



BOROUGH OF GARWOOD
UNION COUNTY, NEW JERSEY
MUNICIPAL BUILDING
403 SOUTH AVENUE
GARWOOD, NEW JERSEY 07027

ORDINANCE NO. 26-16

AN ORDINANCE OF THE BOROUGH OF GARWOOD, COUNTY OF UNION, NEW JERSEY AMENDING CHAPTER 106, ENTITLED “LAND USE”, ARTICLE VIII, ENTITLED “ZONING REGULATIONS”, SECTION 100, ENTITLED “EATING AND DRINKING ESTABLISHMENTS” AND ADDING A NEW SUBSECTION ENTITLED “MOBILE RETAIL FOOD FACILITIES”

WHEREAS, the Borough of Garwood, in the County of Union, New Jersey (the “**Borough**”), a public body corporate and politic of the State of New Jersey, is authorized pursuant to the New Jersey Municipal Land Use Law, *N.J.S.A. 40:55D-1, et seq.*, (the “**Land Use Law**”), to periodically update non-residential zone districts to promote economic development and sustainability in the Borough; and

WHEREAS, Section 106-100 of Article VIII of the Borough’s Code relates to and regulates the zoning regulations of eating and drinking establishments within the Borough; and

WHEREAS, Section 106-100 of Article VIII of the Borough’s Code relates to and regulates the zoning regulations of eating and drinking establishments within the Borough; and

WHEREAS, on April 24, 2026, the Planning Board of the Borough (the “**Planning Board**”) recommended to the Borough Council (the “**Borough Council**”) that revisions to Section 106-100 of Article VIII in Chapter 106 of the Borough’s Code should be amended to include a new section, 106-100.1 entitled “Mobile Retail Food Facilities”; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Garwood, County of Union, New Jersey that :

Subsection 100, “Eating and Drinking Establishments”, of the Code of the Borough of Garwood is hereby amended to add a new subsection, 100.1, “Mobile Retail Food Facilities”, as follows:

§106-100.1. Mobile Retail Food Facilities

§106.100.1(2). Definitions.

MOBILE FOOD FACILITIES— A van, truck, towed trailer, pushcart or temporary structure from which-foods are prepared, transported, sold or given away at a temporary location

MOBILE RETAIL FOOD ESTABLISHMENT- Any movable restaurant, truck, van trailer, cart, bicycle, watercraft, or other mobile unit including hard carried, portable containers in or on which food or beverage is transported, stored or prepared for retail sale or given away at temporary locations.

OPERATOR — The person in control of, or having the responsibility for, the operation of a mobile food facility, which may include, but is not limited to, the owner of the mobile food facility.

RESIDENTIAL – All properties in Zones RA, RA-1 and RA-2.

§106.100.1(3). Registration Requirement:

It shall be unlawful to operate a Mobile Retail Food Facility at any location within the Borough unless the operator has registered such use and vehicle with the Borough on a form established by the Borough, available through the Borough Clerk's office, which form may be amended by the Borough Administrator without further approval by the Borough Council. At a minimum, the registration form shall include the name and contact information for the vendor, and the owner, if different, and the Westfield Board of Health permit number, together with vehicle license plate and VIN.

- a. Each Mobile Retail Food Facility must comply with all federal, state and local licensing, including, but not limited to, the Westfield Health Department, Garwood Fire and Police Departments.
- b. Each Mobile Retail Food Facility shall carry within the vehicle both a copy of the permit granted by the Borough and the certificate of registration issued by the New Jersey Division of Taxation.
- c. Mobile Retail Food Facility permits are not transferable (each truck must be individually permitted).
- d. As part of the registration process, the Clerk's Office shall require proof of general liability insurance in an amount not less than \$500,000 per incident, or \$1,000,000 aggregate.
- e. Any veteran or volunteer firefighter who holds a special license issued pursuant to N.J.S.A. 45:24-9 shall be exempt from registration fees but shall be required to comply with all other applicable provisions of this section. All other requirements of this section shall be complied with to ensure the health and safety of the residents.
- f. The permit fee for each Mobile Food Facility for each location shall be per permit, as set forth by Borough Council.
- g. Non-profit charitable organizations
 - A permit application is required
 - Non-profit vendors are exempt from permit fees.
 - Submit proof of non-profit status (Formation of the organization under Section 501(c)(3),(4),(5),(6) or (7) of the United States Code is a standard method)

§106-100.1(4). Time and Place of Operations.

- a. No more than one Mobile Retail Food Facility may operate at any location at one time unless approved for participation in an event through a permit issued by the Borough.

