

July 11, 2023
Sparta Council Meeting Agenda
and
Related Documents

1. July 11, 2023 - Sparta Council Meeting Agenda

Documents:

[TC_AGENDA 07112023W.PDF](#)

1.I. 23-12 Ordinance Authorizing Acquisition Of Certain Real Property-Lions Gate

Documents:

[23-12 ACQUISITION OF CERTAIN REAL PROPERTY ORDINANCE-W.PDF](#)

1.II. 23-13 Ordinance Appropriating The Total Sum Of Two Million Five Hundred Thousand From General Capital Improvement Fund

Documents:

[23-13 VARIOUS IMPROVEMENTS OR PURPOSES - GENERAL CAPITAL IMPROVEMENT FUND-W.PDF](#)

1.III. 23-14 Ordinance Appropriating The Total Sum Of \$500,000.00 From Water Capital Improvement Fund

Documents:

[23-14 VARIOUS WATER CAPITAL IMPROVEMENTS-W.PDF](#)

1.IV. 23-16 - Ordinance Amending Chapter 11-2"Retail Food Establishment Code" Of The Revised General Ordinances Of The Township Of Sparta

Documents:

[23-16 REVISED FOOD TRUCK ORDINANCE.CLEAN3W.PDF](#)



SPARTA TOWNSHIP COUNCIL

AGENDA

July 11, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, July 11, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME:

The Town Council meeting is opened at 5:00 pm. The Regular meeting begins at 7:00 pm.

All Council Meetings are now live streamed and can be viewed at the following link:

<https://www.youtube.com/@SpartaTwp/streams>

STATEMENT:

Adequate notice of this meeting was provided to the public and the press on June 14, 2023 by delivering to the press and posting on the Township website a copy of the notice.

1. ROLL CALL

Councilman Dean Blumetti, Mayor Dan Chiariello, Deputy Mayor Neill Clark, Councilman Josh Hertzberg, Councilwoman Christine Quinn, Township Manager, Attorney, Municipal Clerk

RESOLUTION

Open Public Meetings Act-Executive Session Motion _S_



SALUTE TO THE FLAG

PROCLAMATIONS

Disability Pride Month

Parks and Recreation Month

2. MINUTES

Regular Meeting Minutes -April 11, 2023

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

6. INTRODUCTION OF ORDINANCE

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



7. HEARING OF ORDINANCE

23-12 AUTHORIZATION OF THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN SPARTA TOWNSHIP-LIONS GATE

23-13 AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$2,500,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY.

23-14 AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$500,000.00 FROM WATER CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS WATER CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY.

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

9-1 Resolution Authorizing Disabled Veteran Cancellation of Tax-Block 35005/Lot 6

9-2 Resolution Authorizing Disabled Veteran Cancellation of Tax-Block 30002/Lot 15

9-3 Resolution of the Township Council of the Township of Sparta Authorizing the Award of a Contract for Professional Services with the Township's COAH Consultant

9-4 Resolution Appointing James Zepp as the Deputy Township Manager



- 9-5 Resolution Appointing Dawn Krumpfer as Municipal Treasurer

- 9-6 Resolution Authorizing a Petty Cash Account for the Township of Sparta for the Year 2023

- 9-7 Resolution Awarding Contract for the Project Known As “2023 Road Improvement Program” As Part of the Morris County Contract # 6 for a Total Amount Not to Exceed \$598,078.20

- 9-8 Resolution Authorizing the Acceptance of Funding Awarded by the State of New Jersey Department of Law and Public Safety in Accordance with the SFY2021 American Rescue Plan (ARP) Act-Coronavirus State Fiscal Recovery Fund Automated License Plate Reader Initiative in the Amount of \$68,800.00

10. COUNCIL LIAISON’ UPDATES

11. UNFINISHED BUSINESS

12. NEW BUSINESS

13. OPEN TO THE PUBLIC

14. ADJOURNMENT



9-1 Resolution Authorizing Disabled Veteran Cancellation of Tax-Block 35005/Lot 6

WHEREAS, the property owner of Block 35005, Lot 6, is a 100% permanently disabled veteran in accordance with N.J.S.A 54:4-30.30;

