

ORDINANCE NO. **010-05 C.S.**

**AN ORDINANCE AMENDING CHAPTER 7, PART 1, OF THE STOCKTON MUNICIPAL CODE BY ADDING DIVISION 5, SECTIONS 7-005 THROUGH 7-016, REGARDING ICE CREAM VENDORS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

**SECTION I. AMENDMENT OF CODE.**

Chapter 7, Part 1, of the Stockton Municipal Code is hereby amended to add Division 5, sections 7-005 through 7-016 and shall read as follows:

Division 5  
ICE CREAM VENDORS

**SEC. 7-005. SHORT TITLE:**

This Division shall be known as the "Ice Cream Vendor Ordinance."

**SEC. 7-006. PURPOSE:**

The general purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity, and general welfare by requiring that new and existing ice cream vendors provide the community and customers with a minimum level of cleanliness, quality, safety, and security.

**SEC. 7-007. DEFINITIONS:**

A. "Business Owner" shall mean any person, firm, or corporation, which owns or controls any interest in any business engaged in vending as defined in Subsection H hereof.

B. "Commissary" shall mean an establishment in which food, containers, equipment, or supplies are stored or handled for use in ice-cream vehicles.

C. "Dispense or dispensing" shall mean peddling, hawking, displaying for sale, soliciting the sale of, offering or exposing for sale, selling, or giving away.

D. "Ice cream vehicle" shall mean a motor vehicle engaged in the curbside vending or sale of frozen and/or refrigerated desserts, confections, or novelties commonly known as ice cream, pre-packaged candies, pre-packaged snack foods, or soft drinks, primarily intended for sale to children under fourteen (14) years of age.

E. "Persons" shall mean any person, firm, partnership, association, or corporation, and includes, but is not limited to, owners, operators, drivers, lessors, and lessees of ice-cream vehicles.

City Atty  
Review LSW  
Date September 6, 2005

F. "School" shall mean any elementary school, middle school, junior high school, four-year high school, senior high school, continuation high school, or any branch thereof.

G. "Street" shall mean all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys, and sidewalks.

H. "Vend" or "Vending" shall mean the sale of frozen and/or refrigerated desserts, confections, or novelties commonly known as ice cream, pre-packaged candies, pre-packaged snack foods, or soft drinks from an ice-cream vehicle.

I. "Vendor"/"Operator" shall mean any person who drives, operates, and/or vends on or from an ice-cream vehicle.

**SEC 7-008. APPLICATION:**

A. A person desiring to engage in a vendor operation, as defined by this section, shall submit a written application in a form acceptable to and with all supporting information required by the City of Stockton. Such application shall be accompanied by a non-refundable, non-transferable application fee in an amount as established by Resolution of the City Council. Any such permit shall be required to be renewed annually and a separate non-refundable, non-transferable application fee shall be paid yearly for such renewal application. Vendors must have the permit in their possession when vending. There must be at least one Vendor with a valid permit on an ice-cream vehicle whenever vending is taking place.

B. A Vendor must obtain a background check in accordance with the requirements of Section 6-034.20 of this Code.

C. If the ice-cream vehicle is equipped with a sound device an additional fee, in an amount as established by Resolution of the City Council, for a sound permit shall apply.

D. Every Business Owner shall obtain a City of Stockton Business License. As part of the business license application, Business Owner shall provide the following:

- 1) Proof of current vehicle registration and a copy of an applicable vehicle insurance policy.
- 2) Four photographs (showing different exterior views) of each ice-cream vehicle.
- 3) A copy of a current San Joaquin County Environmental Health permit. For a City of Stockton business license renewal application, Business Owners must show proof of payment to a commissary for the prior twelve (12) months.

**SEC 7-009. GENERAL REGULATIONS FOR SALES:**

It shall be unlawful for any person to vend, or attempt to engage in vending or operate any ice-cream vehicle or conduct any business for the purpose of vending from any ice-cream vehicle parked, stopped, or standing upon any public

street within the City of Stockton except in accordance with all applicable provisions of this Code.

**SEC. 7-010. SALES FROM ICE CREAM VEHICLE:**

No person shall dispense any item, other than food or beverages, from an ice cream vehicle parked or stopped on a street.

**SEC 7-011. HOURS OF OPERATION:**

No person shall dispense any item from an ice cream vehicle stopped or parked on a street before 9:00 a.m. or after sunset.