- b. Mobile Retail Food Facilities may operate beginning at 8:00 a.m. and ending at 9:00 p.m. unless otherwise restricted by permit or by the property owner. The Borough may permit extended hours of operation on a case-by-case basis.
- c. Mobile Retail Food Facilities shall not occupy vacant land.
- d. Mobile Retail Food Facilities shall only occupy lands with a separate, active principal use such that the Mobile Retail Food Facility enhances the already existing operation on the private property, with permission from the property owner and shall be temporary
- e. No Mobile Retail Food Facility shall occupy Borough owned property, without prior approval of the Borough by way of an Event Permit or a Temporary Event Permit. No Mobile Retail Food Facility shall occupy any portion of the public street, the right-of-way, or the sidewalk, unless otherwise noted in the permit.
- f. Nothing in this section shall prohibit a mobile retail food facility, with the required permits at a residence for a private event. A Mobile Food Facility shall also be permitted to park in front of the residence, in a legal parking space with the permission of the Police Department. A Mobile Food Facility, if parked on a residential street, shall not be allowed to serve customers facing the street; and shall only serve customers associated with the private event.
- g. Ice cream trucks, but not Mobile Retail Food Facilities or similar vehicles are allowed on streets zoned or developed for residential use in accordance with Garwood Code §71-10. An annual permit shall be required.
- h. Nothing in this chapter shall limit the Borough or any of its entities or non-profits from the hiring of Mobile Food Facilities for special events in any quantity as they deem fit. The Borough may in its discretion, utilize public property, public recreation facilities, streets and/or sidewalks for such events.

§106.101.1(5). Operating Requirements.

- a. Mobile Retail Food Facilities must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is incompatible with the purpose for which the vehicle has been designed and constructed and all applicable codes and regulations as adopted in New Jersey.
- b. Inspection and Equipment.
 - 1. All food items must be approved for sale by the Westfield Health Department, in conjunction with a Health Department license application. All foods shall be prepared, stored, and transported according to the Health Department specifications and in accordance with N.J.A.C. 8:24 et seq.
 - 2. The equipment used or employed by Mobile Retail Food Truck Facility(s) shall be maintained in a clean, sanitary manner and be subject to the inspection of the Westfield Health Department or its authorized agents. Violations of N.J.A.C. 8:24 et

seq. may result in revocation of the license to operate issued by the Health Department.

3. Mobile Retail Food Facilities shall submit all fees set forth by the Westfield Health Department, Garwood Police and Fire Departments and be subject to inspections.

c. Appearance and Maintenance of Mobile Food Facilities.

1. Mobile food vehicles must be operated and properly maintained in accordance with all applicable motor vehicles and transportation codes.

2. The requirements for a mobile food facility operation area on private property are as follows:

- (a) All operations shall be operated in a space no greater than 20 by 40 feet.
- (b) Minimum setback from property lines shall be 15 feet, or 25 feet. if the adjoining lot is residential.
- (c) The operation cannot encroach upon the required minimum parking for the principal or accessory uses on the lot.
- (d) The mobile food facility shall not interfere with the safe flow of traffic or pedestrian movement.
- (e) The mobile food facility shall not interfere with accessible routes or accessible parking areas.
- (f) The mobile food facility shall not place any signage outside the approved area of operation.

- d. Lighting. To the greatest extent feasible, mobile food facilities shall utilize existing surrounding lighting to avoid creating additional lighting and glare conditions onto adjacent properties.

e. Signage.

1. All signage must be in accordance with code provisions that regulate signage within the Borough and must not be placed in the right-of-way.
2. All vehicular signs shall be in accordance with state motor vehicle standards.

- f. Noise. No sounds that are prohibited by the Borough Code may be produced by a Mobile Food Facility's operation.

- g. Violation. Any violation of the provisions of this chapter shall be enforced by Borough personnel, designated official or health officer and shall result in a thirty-day suspension of the Mobile Food Facility permit. A subsequent violation shall result in the suspension of said license for the remainder of the calendar year.

[Council Vote and Clerk Certification to follow on next page]

RECORDED VOTE OF COUNCIL													
	Date: May 28, 2026					Date: June 11, 2026					Date: --		
	First Reading/Introduction					Final Reading/Adoption					Tabled		
Council Members	M S	Yay	Nay	N V	Ab	M S	Yay	Nay	N V	Ab	M S	Yay	Nay
<i>K. Annarelli</i>													
<i>S. Bianco</i>													
<i>C. Nolde</i>													
<i>C. Padusniak</i>													
<i>H. Sureka</i>													
<i>K. Boto</i>													
✓ - Indicates Vote: AB: Abstain A: Absent M: Motion S: Seconded REC: Recused													

Approved:

Jen Blumenstock, Mayor

I, Nicole M. Kotiga, Borough Clerk of the Borough of Garwood, do hereby certify that the foregoing ordinance was duly adopted by the Borough Council of said Borough on June 11, 2026.

Nicole M. Kotiga
Borough Clerk