WHEREAS, the Assessor approved the exemption as of the deed date February 15, 2023.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refund taxes in the amount of \$2,582.57 and cancel 2023 tax balance when available;

Q1 2023	\$ 860.85 (prorated)
Q2 2023	\$1,721.42

9-2 Resolution Authorizing Disabled Veteran Cancellation of Tax-Block 30002/Lot 15

WHEREAS, the property owner of Block 30002, Lot 15, is a 100% permanently disabled veteran in accordance with N.J.S.A 54:4-30.30 and determined by the Veteran's Administration;

WHEREAS, the Assessor approved the exemption as of the deed date September 20, 2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refund taxes in the amount of \$6,277.13 and cancel 2023 tax balance when available;

2022	\$2,102.00 (prorated)
Q1 2023	\$2,087.57
Q2 2023	\$2,087.56

9-3 Resolution of the Township Council of the Township of Sparta Authorizing the Award of a Contract for Professional Services with the Township's COAH Consultant

WHEREAS, the Township of Sparta has the need for professional affordable housing consulting services; and



WHEREAS, the Township Chief Financial Officer has certified that sufficient funds are available for this purpose; and

WHEREAS, N.J.S.A. 40A:11-1, *et seq.*, the "Local Public Contracts Law" permits governing bodies to contract for certain professional services without competitive bidding; and

WHEREAS, N.J.S.A. 40A:11-5 requires the award of contracts for Professional Services be publicly advertised and the contract itself be available for public inspection:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta as follows:

1. The Township of Sparta hereby appoints CGP&H LLC with offices located at 101 Interchange Plaza, Suite 301, Cranbury, NJ 08512, as the Township Affordable Housing Consultant for the period January 1, 2023 through December 31, 2023, unless sooner terminated, in accordance with the attached Professional Services Agreement (the "Agreement"). CGP&H LLC shall be compensated for various services as provided for in the Agreement, in an amount not to exceed \$21,840.00.

2. This appointment is awarded without competitive bidding as a "Professional Service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.

3. The Mayor and Township Clerk are hereby authorized and directed to execute the Agreement with CGP&H LLC, on behalf of the Township.

4. A Notice in accordance with the Local Public Contracts Law shall be published in the New Jersey Herald as required by law.

5. A copy of this Resolution as well as the Professional Services Agreement shall be placed on file with the Clerk of the Township.

6. This resolution shall take effect immediately. However, it shall be void and of no effect in the event that CGP&H LLC, does not sign the Professional Services Agreement.



7. If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

9-4 Resolution Appointing James Zepp as the Deputy Township Manager

WHEREAS, the previous Interim Township Manager, Neil Spidaletto, resigned from the position of Interim Township Manager effective December 31, 2022; and Grant Rome was appointed Interim Township Manager, therefore relinquishing his Deputy Township Manager position.

WHEREAS, Sparta Township requires the services of a Deputy Township Manager to assume the responsibilities previously held by Mr. Rome and as set forth in the Statutes of the State of New Jersey and the Code of the Township of Sparta.

Deputy Manager Section 2-25: states that during any temporary absence of the manager or in the event of his/her disability, the

Deputy Manager shall exercise the powers and perform the duties of that office in accordance with Section **2-24 Duties:**

The Deputy Manager reports directly to the Township Manager and routinely interacts with all Department Heads, Staff, Elected Officials, Residents, the Business Community, Board Commissions and Committees. The Deputy Manager provides administrative support to the Township Manager; assists with the formulation, implementation, review and control of the policies, procedures and regulations regarding the administration of the Township; is responsible for supervising, directing and monitoring the Township's day-to-day operations.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, Sussex County, New Jersey, that:

1. The Sparta Township Council hereby appoints James Zepp as the Deputy Township Manager.
2. Mr. Zepp shall serve as the Deputy Appointing Authority of the Township of Sparta.
3. Mr. Zepp shall be given a \$12,000 increase for his added responsibilities as Deputy Township Manager.

This resolution shall take effect immediately and will be retro back to May 15, 2023.



