the license. At the hearing before the board of health the licensee shall have an opportunity to be heard. The board of health may dismiss the complaint or it may revoke, cancel or suspend the license.

If any license is revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another license to carry on the same business within the borough unless the applicant for the license is approved by the board of health.

(Ord. 8-1969, S 3; Ord. 2013-22; Ord. No. 2015-16)

## NJ UNIFORM FIRE CODE: TENTS/CANOPIES

N.J.A.C. 5:70-2.7(a); All vendors with tents/canopies meeting the below, shall be required to apply for a Type 1015 fire safety permit for each vendor for every event issued by **FLEMINGTON BOROUGH FIRE SAFETY**. (See below requirements) All permits shall be made available to the Fire Marshal upon inspection.

- All tents/canopies greater than 900 square feet with or without side panels will require a separate permit for each. (up to 16800 square feet)
- All tents/canopies greater than 30 feet in any dimension will require a separate permit for each. (up to 140 feet)
- All tents/canopies that will remain in place for fewer than 180 days.
- All tents/canopies that are used or occupied between April 1 and November 30.
- All tents/canopies that do not have a permanent anchoring system or foundation.
- All tents/canopies that contain platforms and bleachers up to 11 feet in height.

N.J.A.C. 5:70-2.9(c)1; 1015 Type Permit Fee \$42.00-NO CASH will be accepted-vendors shall apply and pay the permit fee via U.S. Mail or EMAIL.

Permits will not be issued unless payment is made in full. This is an application processing fee and is not refundable.

N.J.A.C. 5:70-2.7(f); The Fire Marshal upon inspection may deny or revoke a permit at any time; this can be due to failure to meet the permit conditions, unabated fire code violations or unsafe conditions.

N.J.A.C. 5:70-3, 2404.12; Fire extinguishers - at least one portable fire extinguisher with a minimum 4-A rating, or two portable fire extinguishers with a minimum 2-A rating each, shall be provided in/under all tents as required by section 906.

N.J.A.C. 5:70-3, 2404.2; Tents/canopies shall be constructed of fire retardant materials or be properly treated as per NFPA 701/1999. Proper documentation shall be provided by the vendor upon inspection.

N.J.A.C. 5:70-3, 2404.5; Combustible materials and excessive trash shall not be located within any tent or canopy (min. 20 feet clearance).

N.J.A.C. 5:70-3, 2404.7; Exposed flames: Gasoline, gas, charcoal or other cooking device or any other unapproved open flame shall not be permitted inside or located within 20 feet of the tent or canopy.

- **NO** cooking under tents.
- **NO** deep fryers shall be under tents.
- **NO** cooking with grease laden vapors under tents.
- Note: See Bulletin 2006-1 for further information and exceptions.

N.J.A.C. 5:70-3, 2403.12.6; Exit signs are required when the exit serves and occupant load of 50 or more.

N.J.A.C. 5:70-3, 2403.12.6.1; Exit signs shall be illuminated. 1. For occupant loads of 300 or less; or 2. An approved emergency system, for occupant loads greater than 300.

N.J.A.C. 5:70-3, 2403.12.7; Means of egress shall be illuminated from a separate circuit or source of power. (Not less than 1 foot candle (11lux) at floor level)

N.J.A.C. 5:70-3, 2403.12.8; Means of egress, width of exits, aisles and passageways shall be maintained at all times.

- Interior finish, decorative materials and furnishings shall comply with Chapter 8.
- Occupant Load and Number of Exits shall be approved by the **Flemington Borough Fire Marshal**.

### NJ UCC TENT PERMIT REQUIRED:

Larger than 16800 square feet in size, greater than 140 feet in any dimension, bleachers or platforms higher than 11 feet, up for more than 180 days and used between December 1 and March 31 or having a permanent anchoring system or foundation..

