

# CITY OF PLAINFIELD

MC 2021-40

## AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 17, THE LAND USE ORDINANCE OF THE CITY OF PLAINFIELD, BY ADDING ARTICLE IX, SECTION 17:9-30. A. "FOOD VEHICLES":

**WHEREAS**, On December 2, 2002, the City Council of the City of Plainfield adopted Ordinances No. 2002-29 and 2002-29A repealing and replacing the existing Chapters 17 (Zoning), Chapter 14 (Subdivisions) and portions of Chapter 3 (Agencies, Boards, Commissions and Committees) and replaced them with a new Chapter 17 entitled Land Use Ordinance; and

**WHEREAS**, at multiple times since this initial adoption the Planning Board and City Council have amended the Land Use Ordinance to respond to new land use issues and concerns as they arise, and

**WHEREAS**, the Planning Board continues to review and refine the ordinance in order to identify necessary changes; and

**WHEREAS**, it is the intent of the City of Plainfield to regulate the location, hours and general use of food vehicles throughout the City, and

**WHEREAS**, the City Council has reviewed and considered the Planning Board's recommendations to amend the Land Use Ordinance by adopting a "Food Vehicles" ordinance, and

**WHEREAS**, the City Council is required pursuant to N.J.S.A. 40:55D-26 to forward the proposed amendment to the Planning Board for their review and comment prior to the City Council adoption of the amendments to the Land Use Ordinance, and

**WHEREAS**, the Planning Board is scheduled to review this proposed land ordinance amendment at their March 16 meeting and submit their resolution of findings to the City Council in accordance with Section 40:55D-26 of the Municipal Land Use Law prior to second reading of this ordinance.

**NOW, THEREFORE BE IT ENACTED** By the City Council of the City of Plainfield, that:

**Section 1.**

The City Council has determined that the Food Vehicles ordinance amendment to the Land Use Ordinance is appropriate and hereby adopts this Ordinance amendment to the Land Use Ordinance as proposed.

**Section 2.**

The validity or enforceability of any provision of this Ordinance shall not affect the remaining provision of this ordinance, which shall remain in full force and effect.

**Section 3.**

A notice of this action shall be published in the official newspaper authorized to publish legal notices for the City.

**Section 4.**

A copy of the Land Use Ordinance as amended is to be filed with the Union County Planning Board in accordance with Section 40:55D-16 of the Municipal Land Use Law.

**Section 5.**

This ordinance shall take effect twenty (20) days after final passage and approval, as provided by law.

**EXHIBIT A**  
**SECTION 17:9-30.A.**

REMOVE TO -17:1-6 LOCATION

C. Operational Regulations and Restrictions.

1. All products sold or offered for sale from such vehicles shall comply with all the laws and local ordinances relating to food and food products.
2. Food vehicle vendors shall not:
  - a. Offer to sell products in streets where the permitted speed limit is 30 miles per hour or greater.
  - b. Offer to sell or sell products to a person standing in a roadway.
  - c. Allow any unauthorized person to ride in or on the vehicle.
  - d. Offer to sell or sell food to a motorist or occupant of any vehicle.
  - e. Provide in-vehicle dining services or sidewalk tables or chairs.
  - f. Vacate any location without first removing all solid waste and debris which has been caused by the occupancy of the vehicle or its patrons.
3. Locations. Notwithstanding anything herein to the contrary, a food vehicle, other than a frozen dessert truck as defined in §17:1-6, shall ONLY occupy City designated spaces within the public right-of-way strictly in compliance with the conditions imposed by this section and, where applicable, the special conditions set forth below. No mobile food vendor's vehicle shall occupy street space blocking the passage of traffic. All food vehicles must abide by all traffic and parking regulations. Stationary food vehicles are permitted on private property provided that written property owner's consent is submitted. Stationary Food Vehicles shall be permitted at the following public locations:
  - a. On the east or west side of Church Street between East Front and East Third streets; and
  - ~~b. In the parking lot of Milt Campbell Field on the south side of East Third Street between Wiley Avenue and Terrill Road.~~
4. Plainfield residents may request authorization to have a licensed food vehicle on the driveway of their premises or in the public parking space directly in front of their residence on the public street for special events. These requests shall be filed with the City Clerk who shall approve such application unless public health and safety concerns are apparent. Any such application shall include the number of food vehicles and allowed hours of operation. In no case shall the City Clerk allow hours for this special event prior to 8:00 a.m. or after 9:00 p.m. In no event shall the food vehicle be permitted on the sidewalk or elsewhere in the public right-of-way or on the private residential property.
5. No motorized food vehicle shall operate or be parked in any area where parking of motor vehicles is prohibited, restricted or regulated unless written authorization is issued by the Police Director or designee.
6. Food vehicle parking on public streets is limited to the hours of 6:00 a.m. to 9:00 p.m. Sunday through Thursday; and 6:00 a.m. to 10:00 p.m. Friday and Saturday. Food vehicles are not permitted to remain at these locations outside of these hours or overnight.
7. Each food vendor operator shall place a trash can and recycling can of adequate size within 10 feet of the food vehicle. Vendors are required to remove trash and properly dispose of all trash and recycling material within 25 feet of their vehicle before leaving the site. The vendor shall not dispose of trash or recyclables in or alongside city receptacles.
8. Nothing in this section shall limit the City from hiring food vendors for special events. The City, at its own discretion, may determine the number of food vehicles, the allowed hours of operation, and may utilize public property, public recreation facilities, streets and or sidewalks for such events.

9. The Police Director or designee, the Health Director or designees, or Fire Official or Zoning Officer designee may cause the City Clerk to revoke or rescind any license granted under this section if the person or organization granted such license shall be found:
  - a. Using false or fraudulent statements in obtaining such license or permit.
  - b. Using false or fraudulent statements or other misrepresentation in the course of carrying on business or employment under such license or permit.
  - c. Conducting the business of mobile food vending contrary to the certificates of approval issued, in an unlawful manner or in such a manner as to constitute a breach of the permits granted, or the peace, or nuisance or a menace to the health, safety, and welfare of the citizens of Plainfield.
  - d. Summonses for violations may also be issued by the above individuals. In the parking lot of Milt Campbell Field on the south side of East Third Street between Wiley Avenue and Terrill Road.

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