9-5 Resolution Appointing Dawn Krumpfer as Municipal Treasurer

WHEREAS, the Interim Township Manager recommends the following appointment, to fill a vacancy, that has not been filled since 2015, of that of Municipal Treasurer.

WHEREAS, Dawn Krumpfer has attended Rutgers Center for Government Services and is certified and qualified to serve in this position as Municipal Treasurer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, Sussex County, New Jersey, in accordance with the recommendation and action of the Township that they hereby appoint Dawn Krumpfer to the position of Municipal Treasurer who has been acting in this role since January 1, 2023.

9-6 Resolution Authorizing a Petty Cash Account for the Township of Sparta for the Year 2023

WHEREAS, *N.J.S.A. 40A:5-21* authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution; and

WHEREAS, it is the desire of the Township Council of the Township of Sparta, County of Sussex, the establish such a fund and

WHEREAS, the appropriate blanket bond is in place for the following custodians of the “Petty Cash” account:

<u>DEPARTMENT</u>	<u>CUSTODIAN</u>	<u>AMOUNT</u>
Finance Department	Grant Rome	\$250.00
Finance Department	Dawn Krumpfer	\$250.00
Finance Department	Christy Rehe	\$250.00

WHEREAS, such custodians shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Sparta, hereby establishes a 2023 Petty Cash Fund and the individuals listed are duly authorized to be the custodians of the Petty Cash Fund.



9-7 Resolution Awarding Contract for the Project Known As “2023 Road Improvement Program” As Part of the Morris County Contract # 6 for a Total Amount Not to Exceed \$598,078.20

WHEREAS, the Morris County Cooperative Pricing Council has awarded Contract # 6 for “Road Resurfacing” to Schifano Construction Corporation.; and

WHEREAS, the Township of Sparta wishes to utilize Schifano Construction Corporation through its membership in the Morris County Cooperative Pricing Council to perform the required road resurfacing of certain municipal roadways including but not limited to:

Deanna Terrace
Dorothy Drive
Frederick Place
King Alex Court
Lindsay Lane
Megan Terrace
Sunset Lake Road
Westbury Drive
Whispering Woods Lane

And purchase the above stated materials and services; and

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that based upon a review of various proposals with staff, as well as the Township Manager, it was the determination that it offered the best performance of road resurfacing to meet the needs of the Township at the best price; and

WHEREAS, the Township Finance Officer has certified that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE Township Council of the Township of Sparta that Schifano Construction Corporation be awarded the contract for the “2023 Road Improvement Program”; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Sparta, in the County of Sussex and State of New Jersey as follows:

1. The Township hereby confirms the authorization for the performance of road resurfacing by Schifano Construction Corporation, 1 Smalley Avenue, Middlesex, NJ 08846, pursuant to the Morris County Cooperative Pricing Council Contract # 6 for a total



amount not to exceed Five Hundred Ninety eight Thousand, Seventy Eight Dollars and Twenty cents (\$598,078.20); and

2. The Mayor and Township Clerk, together with all officers, professionals, and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposed of this Resolution.

3. The foregoing project is subject to the certification of availability of funds by the appropriated officers of the Township.

4. This contract is subject to review and approval by the Township Attorney and Township Manager.

5. Resolution shall take effect as herein provided.

9-8 Resolution Authorizing the Acceptance of Funding Awarded by the State of New Jersey Department of Law and Public Safety in Accordance with the SFY2021 American Rescue Plan (ARP) Act-Coronavirus State Fiscal Recovery Fund Automated License Plate Reader Initiative in the Amount of \$68,800.00

WHEREAS, the Township of Sparta submitted an application to the State of New Jersey, Department of Law & Public Safety, Office of the Attorney General (OAG), American Rescue Plan (ARP) Coronavirus State Fiscal Recovery Fund SFY2021 Automated License Plate Reader (ALPR) Initiative; and

WHEREAS, the Office of the Attorney General awarded the Township of Sparta a grant in the amount of \$68,800.00 in accordance with the application submitted through the SFY2021 Automated License Plate Reader Initiative; and

WHEREAS, the Office of the Attorney General awarded the subaward to the Township of Sparta on June 22, 2023 for grant award number ALPR-32-21; and

WHEREAS, the awarded amount requires zero dollars of in-kind or cash match from the Township of Sparta; and

WHEREAS, the award period is from December 1, 2022 through November 30, 2024; and

WHEREAS, the Township of Sparta is authorized to accept such funds and does hereby accept such funds for the purposes described in the application submitted through the



SFY2021 Automated License Plate Reader Initiative, subject to the State Conditions of the grant program;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Sparta is hereby authorized to accept the grant award in the amount of \$68,800.00, for the purpose described in the application subject to the State Conditions of the SFY2021 Automated License Plate Reader Initiative.



