

23-16
THE TOWNSHIP OF SPARTA
AMENDING CHAPTER 11-2 “RETAIL FOOD ESTABLISHMENT CODE” OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

Section 1.

Chapter 11-2.2 “Definitions” of the Revised General Ordinances of the Township of Sparta is hereby deleted in its entirety and replaced with the following:

§ 11-2.2 Definitions.

CHAPTER 24

As referred to in this chapter shall be an abbreviated term referring to Chapter 24 of the State Sanitary Code, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, and Cottage Food Operations (N.J.A.C. 8:24-1.1 et seq.).

CHAPTER 24, SANITATION IN RETAIL FOOD ESTABLISHMENTS AND FOOD AND BEVERAGE VENDING MACHINES, AND COTTAGE FOOD OPERATIONS

Shall mean and refer to that certain code approved by the State Department of Health (effective date November 17, 2021); for adoption by reference in accordance with law, being a code regulating retail food handling establishments, and food and beverage vending machines and providing for the inspection of such establishments and vending machines.

Section 2.

Chapter 11-2.3 “Adoption of Chapter XII, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines” is hereby deleted in its entirety and replaced with the following:

§ 11-2.3 Adoption of Standards.

Chapter 24 of the New Jersey State Sanitary Code regulating the construction, operation and maintenance of retail food establishments is hereby adopted pursuant to N.J.S.A. 26:3-69.1 to 26:3-69.6. A copy of Chapter 24 is adopted by reference, and made a part hereof without the inclusion of the text herein, and three copies of Chapter 24 will remain on file with the Sparta Township Board of Health for use and examination by the public.

Section 3.

Chapter 11-2 “Retail Food Establishment Code” of the Revised General Ordinances of the Township of Sparta is hereby amended to add new subsection 11-10 “Mobile Food and Drink Vendors” as follows:

§ 11-10 Mobile Food and Drink Vendors.

§ 11-10.1 Title.

This section shall be known and may be cited as “Mobile Food and Drink Vendors”

§ 11-10.2 Definitions.

Except as otherwise modified by this Ordinance, the Definitions within Chapter 24 shall apply.

MOBILE FOOD VENDOR

Shall mean the operator of any mobile unit.

MOBILE UNIT

Shall mean any movable restaurant, truck, van or trailer in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations. Specifically excluded from the requirements of this Chapter and, for the purposes of this Chapter, shall not be considered a Mobile Food Vendor, is a vendor exclusively selling ice cream.

§ 11-10.3 Class IV License Required.

a. Except as may otherwise be provided for within this Ordinance, no Person shall conduct, operate or maintain a Mobile Unit within Sparta Township without first obtaining a CLASS IV license (as defined in §11-2.4(c)) (“License”) from the Sparta Township Clerk’s Office.

- (i) For events open to the public, Mobile Food Vendors must first obtain a License for each Mobile Unit to be operated at the event(s). These Licenses shall be event specific and the applicant must specify the date(s) and events.
- (ii) A retail food establishment that desires to use Mobile Unit(s) at its place of business must obtain a License for each Mobile that will be used at its business location.

Licenses may be applied for annually specifying the date(s) of operation or events, as applicable, or may be applied for individually for use on specific dates or events, as applicable. Applications must be filed with the Township Clerk’s Office at least ten (10) business days prior to the date of the use or event. Sparta Township shall maintain a list of Mobile Unit Licenses issued by the Township.

b. Mobile Food Vendors shall affix to the Mobile Unit a copy of the License issued by Sparta Township, County Board of Health license or approval, the certificate of registration issued by the New Jersey Division of Taxation and shall have displayed prominently on or adjacent to the doors of the mobile unit a placard or lettering with the name and address of the owner, lessee and/or lessor of the Mobile Unit. Said information shall be in letters and numbers no less than three inches in height in accordance with N.J.S.A. 39:4-46.

c. A Township License is not required for a single event where only one Mobile Unit Truck is present.

