

## FAQs

**Q. I want to sell or give food away at a festival, farmers market, or street fair. Do I need approval from the health department?**

A. If you *serve* food to the public, you are required by state law to have an approval from the local health department **prior** to operating. It does not matter if the food is sold or given away, you **must** have an approval. Be sure to reach out to the municipalities where you plan to vend to ensure that you are compliant with their requirements (sanitary, fire, etc.), as well.

**Q. What is a mobile food establishment?**

A. A Mobile food establishment is any movable restaurant, truck, van, trailer, cart, bicycle, watercraft, or other movable 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. A tabletop with a tent is a mobile food establishment. An ice cream cart with an umbrella is a mobile food establishment.

**Q. What is a temporary food establishment?**

A. A *temporary* food establishment operates for no more than 14 consecutive days in conjunction with a single event or celebration.

**Q. What is a seasonal food establishment?**

A. A seasonal food establishment operates during specific months of the year, usually weather related, as designated by the operator on the application.

**Q. How much does it cost to be approved as a mobile food vendor by the health department?**

A. Fees for application and inspection are dependent upon what county or jurisdiction your business is located. Contact the local health department where your servicing area is located for more information.

**Q. Can I be inspected without completing my application?**

A. If your documentation is incomplete, your unit is not operating as intended, or necessary equipment, supplies, and/or utensils are not provided, an inspection cannot be conducted.

**Q. What is a trading name?**

A. A trading name, trade name, or DBA (doing business as) is the name under which a business operates, which may be different from your company name. The name your customers will know your operation by is the trade name.

**Q. Who completes the Mobile Vendor Business Information section of the application?**

A. The owner of the truck, tabletop, trailer, etc. or their authorized agent must complete the Mobile Vendor Business Information, Type of Mobile Unit, Mobile Unit Operation Schedule and Description of Food Operation, Layout, Employee Health and Hygiene Policy sections of the application. The *contact person* is the person who is most knowledgeable about food operations.

**Q. Why am I required to list all equipment?**

A. Your Registered Environmental Health Specialist must evaluate if your equipment can support food safe operations in compliance with NJAC 8:24. Check ALL the equipment necessary for sanitation, personal hygiene, to prevent food contamination, and the growth of pathogens, and other equipment. You may write in items that are utilized but not listed in these sections. Ensure that you have all the necessary equipment to store clean water, dispose of wastewater, provide running water, properly clean hands and surfaces often, prohibit staff from touching ready to eat foods with

their bare hands, protect foods in storage, separate raw meats and eggs from ready to eat foods, and thermometers to monitor temperatures of food and units.

**Q. Why am I required to list all menu items and products?**

A. Your Registered Environmental Health Specialist must evaluate if your food is coming from an approved source, if the food you prepare matches the equipment available, if the food will be prepared following food safety principles, and if additional policies are required for higher risk foods in compliance with NJAC 8:24.

List all food & drink that you plan to serve and fill-in ALL boxes across the grid for that food item such as listed raw animal or plant ingredients, where the item was purchased and prepared, how the item is cooked, cooled, held hot, reheated and/or held cold. If you need additional forms, make copies or contact the health department for additional forms. \*

**Q. Why am I required to describe my operation schedule?**

A. List ALL physical vending locations/event information and the months/days/times you intend to serve food. Provide Names of Events, Days/Times operating at event & Event Contact Person Name/Phone#/Email. You must ensure that the application is as complete as possible. The more information you supply on the application, the better. However, if you want to add a location, event or make any other changes to your initial application, contact the local health department in the area of the vending location to obtain and complete an amendment form for the changes or added information. Any changes in your operation must be reported to the health department immediately. Also remember that each municipality within each county has separate and unique requirements; vending permits may also be required.

**Q. Can I operate without a servicing area?**

A. No, mobile food vendors are not permitted to operate without a servicing area. Mobile food vendors must have an agreement with approved servicing area with a current health department approval.

**Q. Can I use my home as a servicing area?**

A. No, use of a private residence as a servicing area is prohibited. You cannot store, prepare, or discard food at a private residence.

**Q. I cannot afford or otherwise get access to a servicing area. How can I start my food business?**

A. You cannot operate as a mobile food vendor without a servicing area. Consider entering the industry as a Cottage Food Operator. The New Jersey Department of Health has jurisdiction over cottage food operators. You can visit their [Cottage Food \(licensed through NJDOH\)](#) website or email [cfo@doh.nj.gov](mailto:cfo@doh.nj.gov).

**Q. Who completes the Servicing Area Business Information section of the application?**

A. The owner of the servicing area completes the Servicing Area Business Information, Foods, Services, and Mobile Vendor Schedule sections of the application. If the applicant owns the mobile food business *and* the servicing area they should complete all sections of the application.

**Q. What is a Servicing Area?**

A. A mobile food vendor must operate from an approved fixed/stationary retail food establishment or *Servicing Area*, also known as a commissary, incubator, or ghost kitchen.

**Q. Why do I have to provide the most recent inspection date of the servicing area?**

A. An application cannot be processed if the servicing area has not received a satisfactory evaluation within the past 12 months. The servicing area may not be capable of supporting food safe operations if it has received a satisfactory evaluation.