**SEC 7-012. RESTRICTIONS ON VENDING ACTIVITY:**

A. No person shall dispense any item, at any time, from an ice cream vehicle that is parked or stopped within one hundred (100) feet of an intersection, which is controlled by a traffic signal or stop sign.

B. No person shall dispense any item, at any time, from an ice cream vehicle parked or stopped anywhere that it will create a traffic hazard.

C. It shall be unlawful for an ice-cream vehicle to stop, stand, or park on or along a public street for a period of more than thirty (30) minutes without moving to a new location at least one-hundred (100) feet removed therefrom.

D. No person shall dispense any item, at any time, from an ice cream vehicle parked or stopped within three hundred (300) feet of the property line of a school prior to 4:00 p.m. on regular school days.

E. No person shall dispense any item, at any time, from an ice cream vehicle parked or stopped within three hundred (300) feet of the property line of any park, playground, or City Parks and Recreation-operated recreation center.

F. Vending shall occur only from the side of the vehicle away from moving traffic and as near as possible to the curb or side of the street.

G. Standard warning flashers shall be in operation immediately upon the ice-cream vehicle stopping to vend and cease operation as the vehicle begins to move after vending.

H. The provisions of the subsections above shall not apply if a written permit has first been obtained from the City Manager, or his/her designee.

**SEC. 7-013. MINORS IN VEHICLE:**

No person shall permit a person less than sixteen (16) years of age to ride in or on an ice cream vehicle unless said minor is a family member or relative of the person operating the ice-cream vehicle.

**SEC 7-014. NOISE RESTRICTIONS:**

A. No person shall use, play or employ any sound, outcry, amplifier, loudspeaker, or any other instrument or device for the production of sound from an ice-cream vehicle when the ice-cream vehicle is stationary.

B. No person shall use, play or employ any sound, outcry, amplifier, loudspeaker, or any other instrument or device for the production of sound from

an ice-cream vehicle which is audible for a distance of more than 300 feet from the ice-cream vehicle.

**SEC 7-015. APPEARANCE OF VEHICLE:**

A. The exterior of the ice-cream vehicle shall be clean and in good repair, and not have any peeling, dents, rust, scratches or missing components which are discernible at a distance of five feet or more from the ice-cream vehicle.

B. A trash receptacle shall be made accessible to the public when sales occur in which patrons can place package wrappers and trash.

C. Advertising decals and price lists shall be placed only on the vending side of the ice-cream vehicle and shall use no more than a maximum area of twenty-four square feet.

D. Safety signs or safety decals may be placed on either side of the ice-cream vehicle.

E. A current City of Stockton business license decal shall be displayed in plain view and at all times on or immediately adjacent to the front passenger-side window of the ice-cream vehicle.

F. A sign displaying the name of the business, the commissary address and the business phone number shall be displayed on the passenger side of the ice-cream vehicle and shall be clearly visible at a distance of ten (10) feet.

G. The following safety equipment shall be required on all ice-cream vehicles:

(1) Signs painted or mounted on the front and back of each ice-cream vehicle using black four-inch tall letters on a yellow background with a black one-inch border around each sign. The sign on the front and back of each ice-cream vehicle shall read "CHILDREN CROSSING" and be 12 inches high by forty-eight inches wide. An additional sign or signs shall be painted or mounted on the rear of each ice-cream vehicle above the first sign and shall read "WARNING" in English, Spanish and Vietnamese, using the same size letter and paint requirements.

(2) Standard warning flashers.

(3) Any other safety equipment required by the California Vehicle Code.

**SEC. 7-016. PENALTY:**

A violation of this Division shall constitute a misdemeanor. Notwithstanding the foregoing, a violation of this Division is an infraction when the prosecutor files a complaint charging the offense as an infraction.

**SECTION II. SEVERABILITY.**

In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

**SECTION III. EFFECTIVE DATE.**

This ordinance shall take effect and be in full force thirty (30) days after its passage.


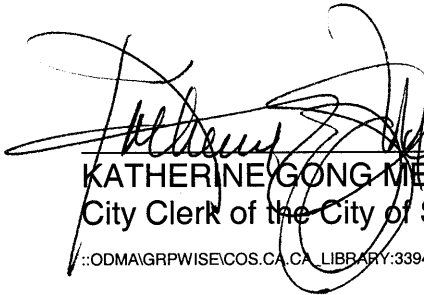
ADOPTED: **SEP 13** 2005

EFFECTIVE: **OCT 13** 2005

ATTEST:



EDWARD CHAVEZ  
Mayor of the City of Stockton



KATHERINE GONG-MEISNER  
City Clerk of the City of Stockton

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