

**ORDINANCE NO. 14-11**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 243 OF THE CODE OF THE TOWNSHIP ENTITLED SOLICITORS, CANVASSERS AND ITINERANT VENDORS WITH THE CREATION OF A NEW ARTICLE III ENTITLED “ITINERANT MOBILE RETAIL FOOD ESTABLISHMENTS”**

**WHEREAS**, the Township has an intense concern for the safety of children; and

**WHEREAS**, Itinerant mobile retail food vendors such as ice cream vendors, regularly interface with children of very young ages; and

**WHEREAS**, the Township Committee believes that it needs to take precautionary measures to protect children from a vendor who may be a child predator and therefore, the Township must take specific precautionary steps to protect the children of the Township.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

**Section 1.** Chapter 243 of the Code of the Township entitled Solicitors, Canvassers and Itinerant Vendors is hereby amended and supplemented with the establishment of a new Article III to be entitled “Itinerant Mobile Retail Food Establishments” with the inclusion of the following provisions:

§ 243-19. Definition. - As used in this Section, itinerant mobile retail food establishments shall mean any movable restaurant, truck, van, trailer, cart, bicycle, watercraft, or other movable unit including hand carried, portable containers in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations as described in Section 243-20. below.

§ 243-20. Permits Required. – No person shall prepare, sell, expose for sale or dispense any ice cream, ice cream products, water ices, frozen water products or any food cooked or uncooked, or any drinks or beverages for immediate consumption on any street, sidewalk, road, alley, vacant lot, school yard, church yard or outside areas in any of the Township’s parks and recreational areas from an itinerant mobile retail food vendor unless such person complies in full with the permit and licensing requirements described in this Article and as set forth in Chapter 318 of the Code of the Township entitled Retail Food-Handling Establishments.

§ 243-21. Fingerprinting and Criminal Background Check Required. - All mobile retail itinerant food vendors, and those specifically catering to children, shall be subject to the requirement of being fingerprinted and a criminal background check performed by the Police Department specifically to identify any proclivity by a prospective vendor to endanger a child.

§ 243-22. Review of Background Check by Chief of Police; Issuance of Permit. - No person shall be issued an itinerant retail mobile food vendor permit by the Health Department pursuant to the Health Department’s regulations as set forth in Chapter 318 of the Township’s Code until the Chief of Police has first reviewed the criminal background check and determined that a prospective vendor does not have anything in his/her background that would indicate an inclination or tendency to molest or endanger children. The Chief of Police shall notify the Township’s Health Department in writing that an itinerant mobile retail food vendor has been approved to obtain a permit.

§ 243-23. Non-Transference of Permit. No permit issued by the Health Department to an itinerant mobile retail food vendor shall be transferable.

§ 243-24. Revocation of Permit. Any permit issued by the Health Department to a mobile retail food vendor may be revoked by the Chief of Police if, subsequent to the issuance of the permit, additional information comes to the attention of the Police Department which would indicate that the vendor could pose a threat to the health, safety and welfare of children.

§ 243-25. Enforcement. This Article shall be enforced by the Police Department.

§ 243-26. Violations and Penalties. Any person, operator, firm or corporation violating any of the provisions of this Article shall be subject to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 90 days or both. Each and every violation of this Article, or each and every day that a violation continues shall be construed as a separate and distinct violation hereof. The Police Department is specifically designated as the enforcement officers to serve and execute process for violations of this Article.

**Section 2.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 3.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**Section 4.** This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATE OF INTRODUCTION: April 14, 2011

DATE OF ADOPTION: April 28, 2011

## **NOTICE OF INTRODUCTION**

**NOTICE IS HEREBY GIVEN,** That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 14<sup>th</sup> day of April, 2011, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 28<sup>th</sup> day of April, 2011, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATED: April 21, 2011