**Q. I operate a servicing area, why am I required to list all of the foods and services I provide to the mobile food vendor using my facility?**

A. Your Registered Environmental Health Specialist must evaluate whether your servicing area can meet the needs of the mobile food vendor's operation, as described in the application and observed at inspection. A servicing area may provide space for a mobile vendor to prepare food, store food (dry goods, grocery, cold foods in refrigerator), store utensils & equipment, wash, rinse, and sanitize, utensils and equipment in a three-compartment sink and/or dishwasher, dispose of trash, wastewater or grease, and park the mobile unit. Not all mobile food operations require the same services. Not all servicing areas provide the same services. You must exactly which equipment, storage, access to a sanitary sewer, access to electric, etc. you have agreed to provide as the mobile food vendor's base of operations. Check all boxes that pertain to the foods your business provides to the vendor.

**Q. I operate a servicing area, why am I required to list which days and times the mobile vendor report to my facility?**

A. Allowing outside businesses to use your facility presents unique challenges to ensuring your own operation or other operations in your facility's ability to protect public health are not compromised. Explain clearly how the mobile vendor will be utilizing your facility. You must indicate the days and times of the week when the vendor has access to your facility. In making these arrangements, consider when the mobile vendor can come into your facility without interrupting your retail food operations. Consider the vendors food & equipment storage needs, food prep time, and cleaning/sanitizing needs both during and at the end of their proposed workday. Many service area operators refer to their contract with the mobile vendor to complete this section of the application.

**Q. I operate a servicing area, why am I required to sign the Servicing Area Affidavit for the Mobile Food Vendor?**

A. Read this section carefully and sign that you understand your role in the mobile food operations and have provided correct information. The agreement between the mobile vendor & servicing area is part of the application approval and grants approval for specific days, times & location of food operations at the servicing area and vending locations. Both parties have the obligation to notify the health department when servicing area, vending locations, set-up, menu, staff or any other changes are made to the approved application. If you terminate your contract with a mobile food vendor, notify the health department.

**Q. What is a NJ Certificate of Authority (Sales Tax Registration)?**

A. NJ law requires anyone including all vendors, even seasonal businesses and "one-time" vendors, who makes retail sales and therefore conducts business in NJ to register with the State for tax purposes at least 15 business days before starting business and to collect NJ sales tax on all sales of taxable tangible personal property or services. There are no special provisions for temporary vendors. Once registered, you must file all required returns until you properly end your tax registration with NJ. To obtain a NJ Sales Tax ID#, you can register online or file a paper application. File Form NJ-REG (Business Registration Application) to register with the State and to obtain a NJ Tax ID #. For additional information on registering your business contact the NJ Dept of Taxation at 609-292-6400, email [nj.taxation@treas.state.nj.us](mailto:nj.taxation@treas.state.nj.us) or visit [www.state.nj.us/treasury/revenue/gettingregistered.shtml](http://www.state.nj.us/treasury/revenue/gettingregistered.shtml) Publications: <http://www.state.nj.us/treasury/taxation/pubsut.shtml>

**Q. How do I meet the requirement for license and registration?**

A. Copies are required for ALL operators of the mobile unit, regardless of what type of unit. This information is required in compliance with NJ Division of Motor Vehicle (NJDMV). The Vehicle Identification Number (VIN) that is inscribed on the vehicle must match the number located on the vehicle registration card.

**Q. How can I ensure I have a successful operational inspection?**

A. It is important to have receipts onsite for all food items that you buy to demonstrate that the food came from an approved source. Regularly monitor food temperatures and storage units using a thermometer. Ensure that you cook potentially hazardous food (containing raw animal or plant ingredients) to proper, maintain foods at refrigerated

temperatures of 41F or below or keep foods hot at 135F or above and separate raw meats and eggs from ready to eat foods while being stored to prevent cross contamination.

**Q. I don't speak English. Can I submit my application in another language?**

A. Include an English translation when necessary; please notify the local health department if you need help with translations.

**Q. What is a floor plan?**

A. Sketch/layout/photo diagram of your operation. Draw/print/photo of the arrangement of all equipment & food preparation areas. Include restroom.

**Q. What are Water Testing Records?**

A. NJ state certified laboratory results for water utilized for food operations.

**Q. What is an Employee Health and Hygiene Policy?**

A. Provide a copy of instructions prepared for employees for: proper hand washing procedures; duty reassessments or work restrictions of sick employee; designated smoking areas, prohibitions and/or procedures for returning from a smoke break; required work attire including things such as clean clothing or uniforms, aprons, hair nets, hats, etc and other applicable prohibitions or restrictions for things including jewelry, artificial nails, and nail polish.

**Q. What is a Servicing Area's last inspection report?**

A. Servicing Area's Last Inspection Report: Provide a copy of the last inspection report for the servicing area. This must be the full report, not just the placard. IF the servicing area is inspected by the same health department to which you are submitting the mobile food establishment application, no report is necessary.

**Q. What is a Food Protection Manager Certification?**

A. If you are classified as a Risk Type 3 food facility, one that prepares and serves Potentially Hazardous Foods (raw animal/plant products), serves a susceptible population or has a large menu which requires the complex preparation including cooking, cooling & reheating of 3 or more potentially hazardous foods, you must have at least one person in charge (PIC) of the facility operations to be certified as a Food Manager (CFM).

Please note, this Frequently Asked Question document is intended for informational purposes only and does not replace full review and compliance with NJAC 8:24.