

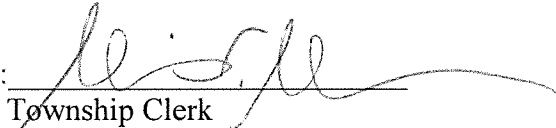
Ord.#16-2018 An Ordinance of the Township of Mount Olive, County of Morris, State of New Jersey, Amending Chapter 294, Peddling and Soliciting, Article II, Transient Merchants, §294-17, Performance Regulations, of the Township Code, to Revise Definition for Transient Merchant and to Amend and Supplement Performance Standards.

CLERK:

Delivered to Mayor:


Date: 4/25/2018

Time: 9:00am

Signed: 
Township Clerk
Michelle Masser

MAYOR:

Action by Mayor:

Approved: 

Date: 4/25/18

Vetoed: _____

Date: _____

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: 
Mayor

CLERK:


Returned:

Date: 4/25/18

Time: 9:08 AM

Not returned with in (10) days

Date: _____

Signed: 
Township Clerk

ORD.#16-2018

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING CHAPTER 294, PEDDLING AND
SOLICITING, ARTICLE II, TRANSIENT MERCHANTS, § 294-17, PERFORMANCE
REGULATIONS, OF THE TOWNSHIP CODE, TO REVISE DEFINITION FOR
TRANSIENT MERCHANT AND TO AMEND AND SUPPLEMENT PERFORMANCE
STANDARDS**

WHEREAS, The Township Council of the Township of Mount Olive has reviewed the standards for transient merchants as set forth in Article II of Chapter 294, Peddling and Soliciting and have determined the current definition for Temporary Merchant should be changed to reference Transient Merchant consistent with the other provisions of Article II; and

WHEREAS, The Township Council also finds that certain performance standards applicable to Transient Merchants which have remained unchanged since 1993 are in need of revision and additional standards should be provided to ensure the health and safety of the general public.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Mount Olive, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 294, Peddling and Soliciting, Article II, Transient Merchants is hereby amended to revise definition for Temporary Merchant to read as follows:

§ 294-15, Definitions shall be amended to replace reference to Temporary Merchant with Transient Merchant to read as follows:

TRANSIENT MERCHANT

A merchant or vendor who chooses a specific location within in the Township upon which to erect or park a cart, tent, wagon, truck or stand from which to engage in merchandising, with the intent to return to the same location each day. This category shall include temporary stands established for the purpose of selling vegetables, fruit or other farm products; food trucks and wagons; Christmas trees; and any nonperishable goods. A transient merchant must not have a vested interested in the location and must have the written permission from the owner(s) of the location to conduct the sale of the intended products.

§ 294-17, Performance Regulations shall be amended and supplemented as follows:

- A. No change.
- B. Subsection B shall be replaced in its entirety. New Subsection B shall read as follows:

Transient merchants shall be restricted to a lot having an active principal use as approved by the Township Planning Board or previously approved by the Zoning Board of Adjustment which shall include off-street parking designed in accordance the standards set forth in § 550-57 having a

minimum of twenty (20) parking spaces. A minimum setback of one hundred (100) feet must be maintained from any public street right-of-way or edge of a private street. All transient merchants shall secure a Zoning Permit which shall indicate the location of the proposed display/sales space. The Director of Planning shall have the authority to reject the proposed location and recommend one or more alternative locations on subject property in the interests of safe and efficient circulation of pedestrians and vehicles. The Director of Planning may consult with the Township Engineer, the Township Health Officer, the Mount Olive Police Department, the Director of Public Works and other Township officials as deemed necessary in this regard.

C. Subsection C shall be revised to read as follows:

Not more than one transient merchant per lot will be permitted. Transient merchants shall be prohibited within 1,000 feet of any non-transient commercial business offering the same or substantially similar products and/or services. A minimum distance of 2,000 feet shall be maintained between locations for transient merchants.

D. No change.

E. Subsection E shall be revised to read as follows:

The area to be occupied by a single transient merchant, including a stand, tent, wagon, truck, sign and trash receptacle, shall not exceed five hundred (500) square feet.

F. No change.

G. New Subsection G shall be added as follows:

Food trucks must contain all equipment and operations within the vehicle except for a fold-down counter to serve customers. No furniture, umbrellas, generators, extension cords, objects or structures shall be placed outside of the vehicle except for separate trash and recycling receptacles which shall be required for any transient merchant serving food and/or beverages. Said receptacles shall be removed at end of each day.

§§ 294-18 through 21. No change.

SECTION 2. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3. This Ordinance may be renumbered for purposes of codification.

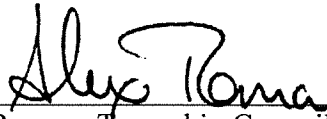
SECTION 4. This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced: 4/10/2018

Adopted: 4/24/2018

Effective Date: 5/18/2018

TOWNSHIP OF MOUNT OLIVE

A handwritten signature in black ink, appearing to read "Alex Roman", written over a horizontal line.

Alex Roman, Township Council Vice President

ATTEST: 4/24/2018

A handwritten signature in black ink, appearing to read "Michelle Masser", written over a horizontal line.

Michelle Masser, Township Clerk