## NJ UNIFORM FIRE CODE: COOKING VENDOR GUIDELINES

- The following are minimum guidelines for each cooking vendor at festivals, carnivals, etc.
- A site plan may be required by the prior Fire Marshal to event.

FIRE SAFETY PERMIT: Cooking vendor permits – a permit application and fee shall be submitted from each vendor for every event.

N.J.A.C. 5:70-2.7(a); All cooking vendors shall be required to apply for a fire safety permit issued by FLEMINGTON BOROUGH FIRE SAFETY. All permits shall be made available to the fire official upon inspection.

N.J.A.C. 5:70-2.9(c)1; 1E05/1L12 Type Permit Fee \$42.00-NO CASH will be accepted-vendors shall apply and pay the permit fee through U.S. Mail or drop off at municipal building. Permits will not be issued unless payment is made in full. This is an application processing fee and is not refundable.

N.J.A.C. 5:70-2.7(f); The fire official upon inspection may deny or revoke a permit at any time; this can be due to failure to meet the permit conditions, unabated fire code violations or unsafe conditions.

FIRE EXTINGUISHER: All cooking vendors shall supply their own fire extinguishers.

N.J.A.C. 5:70-3, 906.2; All fire extinguishers shall comply with NFPA 10/2002. All fire extinguishers shall have a valid dated inspection tag, good of one year.

N.J.A.C. 5:70-3,904.11.5; Class K portable fire extinguishers are required for cooking with vegetable or animal oils and fats.

N.J.A.C. 5:70-3,904.11.5.1; Class K portable fire extinguishers are required for cooking with solid fuel.

N.J.A.C. 5:70-3,904.11.5.2; Class K portable fire extinguishers required for deep fat fryers. (See 2006 IFC-NJ for size and quantity)

PROPANE TANK:

N.J.A.C. 5:70-3, 3003.5.3; Propane tanks shall be secured, to prevent falling over.

N.J.A.C. 5:70-3, 3801.1; Propane tanks and equipment shall comply with NFPA 58/2004.

N.J.A.C. 5:70-3, 3803.2.1; Propane tanks shall not be taken into buildings/tents, (see 2006-IFC-NJ for exceptions)

MOBILE CANTEENS & COOKING TRAILERS:

N.J.A.C. 5:70-4.7(g) All cooking operations that produce grease laden vapors shall be equipped with a ventilating hood, duct, and automatic fire suppression system.

N.J.A.C. 5:70-3, 904.6; Dry chemical extinguishing systems shall be maintained and inspected semi-annually as per NFPA 17/2002.

N.J.A.C. 5:70-3, 904.5; Wet chemical extinguishing systems shall be maintained and inspected semi-annually as per NFPA 17A/2002.

N.J.A.C. 5:70-3, 609.2; Excessive grease and residue buildup on kitchen exhaust systems, cleaning required.

MISCELLANEOUS:

N.J.A.C. 5:70-3, 104.3; All appliances shall be listed and labeled and approved by the Fire Marshal (No homemade appliances).

N.J.A.C. 5:70-3, 2403.8.2; No vehicles shall be parked within 5 feet of tents or canopies.

N.J.A.C. 5:70-3, 2404.15.3; Suitable barricades shall be provided to maintain a distance of 5 feet between the heat producing appliance and the public.

- Propane tanks between 4 and 40 lbs. shall have an Overfill Protection Device for filling in NJ.
- Propane tanks shall be hydro tested every 12 years, and not dented or badly rusted.
- Regulator shall be in good condition and the relief valve shall face away from the public areas.
- All plastic type protective caps shall be removed from all propane tanks before operating.
- Hoses shall not be frayed or cracked, and there shall not be any type of tape on the hose.
- Hoses shall not be covered with grease and shall not be swollen.
- Hoses shall not create a tripping hazard
- Only approved lighter fluid shall be used for charcoal grills.
- Sterno warmers may be used provided the fuel containers are properly protected from being knocked over and if the fuel containers are properly enclosed within the warmer units.