

ORDINANCE NO. 6-2016

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

AN ORDINANCE AMENDING CHAPTER IV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ROSELAND ENTITLED "LICENSING AND BUSINESS REGULATIONS"; AND CHAPTER BH:VIII OF THE REVISED GENERAL ORDINANCES OF THE BOARD OF HEALTH OF THE BOROUGH OF ROSELAND ENTITLED "RETAIL FOOD ESTABLISHMENTS AND FOOD AND BEVERAGE VENDING MACHINES"

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter IV of the Revised General Ordinances of the Borough of Roseland "Licensing and Business Regulations" to delete redundant provisions; and

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter IV of the Revised General Ordinances of the Borough of Roseland "Licensing and Business Regulations" in order to increase the license fee, reduce the duration of licenses, and restrict the hours of solicitation; and

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter IV of the Revised General Ordinances of the Borough of Roseland "Licensing and Business Regulations" to eliminate the requirement to issue a badge; and

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Section BH:8-6 of the Revised General Ordinances of the Board of Health of the Borough of Roseland "Mobile Restaurants" to require issuance of a Solicitation License as a prerequisite for Mobile Food Vendors to apply for a Retail Food Establishment License from the Board of Health.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Roseland that Chapter IV of the Revised General Ordinances of the Borough of Roseland "Licensing and Business Regulations" and Section BH:8-6 of the Revised General Ordinances of the Board of Health of the Borough of Roseland "Mobile Restaurants" shall be amended as follows:

SECTION I

That Section 4-2 "Itinerant and Transient Vendors" and Section 4-3 "Peddlers and Hawkers" of Chapter IV be deleted in their entirety.

SECTION II

That Section 4-17.6 "License Application Fee", Section 4-17.7 "Time Restrictions", Section 4-17.8 "Carrying and Displaying of Badge", and Section 4-17.9 "Code of Conduct" of Chapter IV shall be amended as to add the following **thus** and delete the following **thus**:

4-17 COMMERCIAL SOLICITATION.

4-17.6 License **Application Fee, Duration of License.**

The license fee payable under this section shall be provided in subsection 4-2.4, Fees, for each license and shall be paid at the time the application is submitted. The license fee is nonrefundable. A license application fee of one hundred dollars (\$100.00) per person, per license, must be submitted at the time of application. The fee is non-refundable whether the license is approved or denied.

a. Duration of License. Other than licenses issued to Mobile Food Vendors, all Solicitation Licenses shall expire at the end of three (3) months following the date of issuance.

b. Mobile Food Vendors. All Solicitation licenses issued to Mobile Food Vendors shall expire at midnight on December 31st of the calendar year in which the license was issued, or upon expiration, revocation, or suspension of the vendor's Retail Food Establishment License.

4-17.7 Time Restrictions.

Solicitation shall take place within the Borough only ~~between the~~ during daylight hours but no earlier than 10:00 a.m. and no later than 7:30 p.m. on Mondays through Saturdays. Solicitation shall be prohibited on Sundays.

a. Exception: Mobile food vendors with a valid Solicitation License and a valid Retail Food Establishment License issued by the Board of Health may operate at any locations on public or private property which mobile retail food vending equipment occupies or where the mobile retail food vendor conducts business in any manner for a total cumulative time period of no more than one hour in any twenty-four-hour period, commencing at 12:00 midnight. Any interruption or removal of equipment and/or of the vendor during any twenty-four-hour period shall not constitute the commencement of a new one hour period.

4-17.8 Carrying and Displaying of **Badge License**.

Each individual and/or member of any organization permitted to conduct solicitations shall ~~attach and display, on the front outer layer of his/her clothing, a badge to be supplied by the Borough~~ carry the approved license at all times and will present same upon request. The ~~badges shall be lettered and delivered~~ license shall be prepared by the Clerk and shall be uniform in style and design. The following information shall be printed on the ~~badge license~~:

- a. Name of the solicitor;
- b. Name and address of the organization on whose behalf the solicitation is made. The municipal and state address of the organization shall be the most conspicuous writing on the ~~badge license~~ and shall be at least twice as large as any other printed matter contained on the ~~badge license~~;
- c. Expiration date of the license;
- d. A statement that the Borough of Roseland has licensed the solicitation but neither approves nor disapproves of the organization and/or its activities.
- e. Photograph of solicitor. The applicant shall provide the clerk with a current 2" x 2" color photograph of each licensee for inclusion on the license.

4-17.9 Code of Conduct.

b. He/she shall ~~display his/her badge in a visible manner~~ carry the license at all times and will present same upon request as described in subsection 4-17.8.

SECTION III

That Section BH:8-6 "Mobile Restaurants" of Chapter BH:VIII1 shall be amended as to add the following ~~thus~~ and delete the following ~~thus~~:

BH:8-6 MOBILE RESTAURANTS.

- c. All mobile food applicants shall ~~apply~~ obtain and be approved for a ~~peddlers/solicitors permit~~ Solicitation License from the Roseland ~~Police Department Borough Clerk~~ prior to the Board of Health's Departments approval.

SECTION IV

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION V

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VI

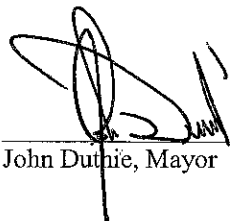
This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: April 5, 2016

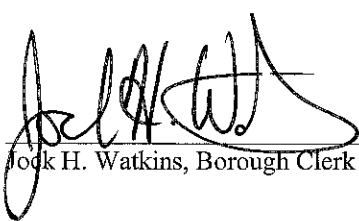
Motion to Introduce by: Councilman Jacobs
 Motion Seconded by: Councilman Smith
 Introduction Approved: 4-0 Voice Vote (Tolli, Vidovich absent)

DATE OF ADOPTION: May 17, 2016

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Council President Jacobs		X	X				
Councilman Leonard			X				
Councilman Smith	X		X				
Councilwoman Tolli			X				
Councilman Tsilonis			X				
Councilman Vidovich			X				
Mayor Duthie (In case of tie)							
VOTE:			6	0			



 John Duthie, Mayor



 Jack H. Watkins, Borough Clerk

Date of Publication: May 26, 2016, The Progress