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**TOWN OF MORRISTOWN
ORDINANCE O-16-09**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "LICENSING AND BUSINESS REGULATIONS", SECTION 4-3 "ITINERANT RESTAURANT LICENSES" OF THE CODE OF THE TOWN OF MORRISTOWN TO PROVIDE FOR RESTRICTIONS ON CONDUCT, NOISE, LICENSE RESTRICTIONS AND HOURS OF OPERATION FOR ITINERANT PEDDLERS OF FOODSTUFFS IN THE TOWN OF MORRISTOWN

BE IT ORDAINED, by the Municipal Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 4, Licensing and Business Regulations, Section 4-3, Itinerant Restaurant Licenses, Sub-Section 4-3.1, Definitions, be and is hereby amended and supplemented to amend the definition and requirements for Vehicle as follows:

4-3.1 Definitions

Itinerant Restaurant Licenses - shall mean a license granted a peddler or solicitor who transports by vehicle or pushcart prepared food and/or food stuffs to be prepared or cooked prior to sale and beverages for sale in the Town. The food or beverage is to be sold to individual patrons while the vehicle or pushcart is stopped or parked.

Lunch Truck - shall mean a motorized vehicle with the ability to serve meals, including hot food stuffs, sandwiches and beverages.

Vehicle - shall mean and include wagons, carts, trailers, motor trucks, service dispensers or other types of conveyance, which shall contain all merchandise and equipment with the exception of one (1) chair for the exclusive use of the itinerant mobile restaurant operator. Such vehicle shall not exceed eight feet (8') in width and twenty-two feet (22') in length.

BE IT FURTHER ORDAINED, by the Municipal Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 4, Licensing and Business Regulations, Section 4-3, Itinerant Restaurant Licenses, Sub-Section 4-3.3, License Classes; Term; Number Restricted, be and is hereby amended and supplemented to amend the title to License Classes, Term; Number Restricted; Hours of Operation, and as follows:

4-3.3 License Classes; Term; Number Restricted; Hours of Operation

a. *Class of Licenses.* Licenses for Itinerant Restaurants shall be divided into the following classes:

1. Class 1: License for that area of Town known as "The Green," as extended to one hundred fifty (150) feet northerly from North Park Place, one hundred fifty (150) feet southerly from South Park Place and one hundred fifty (150) feet easterly from East Park Place.

2. Class 2: License within thirty (30) feet of or within the boundaries of the following specific areas of the Town: Abbett Avenue Playground, Burnham Park, Caldwell Avenue Playground, Lidgerwood Park, Speedwell Park and Speedwell Avenue at or near its intersection with Henry Street. The Mayor, or his/her designee, shall determine where, in each park, the licensee may be located, giving particular consideration to the safety of the patrons approaching the vendor.

3. Class 3: License for the sale of frozen dairy products and frozen snacks from a motorized vehicle. The licensee may sell in any zone, provided that no sale stops shall be for more than ten (10) minutes in any residential area or zone and thirty (30) minutes in any area or other zone.

4. Class 4: License for the sale of snacks and meals from a lunch truck. Licensees shall not be permitted to sell in any residential zone, and shall be limited to sale of food on private property, with the permission and invitation of the property owner. Licensees may sell food for as long as one (1) hour in the forenoon and one (1) hour in the afternoon of any twenty-four (24) hour period.

b. *Term of Licenses.* All licenses shall be annual and shall expire on June 1 of each year.

c. *Number of Licenses Restricted.* Licenses for itinerant restaurants shall be restricted to the following number of licenses:

1. Class 1: Five (5) licenses, no more than one (1) per person.
2. Class 2: Six (6) licenses, no more than one (1) per person.
3. Class 3: Four (4) licenses, no more than one (1) per person.
4. Class 4: There shall be no limit on the number of licenses issued.

d. *Hours of Operation.*

1. Class 1: 11:00 a.m. through 6:00 p.m.
2. Class 2: 11:00 a.m. through 6:00 p.m.
3. Class 3: 11:00 a.m. through dusk but not later than 8:00 p.m. (May 14th through and including September 16th)
Class 3: 11:00 a.m. through dusk but not later than 6:00 p.m. (September 16th through and including May 14th)
4. Class 4 Per Section 4-3.3(a)(4) hereinabove; one hour in the forenoon and one hour in the afternoon of any twenty-four (24) hour period.

BE IT FURTHER ORDAINED, by the Municipal Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that Chapter 4, Licensing and Business Regulations, Section 4-3, Itinerant Restaurant Licenses, Sub-Section 4-3.10, Conduct and Use Regulations, be and is hereby deleted in its entirety and replaced with a new Sub-Section 4-3.10, Conduct and Use Regulations to provide additional regulations for parking, recycling, signs, insurance and noise restrictions as follows:

4.3.10. Conduct and Use Regulations.

Whenever a mobile vehicle is used in the dispensation of food, it shall comply with the following regulations:

a. *Minimum Age of Food Handler.* Each itinerant mobile restaurant vehicle shall be attended at all times by a certified food handler of the age of eighteen (18) years or over.

b. *Dust Guards.* Each itinerant mobile restaurant vehicle in which food handling is exposed to the outdoor elements shall contain a dust guard enclosing the food preparation area.

c. *Trash and Recycling Receptacles Required.* Each itinerant mobile restaurant vehicle shall contain a trash disposal receptacle. Itinerant mobile restaurant operators must provide for the disposal of recycling cans and/or bottles. Itinerant mobile restaurant operators are not to use public receptacles for garbage attributable to that operator's business.

d. *Cleaning Area of Litter Required.* Before leaving any location, the operator of each itinerant mobile restaurant vehicle shall be responsible for policing of any trash or garbage caused by the use of the itinerant restaurant at that location.

e. *Parking Restrictions.*

1. When parked on a time regulated public street, an itinerant mobile restaurant vehicle operators must obey all existing parking ordinances.
2. Vehicles moved or parked on public streets in connection with an itinerant mobile restaurant operator's business must comply with all State and motor vehicle laws.
3. No vehicle shall violate any traffic parking law, ordinance or regulation, or operate in such a manner as to restrict the continued maintenance of a clear passageway for vehicles. An itinerant mobile restaurant vehicle shall not be parked closer than fifty (50) feet from the curblineline of any intersection, fire hydrant or crosswalk, nor shall it be parked within one thousand (1,000) feet from any property line of any public or private school. All vehicles for Itinerant Restaurants for Class 3 shall be parked at curbside only and may not be parked in any parking lot, driveway or lawn in a residential area.

4. No vehicle shall idle its engines for more than three (3) minutes at any one time.

f. *Dispensing to Vehicles in Right-of-Way Prohibited.* No holder of any itinerant mobile restaurant license, of whatsoever class, shall dispense any foodstuff or product to the occupant of any motor vehicle at any time said vehicle is parked, stopped or standing within any public right-of-way, i.e., only pedestrian customers are to be served.

g. *Display of License Required.* All licenses shall be posted in a conspicuous place on the licensed vehicle.

h. *Noise Restrictions.* No mobile vendor, solicitor, Itinerant Restaurant licensee, nor any person acting on his/her behalf, shall be permitted to shout, cry out, blow a horn, or use any sound device, including, but not limited to, any loud-speaking radio or sound-amplifying system, upon any of the streets, alleys, parks or other public or private places in the Town to call attention to their merchandise. Notwithstanding the noise prohibitions contained hereinabove to the contrary, a mobile vendor, solicitor, or Itinerant Restaurant licensee shall be permitted to ring a bell(s) to call attention to their merchandise while the vehicle is in motion. Such Bell ringing must cease when the vehicle is parked, stopped or standing in the public right-of-way.

i. *No Signs or Displays.* No signs or other displays or apparatus are to be erected or displayed without the prior written approval of the Fire Official and Zoning Officer, except for signs on vehicles that stipulate prices on food offered.

j. *Temporary Utility Hook-Ups.* Itinerant mobile restaurant operators are prohibited from the use of temporary public utility hook-ups without the prior written approval of the Construction Official.

k. *No Maintenance.* No commercial vehicle or itinerant restaurant vehicle maintenance service, repairs or vehicle washing may be performed by or on behalf of any mobile vendor, solicitor, Itinerant Restaurant licensee or itinerant mobile restaurant operator in any residential area or zone district, except for emergency maintenance, service or repairs.

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ATTEST:

ADOPTED: