

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2023-17**

AN ORDINANCE TO AMEND SECTION 4-1, ENTITLED “PEDDLING AND SOLICITING”, AND ADDING SECTION 4-12, TO BE ENTITLED “FOOD TRUCKS”, OF THE CODE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, STATE OF NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Sussex, in the County of Sussex and State of New Jersey, as follows:

SECTION 1. Subsection 4-1.1, entitled “License Required”, of Section 4-1, entitled “Peddling and Soliciting”, of Chapter 4, entitled “General Licensing” of the Code of the Borough of Sussex is amended to include paragraph (d) which shall read as follows:

d. This section shall not apply to food trucks. See Section 4-12.

SECTION 2. The Code of the Borough of Sussex is amended to add new Section 4-12, entitled “Food Trucks” to Chapter 4, entitled “General Licensing”, which shall read as follows:

§ 4-12 Food Trucks.

§ 4-12.1. Definitions

EVENT

A public gathering which is sponsored or cosponsored by the Borough.

EVENT LIMITATION

The limitation on the number of temporary retail food licenses that may be issued in connection with an event as determined by resolution of the Governing Body of the Borough.

FOOD TRUCK

A motor vehicle from which food and/or beverages are offered for retail sale at temporary locations.

FOOD TRUCK VENDOR

Any person or entity having ownership, control or authority over the operation of a food truck.

TEMPORARY RETAIL FOOD LICENSE

License issued by the Borough in accordance with this section.

§ 4-12.2. License required.

No food truck shall operate within the Borough without first having obtained a temporary retail food license. Such license shall be issued only in connection with an event as defined by this Section. Each license shall be good as to only one food truck and one event.

§ 4-12.3. Form of application.

- a. All applications for the issuance of a license shall be made to the Borough Clerk on forms prescribed by the Borough.
- b. Each application shall contain, along with any other information deemed necessary by the Borough, the following:
 1. Valid registration for food truck to be licensed.
 2. Proof of insurance for food truck to be licensed including automobile and public liability insurance. The required limitations of coverage shall be determined by the Borough.
 3. A copy of the food truck operator’s valid driver’s license.

4. Permanent street and mailing addresses of the food truck vendor and contact information where food truck vendor can be reached before, during and/or after an event.
5. Food handler's license.
6. Executed form of indemnification and hold harmless.
7. Full amount of the license fee set forth herein.
8. Community And Cultural Events Advisory Committee vendor fee.
9. Escrow fee to ensure proper clean-up.

§ 4-12.4. Fees.

- a. As a condition of issuance of each license issued for a food truck, the licensing fee shall be as set forth in Section 24-1.1(b).
- b. As a condition of issuance of each license issued for a food truck, there shall be an escrow fee of \$200 to ensure proper clean up of the location to be occupied by the food truck. The Borough shall use said funds to complete the cleanup of that location, if necessary; and any balance remaining shall be refunded to the food truck vendor.
- c. As a condition of issuance of each license issued for a food truck, there shall also be a \$20 vendor fee, which will be used by the Borough to assist with events and activities sponsored or overseen by the Community and Cultural Events Advisory Committee.

§ 4-12.5. Regulations and requirements.

- a. The maximum length of a food truck, including attachments, shall not exceed 40 feet in length and 15 feet in width.
- b. The food truck and equipment shall be kept clean and sanitary and be subject to inspection for health, fire and safety. Any violation found and not immediately corrected shall be grounds for automatic revocation of a temporary retail food license.
- c. Each food truck shall display a current temporary retail food license on the food truck and must be fully visible to the public.
- d. The food truck vendor shall provide garbage and recycling receptacles in readily accessible locations for the use of customers within five feet of the food truck. Receptacles shall be emptied as often as necessary to prevent overflow and spillage. Garbage and recycling receptacles shall be removed when the food truck leaves its assigned location.
- e. Upon leaving the food truck's assigned location, the area by the food truck shall be left clean with no litter, waste or garbage thereon. Disposal of waste in public trash receptacles is an unacceptable method of disposal.
- f. Grills, generators and other items used in connection with the food truck shall be physically attached thereto.
- g. No alcohol or cannabis product shall be sold or distributed from a food truck.

§ 4-12.6. Denial or revocation of license.

The Governing Body and the Administrator may each refuse to issue or may revoke any license if the food truck vendor:

- a. Is found to have violated the provisions of this section.
- b. Violates or does not fully comply with any provision of this section.
- c. Makes false answers in the application for a temporary retail food license.
- d. Operates a food truck which is unsafe or unsanitary.
- e. Does not provide proof to the Borough of a policy of insurance which meets the Borough's requirements and is in full force during the licensed period.
- f. Has failed to comply with any applicable laws and ordinances.

§ 4-12.7. Limitations imposed on licenses.

- a. With regard to each event, the Governing Body of the Borough shall determine the event limitation by resolution.

- b. With regard to each temporary retail food license, such license shall only be effective with regard to such specific location as shall be assigned by the Community and Cultural Events Advisory Committee or Administrator.
- c. Each temporary retail food license shall expire at midnight on the last day of the event for which the license is issued, or at such earlier time as may be determined in the sole discretion of the Governing Body of the Borough.

§ 4-12.8. Violations and penalties.

A violation of any provision of this section shall, upon conviction thereof, be punishable by a minimum fine of \$100 up to a maximum fine of \$2,000. Each and every violation shall be considered a separate violation.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey following the required 20-day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

Attest:

Antoinette Smith, Borough Clerk

Edward Meyer, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2023-17 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on June 8, 2023 and passed on first reading, and that such Ordinance was further considered for final passage and adoption at the regular meeting of the Mayor and Council held on July 11, 2023 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. and via the internet and after all persons present were given the opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force and effect according to law.

Antoinette Smith, RMC