

ORDINANCE NO. O-07-85

AN ORDINANCE ESTABLISHING AND CLARIFYING REQUIREMENTS FOR MOBILE ICE CREAM VENDORS AND OTHER VEHICLES VENDING PRODUCTS TO CHILDREN; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the city council expressly finds that vehicles and hand carts in which ice cream, confections, and other **frozen** dessert products **are** carried for the purpose of retail sale on the public streets has the potential to pose special dangers to the public health, safety, and welfare of children and other residents of the city; and

WHEREAS, these dangers include, but are not necessarily limited to, the conflict between traffic and the **public's** attraction to vehicles or hand carts selling such products; and

WHEREAS, it is desirable to provide responsible companies and individuals who engage in the operation of such vehicles with **regulations** to prevent safety, **traffic**, and health hazards, **as** well as to preserve the peace, safety and welfare of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

Section 1. All drivers of ice cream trucks and other vehicles vending products to children shall submit a copy of their commercial driver's license to the city and obtain a permit **from** the office of the city clerk before operating such vehicle. **A** commercial driver's license is required.

Section 2. All **permit applicants shall** provide proof of automobile insurance according to state law along with the application.

Section 3. All applicants shall be subject to a criminal history background check, and shall consent to such check **as** a condition of application. A conviction for **any** offense involving **actual** or attempted homicide, kidnapping, assault or **assaultive** offenses, sexual assault or rape, any

offense requiring **registration** as a sexual offender in **any** state, theft (including robbery or burglary), prostitution or obscenity shall be grounds for disqualification of an applicant.

Section 4. Vendors shall operate with the following safety equipment for ice cream trucks:

(1) Signs stating "WATCH FOR CHILDREN" must be provided on the **front, back,** and both sides of the vehicle in at least four inch letters of contrasting colors.

(2) The company name, address, and phone number must be on both sides of the vehicle in at least three-inch letters of contrasting colors.

(3) A serving window, capable of being closed when not in use, must be provided and must be located on the **curbside** only.

(4) Left and right outside rear view mirrors as well as two additional outside wide-angle mirrors on the **front** and back of the vehicle must be provided to enable the driver to see around the entire vehicle.

(5) Operable yellow or amber flashing hazard lights clearly visible not less than 100 yards from the mobile unit under average daylight conditions shall be provided. Such lights shall be mounted no more than 12 inches below the roof of the mobile unit. No fewer than two lights shall be visible **from** each approach.

(6) A rear bumper cover shall be installed to prevent children **from** standing or jumping on the rear of the vehicle.

Section 5. The following requirements shall apply to mobile ice cream vendors.

(1) Location.

a. Mobile ice cream **trucks** are permitted **to** vend in an area for no more than **15** minutes, then they must move to another location.

b. Mobile ice cream vending is prohibited within City of **Conway** parks, unless the vendor has applied for and received a **franchise permit** for such activity.

c. Mobile ice cream trucks **shall** not vend within one block of any block containing an elementary or junior high school during school **hours** or within one hour before or after school hours on a day that school is scheduled to be in session.

d. Mobile ice cream trucks shall not vend within **100 feet from an intersection**.

(2) Hours of operation.

a. Mobile ice cream vending may only occur from **10:00** a.m. to one-half hour before sunset.

(3) Use of sound equipment.

a. Use of sound equipment shall be limited to music or human speech.

b. Sound shall not be audible more than **100 yards from** the truck. Sound shall be in violation of city or state noise or nuisance ordinances or statutes.

c. Sound equipment may only be used from **10:00** a.m. until one-half hour before sunset.

d. Sound shall not be broadcast within **100 yards** of schools during school **hours** while school is in session, or within **100 yards** of hospitals, churches, courthouses, **funeral** homes, or cemeteries.

e. Sound shall be turned off while the vehicle is stopped for vending.

(4) Health and safety precautions.

a. Vendors shall be in compliance with any and all state, county or federal health regulations relating to the vending of food, **drinks** or confections, and shall display **any** required **permits** or notices.

b. Drivers shall check around the vehicle before leaving the area to ensure that children are not remaining. When handing the purchased product to the children, drivers shall make certain traffic is clear, in case a child leaves the truck immediately and fails to observe oncoming traffic.

c. Child customers shall not be allowed inside the vehicle. This provision shall not apply to children related to the driver while riding with the driver along the sales route.

Section 6. PENALTIES: The violation of any provision of this ordinance is declared to be an unclassified misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500.00).

Section 7. Any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 8: That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 10th day of July, 2007.

Approved:



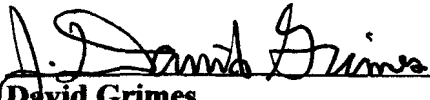
Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer

Sponsored by:



David Grimes
Alderman, Ward 1, Position 2