

TOWNSHIP OF FRANKFORD  
SUSSEX COUNTY, NEW JERSEY

REVISED ORDINANCE 2024-004

AN ORDINANCE TO ESTABLISH A NEW CHAPTER <sup>4</sup>15 OF THE CODE OF THE TOWNSHIP OF  
FRANKFORD ENTITLED "MOBILE RETAIL VENDORS"

BE IT ORDAINED by the Township Committee of the Township of Frankford, County of Sussex, State of New Jersey, that the Code of the Township of Frankford is hereby amended to add a new Chapter <sup>4</sup>15 entitled "Mobile Retail Vendors" as follows:

Section 1

<sup>4</sup>CHAPTER 15  
MOBILE RETAIL VENDORS

<sup>4</sup>§15-1 Scope.

The provision of this chapter shall apply to mobile operations engaged in the business of, preparing, distributing and/or gifting food, beverage, or any other items from mobile retail vendors on public or private property within the Township of Frankford.

<sup>4</sup>§15-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**MOBILE RETAIL VENDOR**

Any movable restaurant or retail establishment in or on which food, beverages or other items are transported, stored, or prepared for retail sale or gifting. The term "mobile retail vendor" shall include the following:

- A. **MOBILE RETAIL MOTORIZED VENDOR** — An establishment that is located upon a licensed, registered, motorized vehicle from which any food, beverage, grocery item or snacks, including but not limited to, candy, gum soda, stickers, lighters, T-shirts, and bottled water is cooked, prepared, served or otherwise offered for sale or for gifting to the public.
- B. **MOBILE RETAIL NONMOTORIZED VENDOR** — Movable, nonmotorized unit (e.g., pushcart) from which any beverage grocery item or snacks, including but not limited to candy, gum soda, lighters, stickers, T-shirts, and bottled water is cooked, prepared,

served or otherwise offered for sale or gifting to the public.

<sup>4</sup>  
**§15-3 License.**

- A. All mobile retail vendors operating within the Township of Frankford on public or private property shall be required to have a mobile retail license issued by the Township of Frankford.
- B. A mobile retail vendor license and/or permit shall not be sold, or in any manner transferred to any other entity or individual, absent the express written consent of the Township of Frankford.
- C. All applicants for a license shall submit the following documentation:
1. Certificate of registration issued by the N.J. Division of Taxation;
  2. Proof of ownership or rental of an approved vehicle or pushcart;
  3. Proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage for non-motorized mobile vendor vehicles;
  4. Proof of motor vehicle insurance as per N.J.S.A. § 39:6B-1 if the mobile 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;
  5. A type 2 propane permit if the vehicle or pushcart is carrying more than five (5) pounds of propane;
  6. Completed Township "Property Owner Form of Consent";
  7. Copy of Sussex County Department of Health Permit;
  8. Frankford Township Board of Health temporary retail food/sales permit.

<sup>4</sup>  
**§15-4 License fees and parking permits.**

- A. Mobile retail motorized vendor business license. The application fee for a license or any renewal of a license shall be \$50. The license shall be valid only for the year in which it is issued.
- B. Mobile vendor licensees shall be required to display the mobile retail vendor license/permit prominently in a location visible to customers and public at large.

<sup>4</sup>/~~15~~ §15-5 Hours of operation.

- A. In concurrence with Frankford Township code § 3-1.4, mobile retail vendors may operate seven days a week, Sunday through Saturday, between the hours of 7 a.m. until 10 p.m.

<sup>4</sup>/~~15~~ §15-6 Enforcement.

- A. Unless otherwise specified herein, this chapter shall be enforced by any Code or Zoning Enforcement Officer of the Township of Frankford.
- B. Any license issued under the terms and provisions of this chapter may be suspended or revoked by the Township Committee of the Township of Frankford whenever it shall appear that the licensee is operating the mobile concession in violation of any aspect of the Frankford code. Also, if the vendor is operating in a disorderly or improper manner, including, but not limited to, operating in an unsanitary manner, generating excess noise, generating trash and debris, or in any other fashion that would constitute a nuisance. A licensee shall be served with notice of any intent to revoke a license and shall have the opportunity to have a hearing before the Mayor and Township Committee, upon written request.

