

**CITY OF BRIGANTINE**  
**ORDINANCE No. 17 OF 2025**

**AN ORDINANCE TO SUPPLEMENT CHAPTER 210 OF THE CODE OF THE CITY OF BRIGANTINE, ENTITLED "MERCANTILE BUSINESSES" TO FURTHER DEFINE ICE CREAM TRUCK OPERATIONS AND FOOD TRUCK OPERATIONS**

**WHEREAS**, the City seeks to supplement Chapter 210 of the City Code to further define where ice cream trucks may operate;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Brigantine in the County of Atlantic, State of New Jersey, that Chapter 210 is amended and supplemented as follows:

**ARTICLE I.** Amendment and Supplement to Chapter 210-30 entitled "Place where peddling permitted."

The existing paragraph is re-lettered paragraph "A" and the code is supplemented to add a new paragraph "B", and "C" to read as follows:

**B. Ice Cream Truck Operations.**

1. Notwithstanding any other Code section to the contrary, the operation of ice cream trucks and the sale of ice cream are hereby authorized within the City of Brigantine, subject to the terms and conditions set forth herein. For the purposes of this section, "ice cream" shall include packaged ice cream, water ice, popsicles, fudgesicles, ice cream cones, Dixie cups, ice cream sandwiches, frozen yogurt, water, and similar frozen dessert products.
2. The City of Brigantine shall provide for two (2) mercantile licenses to ice cream trucks to sell ice cream within the City of Brigantine. Any veteran who held a license in the previous year shall have a first right of refusal to a current year license, provided that they submit their application by March 30<sup>th</sup> of the calendar year. All remaining mercantile licenses shall be offered on a first come, first serve basis, starting April 1<sup>st</sup> of the calendar year for the Summer season. Only valid mercantile license holders shall be authorized to operate an ice cream truck to sell ice cream within the City of Brigantine.
3. Only United States veterans who have been issued and hold a current and valid certificate pursuant to N.J.S.A. 45:24-9 may apply for a mercantile license to operate an ice cream truck to sell ice cream within the City of Brigantine. The veteran must present the proper state or county vending identification to qualify. The mercantile licensee is the only person authorized to operate an ice cream truck. The mercantile license to operate the ice cream truck and sell ice cream within the City of Brigantine is not assignable or transferrable.
  - a. In the event that there are an insufficient number of veterans applying for a permit, the City of Brigantine shall have the right to outsource to a vendor.

4. Ice cream trucks are permitted to operate at public beach street ends between 9th Street South and 15th Street North, including areas along the Promenade. In addition, veteran operated ice cream trucks are authorized to operate at the 14th Street South beach street end. At no time shall music, horns, or any other amplified or loud sounds be broadcast from the vehicles while operating at beach street ends. For the purpose of this Chapter, "Beach Street Ends" shall include any public right-of-way or private property within 150 feet of the beach.
  - a. Operators are permitted to walk onto the approved public beach area up to the dune line nearest to the water. To courteously alert beachgoers of their presence, operators may ring a handheld bell no more than five to six times upon entering the beach. No other forms of noise, including music, horns, or amplified sound, are permitted.
  - b. The use of handheld bells and all other noise making devices are strictly prohibited at the 14th Street South beach street end.
5. Ice cream trucks are permitted to operate in the following locations, utilizing traditional ice cream truck music, subject to the conditions outlined below:
  - a. **Municipal Beach Parking Lots** – Operation is permitted within all municipal beach parking lots; however, operators are strictly prohibited from walking onto or conducting business on the beach itself or beach street ends.
  - b. **Municipal Playgrounds** – Operation is permitted at all municipal playgrounds located within the City of Brigantine.
  - c. **Brigantine City Dock** – Operation is permitted at the Brigantine City Dock located at 26th Street and Bayshore Avenue.
  - d. **Residential Neighborhoods** – Operation is permitted in all residential neighborhoods between the hours of 2:00 p.m. and 8:00 p.m."
6. Ice Cream Truck Operation shall only be permitted between the hours of 10:00 a.m. and 5:30 p.m. unless otherwise specified for certain location(s). Sales shall be permitted from one week prior to Memorial Day until one week after Labor Day. Sale(s) are also permitted for a special event outside of that time period if approval is received in advance from the City of Brigantine.
7. Ice Cream Truck Operation shall be subject to the following terms and conditions:
  - a. Any person operating an ice cream truck shall be at least 18 years of age or older.
  - b. The decal mercantile license issued by the City of Brigantine must be affixed to the truck and visible at all times while selling ice cream.

- c. The applicant shall submit their fingerprints to the City of Brigantine Police Department. The State of New Jersey has contracted with a vendor, Sagem Morpho, Inc., which performs this service. The charge for the same shall be the sole responsibility of the applicant.
  - d. By submitting said fingerprints, any person authorizes the City of Brigantine and its police department and Sagem Morpho, Inc., to run a criminal background history and otherwise investigate each and every applicant to ensure they have not been convicted of a crime. No individual shall be authorized or permitted to sell ice cream on the beach in the City of Brigantine who has a criminal record.
- 8. The mercantile licensee shall be in violation of this chapter if any of the following occurs:
  - a. Any person operating an ice cream truck acts in an unprofessional, discourteous, intimidating, or offensive manner to a member of the general public.
  - b. Any person operating an ice cream truck pursuant to this chapter disregards or fails to obey any order or direction given to them by a member of the Brigantine Police Department, the Brigantine Beach Patrol, or any person acting on behalf of the City of Brigantine as an employee.
  - c. Any person operating an ice cream truck pursuant to this chapter commits, conducts, or demonstrates a state of moral turpitude.
  - d. Any person operating an ice cream truck pursuant to this chapter makes a false or misleading statement or otherwise gives incomplete or incorrect information during the application process.
  - e. Any person operating an ice cream truck pursuant to this chapter violates any of the conditions or requirements of this chapter.
  - f. Any person operating an ice cream truck pursuant to this chapter sells any product which is not authorized or sells authorized products.
  - g. Any person operating an ice cream truck pursuant to this chapter improperly disposes of debris, boxes, or otherwise causes trash or litter to be disbursed or accumulate on the beaches of the City of Brigantine.
- 9. All individuals operating an ice cream truck within the City of Brigantine are required to appear in a neat and clean manner. Must wear a shirt with sleeves and always represent a professional image.
- 10. All individuals operating an ice cream truck within the City of Brigantine must comply with all federal, state, and local laws, rules, regulations, and ordinances, including any requirements of the Atlantic County Department of Health or other health department with jurisdiction, and are subject, without notice, to inspection of its product and equipment at any time by

any state, county, or municipal official.

11. All vehicles used by any individual to sell ice cream within the City of Brigantine shall be maintained in a clean, neat, and sanitary manner. In addition, all such vehicles must comply with all applicable state regulations, including but not limited to being properly registered, insured, and in full compliance with motor vehicle and health and safety laws of the State of New Jersey.
12. Every person operating an ice cream truck within the City of Brigantine pursuant to this chapter must wear the photo identification badge issued by the City of Brigantine. Additionally, there must be a prominent display of a price list setting forth the price of the items being sold on the vehicle.
13. No restocking of ice cream product may occur on the street in the City of Brigantine. To restock any product, the vehicle must leave the street or street end. No restocking may occur which would require a truck or other vehicle to be parked illegally in any street or parking lot located within the City of Brigantine. Any building, freezer, or other structure used to store ice cream products which are to be sold pursuant to this chapter, if located within the boundaries of the City of Brigantine, must be in conformity with the requirements of the Municipal Land Use ordinance of the City of Brigantine and with all national building codes and subcodes adopted and in use within the City of Brigantine.
14. All individuals operating an ice cream truck shall sign an Indemnification and hold harmless agreement with the City of Brigantine indemnifying and holding harmless the City of Brigantine and any officials, employees or agents acting on its behalf from and against any and all losses, suits, cost, damages, claims, expenses, actions, liabilities or judgments whatsoever, including damage, personal injury or other damage or loss sustained or alleged to have been sustained in conjunction with the operation of the of ice cream truck within the City of Brigantine, such indemnification and hold harmless agreement shall include, but not be limited to, indemnification for any and all claims by any party for royalties, patent infringements, food poisoning, or any other injury, loss or damage which are in any way related to the sale of ice cream on the beach by the Mercantile licensee.
15. Any person violating any provision of this Ordinance shall, upon conviction of the same, be punished for each offense by a fine not to exceed \$1,250.00, by imprisonment for a term not exceeding 90 days in the County jail or by being ordered to perform community service not in excess of 90 days, or any combination thereof as determined by the Municipal Court Judge. In addition, if any person is convicted of violating this Ordinance, the City of Brigantine reserves the right to terminate the license issued and/or reserves the right to exclude said person from applying in any subsequent year.

**“C. Food Truck Operations**

Food trucks may be permitted for special events upon approval of a Special Event Permit obtained through the Administration Office.”

**ARTICLE II. Repealer, Severability, and Effective Date.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

INTRODUCTION: June 4, 2025

**ACTION ON INTRODUCTION:**

Motion made by: Councilman Kane  
Motion seconded by: Councilman Haney

**VOTE ON INTRODUCTION:**

Deputy Mayor Bew:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Councilman Lettieri:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Councilman Haney:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Councilman Virgilio	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Councilman Kane:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Councilman Riordan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Not Present
Mayor Sera:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Not Present

**ACTION ON ADOPTION (after public hearing)**

Motion made by: Councilman Lettieri  
Motion seconded by: Councilman Haney

**VOTE ON ADOPTION:**

Deputy Mayor Bew:

☒ Yes ☐ No ☐ Abstain ☐ Not Present

Councilman Lettieri:

☒ Yes ☐ No ☐ Abstain ☐ Not Present

Councilman Haney:

☒ Yes ☐ No ☐ Abstain ☐ Not Present

Councilman Virgilio

☒ Yes ☐ No ☐ Abstain ☐ Not Present

Councilman Kane:

☐ Yes ☐ No ☐ Abstain ☒ Not Present

Councilman Riordan:

☐ Yes ☐ No ☐ Abstain ☒ Not Present

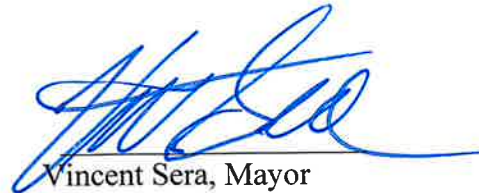
Mayor Sera:

☒ Yes ☐ No ☐ Abstain ☐ Not Present

ADOPTION: June 25, 2025

  
Christine Murray  
Acting City Clerk

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Vincent Sera, Mayor