§ 11-10.4 Application Process.

a. All applicants or licensees attempting to apply for a License must complete an application/reapplication form prescribed by Sparta Township, pay the license fee prescribed in §11-2.7 and provide proof of the following:

- 1. Proof of ownership or rental of an approved Mobile Unit;
- 2. Proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage for non-motorized mobile units;
- 3. Proof of motor vehicle insurance as per N.J.S.A. § 39:6B-1 if the mobile food vendor operates from a motor vehicle in addition to proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage;
- 4. A satisfactory inspection report issued by the Sussex County Health Department no more than 30 days prior to a license being issued or renewed.
- 5. Obtain all other local, state and federal permits, licenses and approvals, including but not limited to approval from the Sussex County Fire Marshal and Sparta Township zoning and land use approvals, if applicable.’
- 6. If the Mobile Unit will be used at a public event, the Mobile Food Vendor must have written or electronically/digitally (e-mail or online form) transmitted

permission from the property owner and the event organizer. If there will be two (2) or more Mobile Food Vendors at the public event, the vendor must also have written or electronically/digitally transmitted permission from the Township.

A Mobile Food Vendor seeking to obtain Township permission for a public event shall submit the request to the Township Clerk at least ten (10) business days in advance. The request for permission shall include:

- i. The date of the event.
- ii. The location of the event.
- iii. Time of the event.
- iv. Parking location for patrons of the event.
- vi. Proposed location for the Mobile Unit(s).

§ 11-10.5 Mobile Food Vendor Locations

- a. Parked on private property to serve their own guests at a private event, including events sponsored, organized and/or conducted by a business: Township License is not required.
- b. Parked on private property to serve the public for a specific public event on a specific date: Township License is required.
- c. Parked on public property for a public event on a specific date: Township License is required if there shall be two (2) or more Mobile Food Vendors at the event.
- d. Parked on public property to serve the public in general:
 - i. This will be limited to White Lake Field and Station Park.
 - ii. The designated areas of operation within those parks will be determined by the Township Manager or designee.
 - iii. The Township Manager may set a limit on the number of Mobile Food Vendors who may operate in the location at the same time.
 - iv. The Mobile Food Vendor must have a Township License specifying the date(s) that it will be operating at the location.
- e. Retail food establishments. A Retail food establishment (as defined in Chapter 24) may use a Mobile Unit at its business location, provided that it has a Township License.

11-10.6 General Operational Requirements for Mobile Food Vendors.

- a. Mobile Food Vendors shall provide trash and recycling receptacles within ten (10) feet of their site and shall collect all trash and debris within 25 feet before leaving their site. Collected trash shall be properly disposed of by the Mobile Food Vendor, and must not be deposited in public trash receptacles.
- b. New or replacement Mobile Units shall be inspected before operating. No changes shall be made to approved Mobile Unit trucks, vans, pushcarts or vehicles without re- inspection by the Sussex County Health Department.
- c. No Mobile Food Vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.
- d. No Mobile Food Vendor shall occupy street space blocking the passage of traffic.
- e. Mobile Units shall be self-contained; no coolers to be placed on streets or sidewalks.
- f. No Mobile Food Vendor shall provide dining services inside the mobile unit or on sidewalk tables and chairs.
- g. Grills, generators, or other items related to the mobile food vending operation shall be physically attached to the mobile unit.

- h.** All motorized vehicles must abide by all existing traffic and parking regulations.
- i.** Mobile Units shall apply to and be inspected by the Sparta Township Fire Marshall as required by applicable ordinance, statutes, codes and regulations.
- j.** Obtain all other local, state and federal permits, licenses and approvals, including but not limited to approval from the Sussex County Fire Marshal and Sparta Township zoning and land use approvals, if applicable.
- k.** If the Mobile Food Vendor is legally parked on a public road, the concession window must face away from the public road.
- l.** If attending a public event, the time of operation is limited to the duration of the event with additional, reasonable time for setup before the event and cleanup after the event.

Section 4. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer

All Ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 6. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on September 12, 2023. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on September 26, 2023 at 7:00 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk’s office in the Municipal Building to members of the general public.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA

ROXANNE LANDY, RMC

MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on September 12, 2023. The same came up for final passage and adoption at a virtual meeting of the Township Council of the Township of Sparta, held on September 26, 2023 at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK