

**TOWNSHIP OF ROCKAWAY  
COUNTY OF MORRIS, STATE OF NEW JERSEY**

**ORDINANCE NO. O-25-13**

**AN ORDINANCE AMENDING CHAPTER 5 “GENERAL LICENSING”, ARTICLE 5-5 “PEDDLERS, CANVASSERS, SOLICITORS, AND MOBILE FOOD VENDORS”, SPECIFICALLY SECTION 5-5.1 “DEFINITIONS” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**WHEREAS**, the Township of Rockaway desires to amend Chapter 5 General Licensing, Article 5-5 “Peddlers, Canvassers, Solicitors, and Mobile Food Vendors”, specifically Section 5-5.1 “Definitions” of the Revised General Ordinances of the Township of Rockaway; and

**WHEREAS**, the Township of Rockaway desires to change/modify the definition of the term, Mobile Food Vendor, including but not limited to clarifying which classification of Mobile Food Vendors may be licensed, the circumstances under which each classification of Mobile Food Vendor will be allowed to operate within the Township, and to exclude certain mobile food sale operations from the definition.

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

**SECTION 1.** Chapter 5 of the Code of the Township of Rockaway, General Licensing, Article 5-5 “Peddlers, Canvassers, Solicitors, and Mobile Food Vendors, Section 5-5.1 “Definitions,” is hereby amended as follows. Added text is underlined, and text to be eliminated is ~~struck through~~:

**§5-5.1 Definitions**

**Mobile Food Vendor**

~~Shall mean any person offering food for sale from a vehicle.~~

A. Shall include the following:

- (1) Vendors utilizing motor vehicles, trailers, tents, or push carts, who transport food/food-stuffs prepared or cooked prior to sale and beverages for sale in the Township, such food or beverages to be sold to individual patrons while said vehicle is stopped or parked in one location for 45 minutes, or less; or
- (2) Vendors utilizing motor vehicles, trailers, tents, or push carts that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to be sold to the public.

B. Shall not include the following:

- (1) Vehicles intended and used for private recreation as defined by Section 54-4.1; or
- (2) Vendors utilizing motor vehicles, trailers, tents, or push carts to transport and/or hold out for sale frozen products only, such as ice cream, frozen ices, or frozen confectionary products.

**SECTION 2.** Chapter 5 of the Code of the Township of Rockaway, General Licensing, Article 5-5 “Peddlers, Canvassers, Solicitors, and Mobile Food Vendors, Section 5-5.2 “License Required,” is hereby amended as follows. Added text is underlined, and text to be eliminated is ~~struck-through~~:

~~It shall be unlawful for any person, except those exempted under N.J.S.A. 45:24-9 et seq., and unless otherwise exempt pursuant to this chapter, to engage in the business of peddling, canvassing, or soliciting as defined herein, within the corporate limits of the Township without first registering with and/or obtaining a license from the Township Clerk.~~

- A. It shall be unlawful for any person, except those exempted under N.J.S.A. 45:24-9 et seq., and unless otherwise exempt pursuant to this chapter, to engage in the business of peddling, canvassing, or soliciting as defined herein, within the corporate limits of the Township without first registering with and/or obtaining a license from the Township Clerk.
- B. Any vendor that meets the requirements of Section 5-5.1A.(1) hereof shall be governed by the peddler’s licensing and operation provisions of this Chapter.
- C. Any vendor that meets the definition of Section 5-5.1A.(2) hereof shall not be eligible to apply for a license and shall not be allowed to operate within the Township except upon application to and approval by the Administration as a permitted Special Event vendor in conjunction with a permitted special event pursuant to L.O. 30-2.

**SECTION 3.** Nothing in this Ordinance is intended to waive or release any food vendor operations herein described from fulfilling any applicable permitting or licensing obligations as may be required by state law or by other chapters/sections of the Rockaway Township Municipal/Zoning Ordinances.

**SECTION 4.** All ordinances, resolutions and regulations, or parts of ordinances, resolutions, and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, clause, or phrase of these amendments to 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 portion of the amendments to this Ordinance or to the rest of the Ordinance.

**SECTION 6.** This Ordinance shall take effect upon final passage and approval in accordance with law.

#### **CERTIFICATION**

I, Adele Wadleigh, Acting Township Clerk of the Township of Rockaway, County of Morris, State of New Jersey, do hereby certify that the foregoing is a true and accurate copy of an Ordinance introduced by the Township Council of the Township of Rockaway at a duly convened meeting held on September 25, 2025, and adopted at a duly convened meeting held on October 14, 2025.

  
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Adele Wadleigh, Acting Township Clerk

  
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Joseph Jackson, Mayor

  
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Howard Morrison, Council President

#### **PURPOSE**

The Governing Body has deemed it appropriate to amend the definition of “Mobile Food Vendor” in order to facilitate compliance with State of New Jersey and Township Fire Regulations and with the Township Zoning Ordinance by classifying different types of mobile vendors according to the vendor’s operations and/or products and to clarify under what circumstances different classifications of mobile food vendors will be allowed to operate in Rockaway Township.