<sup>4</sup>/~~15~~ §15-7 Supplemental regulations.

- A. Mobile retail vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.
- B. The Town reserves the right to temporarily move any mobile retail food vendor to a nearby location for emergency purposes as determined in the sole discretion of the Town.
- C. The sale or gifting of any product other than food and drinks shall be expressly prohibited. This shall include, but shall not be limited to, the sale of cigarettes or any form of electronic smoking device, alcoholic beverages, marijuana, edibles and vapes.
- D. Mobile vendors shall provide trash and recycling receptacles within ten (10) feet of their site and shall collect all trash and debris within twenty-five (25) feet before leaving their site. Collected trash must be removed by the vendor daily and not be deposited in public trash receptacles.
- E. No mobile vendors shall occupy the street and the sidewalk at the same time, i.e. park a motorized vehicle in the street and dispense items from the sidewalk or set up a pushcart on the sidewalk and dispense items in the street.

- F. No mobile vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.
- G. No mobile vendors shall occupy street space blocking the passage of traffic.
- H. Mobile vendors vehicle and pushcarts shall be self-contained; no coolers or exterior signage to be placed on streets, sidewalks, or adjacent areas to vendor.
- I. Grills, generators, or other items related to the mobile vending operation shall be physically attached to the vehicle or pushcart.
- J. Mobile vendors must have a portable water tank/sink for hand washing attached to their vehicle as per N.J.A.C. 8:24-5.3.
- K. All motorized vehicles must abide by all existing traffic regulations.
- L. No mobile vendors shall operate in any area where parking of motor vehicles is prohibited, restricted or regulated. Such areas shall include, but not be limited to, sidewalks, bus stops, taxi stands, fire hydrants, parking metered areas, loading zones, areas where parking is prohibited, such as from the corner of an intersection as indicated by curb markings, areas reserved for physically handicapped motor vehicle operators, crosswalks, driveways and any other areas so restricted, prohibited or regulated for the parking of motor vehicles.

<sup>4</sup>  
~~15~~-8 **Violations and penalties.**

- A. The license of a person who violates any provision of this Chapter or the applicable provisions of Chapter 24 of the State Sanitary Code, may be revoked or suspended upon 3 business days notice served upon the licensee. Said notice shall contain the specific provision of this Chapter or of the State Sanitary Code which has been violated and the specifications which shall constitute the violation. Suspensions/revocations for non-health related reasons may be appealed to the Township Committee. Suspensions, revocations for sanitary/health reasons may be appealed to the Frankford Township Board or Health or its designee. Any licensee of a mobile vendor whose license has been revoked shall not be qualified to receive a new license or have said license restored to said person.
- B. In addition to license suspension or revocation, any person violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding \$5,000, the amount of such fine shall be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this chapter may subject the license to suspension or revocation as provided for herein.

- II. **Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.
- III. **Repealer.** All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.
- IV. **Effective Date.** This Ordinance shall take effect after final passage, adoption and publication according to law.

**TOWNSHIP OF FRANKFORD  
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE 2024-004**

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FRANKFORD ENTITLED "MOBILE RETAIL VENDORS"**

**NOTICE OF INTRODUCTION**

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a meeting of the Committee of the Township of Frankford held on February 13, 2024 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on February 27, 2024 at 6:00 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 151 US Highway 206, Augusta, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

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Lori Nienstedt, MBA, RMC,  
Municipal Clerk

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SUSSEX COUNTY, NEW JERSEY**

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**NOTICE OF ADOPTION**

Notice is hereby given that the foregoing Ordinance was adopted on second reading after a public hearing at a Workshop Meeting of the Mayor and Committee of the Township of Frankford, County of Sussex, State of New Jersey, held on February 27, 2024.

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Lori Nienstedt, MBA, RMC,  
Municipal Clerk



Frankford Clerk <clerk@frankfordtwp-nj.com>

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**Placement of Ord. No. 2024-04 - please review GC:022800746**

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**Kevin Benbrook** <kbenbrook@benbrooklaw.com>  
To: Frankford Clerk <clerk@frankfordtwp-nj.com>  
Cc: Sheree' Ferraro <sferraro@benbrooklaw.com>

Tue, Mar 19, 2024 at 11:26 AM

That works

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