

**BOROUGH OF SUSSEX
COUNTY OF SUSSEX
ORDINANCE NO. 2024-11**

AN ORDINANCE TO AMEND SECTION 4-13, 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 4-13.1, entitled “Definitions”, of Section 4-13, entitled “Food Trucks”, of Chapter 4, entitled “General Licensing” of the Code of the Borough of Sussex is amended to replace the definition of “Event” with the following:

EVENT

A gathering of people which:

- a. is advertised or open to the public and occurs all or partially outdoors on public or private property; or
- b. is not open to the public but constitutes a convention, concert, festival, show, commercial activity, educational activity, fund-raising activity or exhibition, and is attended by more than 20 persons in the aggregate.

SECTION 2. Subsection 4-13.1, entitled “Definitions”, of Section 4-13, entitled “Food Trucks”, of Chapter 4, entitled “General Licensing” of the Code of the Borough of Sussex is amended to delete the definition of “Event Limitation”.

SECTION 3. Subsection 4-13.2, entitled “License Required”, of Section 4-13, entitled “Food Trucks”, of Chapter 4, entitled “General Licensing” of the Code of the Borough of Sussex is amended to read as follows:

§ 4-13.2. License required.

- a. No food truck shall operate at an event within the Borough, or on any property owned or operated by Sussex Borough, without first having obtained a temporary retail food license.
- b. A temporary retail food license shall only be issued in connection with an event as defined herein.
- c. Each temporary retail food license shall be good as to only one food truck and one event.

SECTION 4. Subsection 4-13.3, entitled “Form of application”, of Section 4-13, entitled “Food Trucks”, of Chapter 4, entitled “General Licensing” of the Code of the Borough of Sussex is amended to read as follows:

§ 4-13.3. 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. Full amount of the license fee set forth herein.
 7. Community And Cultural Events Advisory Committee vendor fee.
- c. Each application for an event to be held on public property shall also contain:
 1. Executed form of indemnification and hold harmless.
 2. Escrow fee to ensure proper clean-up.

SECTION 5. Paragraph (b) of Subsection 4-13.4, entitled “Fees”, of Section 4-13, entitled “Food Trucks”, of Chapter 4, entitled “General Licensing” of the Code of the Borough of Sussex is amended to read as follows:

- b. As a condition of issuance of each license issued for a food truck on public property, 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.

SECTION 6. Subsection 4-13.7, entitled “Limitations on imposed licenses”, of Section 4-13, entitled “Food Trucks”, of Chapter 4, entitled “General Licensing” of the Code of the Borough of Sussex is amended to read as follows:

§ 4-13.7. Limitations imposed on licenses.

- a. Every application for a temporary retail food license shall be reviewed for approval by the Borough Administrator. In determining whether to grant or deny an application, the Borough Administrator may consider impact on public safety and convenience in terms of a planned event’s projected number of attendees, location, hours, vendors and other relevant factors and may require submission of additional information and documentation from the applicant in order to assist in making the determination.
- 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 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 discretion of the Clerk/Administrator.

SECTION 7. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

SECTION 8. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 9. This Ordinance shall take effect immediately upon final passage and publication according to law.

Attest:

Antoinette Smith, Borough Clerk

Robert Holowach, Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2024-11 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on June 18, 2024 and passed on first reading, and that such Ordinance was considered for final passage and adoption at the regular meeting of the Mayor and Council held on July 16, 2024 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. and via the internet and that at such time and place all persons interested were given an opportunity to be heard concerning said Ordinance.

Antoinette Smith, RMC