**RESOLUTION – OPEN PUBLIC MEETINGS ACT – EXECUTIVE
SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

The public shall be excluded from discussion of an action upon the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- a. Litigation
- b. Personnel
- c. Contract Negotiations
- d. Miscellaneous Legal Advice

It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.

This resolution shall take effect immediately.

**THE TOWNSHIP OF SPARTA
AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY
LOCATED IN THE TOWNSHIP OF SPARTA-LIONS GATE**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1 et seq.; and

WHEREAS, Lions Gate Partners LLC has offered to construct a required detention basin and convey at no charge to the Township its real property designated as 19 Celia Drive, Township of Sparta, Sussex County, State of New Jersey, and identified as Block 27006, Lot 5 (the “Property”) to the Township of Sparta. The Township Council has determined that it is in the interest of the Township to acquire the Property from Lions Gate Partners LLC for Township purposes; and

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. The conveyance by Lions Gate Partners LLC of its Property known as 19 Celia Drive, Township of Sparta, Sussex County, State of New Jersey, and identified as Block 27006, Lot 5 (the “Property”) after Lions Gate Partners LLC constructs the required detention basis for public use is hereby accepted. The acquisition is subject to the Township and Lions Gate Partners LLC entering into a contract for the property transfer. The Mayor and Township Clerk are authorized to sign the contract upon the recommendation of the Township Manager and Township Attorney.

Section 2.

There is hereby appropriated the sum of \$4,500.00 for the costs and expenses for the acquisition of the Property.

Section 3. 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 4. Repealer

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

Section 5. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law, however, if Lions Gate Partners LLC fails or refuses to sign the contract, the ordinance shall be void and of no effect.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on June 27, 2023, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on July 11, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

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 June 27, 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 July 11, 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**

23-13

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$2,500,000.00 FROM GENERAL CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Sparta, County of Sussex, New Jersey, as follows:

Section 1: The sums of Two Million five Hundred Thousand dollars (\$2,500,000.00) to be utilized out of the General Capital Improvement Fund is hereby appropriated for the following purpose:

For Various Capital Improvements or Purposes for the Township of Sparta.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Sparta may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of the inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

NOTICE

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BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
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ROXANNE LANDY, RMC
MUNICIPAL CLERK

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$500,000.00 FROM WATER CAPITAL IMPROVEMENT FUND FOR FUNDING VARIOUS WATER CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Sparta, County of Sussex, New Jersey, as follows:

Section 1: The sums of Five Hundred Thousand dollars (\$500,000.00) to be utilized out of the Water Capital Improvement Fund is hereby appropriated for the following purpose:

For Various Water Capital Improvements or Purposes for the Township of Sparta.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 hereof is not a Current Expense and is an improvement, which the Township of Sparta may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of the inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on June 27, 2023 and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on July 11, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

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ROXANNE LANDY, RMC
MUNICIPAL CLERK

**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.

§ 11-10.3 Class IV License Required; d.

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.

§ 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 public event, the Mobile Food Vendor must have written or electronically/digitally (e-mail or online form) transmitted permission from the property owner, the event organizer, and the Township, if applicable.

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.
- 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. Unless operating at a specific event, no Mobile Food Vendor shall be permitted to operate outside of the hours of 9:00am and 8:00pm.

j. Mobile Units shall apply to and be inspected by the Sparta Township Fire Marshall as required by applicable ordinance, statutes, codes and regulations.

k. 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.

l. If the Mobile Food endor is legally parked on a public road, the concession window must face away from the public road.

m. 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

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on July 11, 2023, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on August 8, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK