

**CITY OF HACKENSACK
ORDINANCE NO. 11-2024**

**AN ORDINANCE AMENDING CHAPTER 90 OF THE
CODE OF THE CITY OF HACKENSACK, “FOOD AND
DRINK,” TO ALLOW FOR THE SALE OF FRESHLY
PREPARED ICE CREAM AND OTHER FROZEN
DESSERTS BY LICENSED ICE CREAM PEDDLERS**

WHEREAS, Chapter 90 of the Code of the City of Hackensack (“City Code”), in Article IV, addresses licensing and regulations for ice cream peddlers; and,

WHEREAS, under Chapter 90 of the City Code, currently ice cream peddlers are only permitted to sell ice cream and related products in sealed containers; and,

WHEREAS, the City Council is aware that the sale of freshly prepared ice cream and similar frozen desserts by ice cream peddlers is now a commonplace practice throughout New Jersey and believes that provided all required health and safety regulations are followed, allowing such sales will of benefit to Hackensack residents, visitors and families.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKENSACK, as follows:

Section 1:

Chapter 90, Section 25 of the City Code is amended as follows (additions by underline, deletions by ~~strikethrough~~):

Article IV Ice Cream Peddlers

§ 90-25 Regulations and Restrictions.

- A. It shall be unlawful for anyone engaged in the business of peddling ice cream, ice cream products, water ices or frozen confectionary products from vehicles to misrepresent the character or the quality of the merchandise offered for sale or to importune or otherwise annoy any person or persons for the purpose of effecting a sale.
- B. All ice cream, ice cream products, water ices and such frozen confectionary products which shall be sold or offered for sale from such vehicle shall comply with all laws and local ordinances relating to food and food products.
- C. Except as set forth herein, All all ice cream, ice cream products, water ices and such frozen confectionary products shall be sold or offered for sale only in sealed containers, and the filling of individual containers with ice cream, ice cream products, water ices or such frozen confectionary products in or from any such vehicle from the street or highway or any other public place is hereby prohibited. However, if a “peddler” as defined in this article has received the required license from the New Jersey Department

of Health, and is in full compliance with all applicable regulations set forth in Title 8 of New Jersey Administrative Code along with all applicable provisions of the Code of the City of Hackensack, said peddler may sell and dispense ice cream and/or other frozen desserts, even if not in a sealed container, to the extent and in the manner authorized by such license. Proof of such license shall be submitted as part of the application required by this article in order to sell ice cream and/or other frozen desserts if not in a sealed container.

- D. It shall be unlawful for any person engaged in the business of selling or offering to sell ice cream, ice cream products, water ices or such frozen confectionary products to park any vehicle within the lines of any public street, road or other public place for the purpose of engaging in such business for a period longer than 15 minutes. No such vehicle used for conducting the business aforesaid shall be parked within 500 feet of any public or private school one hour before the opening of school or one hour after the closing of school, nor shall any such vehicle be parked within 500 feet of any public or private event where food or refreshments are sold during the time the event occurs.

Section 2:

Repeal of Inconsistent Provisions. All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 3:

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4:

Codification. This Ordinance shall be a part of the Code of the City of Hackensack as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The City Clerk and the City Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hackensack in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Section 5:

This Ordinance shall take effect upon passage, adoption, and publication in the manner prescribed by law.

Introduced: March 5, 2024
Adopted: March 19, 2024

ATTEST:

By: _____
Deborah Karlsson, City Clerk

CITY OF HACKENSACK

By: _____
John P. Labrosse Jr., Mayor