

***ITINERANT STREET VENDOR
ANNUAL OPERATOR'S PERMIT***

Name of Applicant _____

Address _____

Name of Company _____

Business Phone No _____ Cell phone No _____

Number of Vehicles In Operation _____

Insurance Company _____

Address Of Insurance _____

Insurance Agents Name _____

Policy No _____ Phone No _____

(I), (We) the undersigned operator permit applicant (s), agree to abide by all laws and regulations now in force and/or enacted or promulgated in the future relating to the conduct of the business in the City of Springdale, Arkansas, and further acknowledge receipt of Ordinance 4434, adopted July 13, 2010, and agree to abide by all terms and conditions set out in the Ordinance.

(I), (We) further agree, if granted a permit, (I) (we) will name the City of Springdale as an insured on a policy of insurance which meets the requirements set out by Ordinance 4434 of the City of Springdale, Arkansas, and agree to notify the City, and have the insurance carrier notify the City, upon cancellation or lapse of the insurance policy. (I), (We) further understand that (I),(we) are to keep a current policy of insurance in effect and on file with the administrator insuring all vehicles that are operated during the term of this permit.

Owner Signature _____ Date _____

Police Department Approval: _____

Fee: Payable to the City Clerk's office: \$10.00 per vehicle.

City of Springdale
Application

 Itinerant Street Vendor Vehicle Drivers Permit
 Ice Cream Truck Drivers Permit

Applicant for drivers permit states as follows:

Name _____

Address _____

Home Phone _____ Cell Phone _____

Date of Birth _____ Age _____ Drivers License # _____

Names previously used by Applicant _____

Business name for which applicant will be working _____

Business address _____ Phone _____

Applicant acknowledges receipt of Ordinance 4434 and further acknowledges and states under oath, after being duly sworn, that the undersigned has never been convicted of a felony and meets all qualification requirements for obtaining an itinerant street vendor vehicle driver's permit in the City of Springdale, Arkansas.

Applicant's Signature _____ Date _____

**Permit expires one year from date issued.

Springdale Police Record Check Approved
 Disapproved

Police Department Signature _____ Date _____

Fee: \$5.00 Payable to the City Clerk's Office

ORDINANCE NO. 4434

**AN ORDINANCE AMENDING CHAPTER 82 OF THE
CODE OF ORDINANCES OF THE CITY OF SPRINGDALE,
ARKANSAS.**

WHEREAS, Chapter 82 of the Code of Ordinances of the City of Springdale, Arkansas, contain regulations pertaining to peddlers and solicitors;

WHEREAS, Chapter 82 of the Code of Ordinances of the City of Springdale, Arkansas, contains no regulations for "ice cream trucks" and other itinerant street vendors;

WHEREAS, Chapter 82 of the Code of Ordinances of the City of Springdale, Arkansas, contains no standards for the drivers of "ice cream trucks" or other itinerant street vendor vehicles;

WHEREAS, regulations for "ice cream trucks" and other itinerant street vendors are needed in order to protect the safety and welfare of the citizens of the City of Springdale, Arkansas;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Chapter 82 of the Code of Ordinances of City of Springdale, Arkansas, to include regulations for "ice cream trucks" and other itinerant street vendors;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Chapter 82 of the Code of Ordinances of City of Springdale, Arkansas, to include standards for the drivers of "ice cream trucks" or other itinerant street vendor vehicles;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF SPRINGDALE, ARKANSAS, that:**

Section 1. Chapter 82 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended by adding a new section, Section 82-3, to read as follows:

Sec. 82-3. Itinerant Street Vendors; "Ice Cream Trucks".

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

(1) *Administrator* means the Mayor of the City of Springdale, Arkansas, or the Mayor's designee;

(2) *City* means the City of Springdale, Arkansas;

(3) *Ice cream truck* means a motorized vehicle in which ice cream, ice milk, frozen dairy products or ice flavored syrup are carried for purposes of sale from the streets or sidewalks of the City, and which is equipped with a functioning freezer or other similar device to keep the aforementioned products frozen.

(4) *Ice cream vendor* means a person offering ice cream, ice milk, dairy products or ice flavored with syrup for sale from an ice cream truck from the streets or sidewalks of the City.

(5) *Itinerant street vendor* means a person dispensing food, goods, materials or services from a vehicle or other contrivance operated on the streets and sidewalks. This term shall not include or apply to a "temporary open air enterprise" or a "mobile vending unit" as those terms are defined in Chapter 130 herein.

(6) *Slow signal arm* means a safety arm that can be extended horizontally from the traffic side of an ice cream truck and which is meant to promote pedestrian safety.

(b) *Operating permit required.*

(1) No person shall operate as an ice cream vendor or itinerant street vendor in the City, except as expressly permitted under this article.

(2) Each ice cream vendor and each itinerant street vendor, in addition to a City business license, must obtain an annual operating permit from the City. A fee of \$10.00 per ice cream truck or itinerant street vendor vehicle shall be paid to the city at the time the original application is filed, and an annual fee of \$10.00 per ice cream truck or itinerant street vendor vehicle shall be assessed each year for renewal of the operating permit.

(3) Prior to issuing an operating permit, the City will inspect each ice cream truck and itinerant street vendor vehicle to ensure each vehicle is in a mechanically safe condition, and that all such vehicles meet the equipment specifications of subsection (d) herein. The inspection will be conducted by the Administrator.

(c) *Insurance required.*

(1) Each ice cream truck and itinerant street vendor vehicle that operates within the City must carry insurance.

(2) Cancellation of an insurance policy for an individual ice cream truck or itinerant street vendor vehicle shall be an automatic revocation of the permit issued to that individual ice cream truck or itinerant street vendor vehicle. Cancellation of an insurance policy for any company that operates any ice cream truck or itinerant street vendor vehicle shall be an automatic revocation of all city permits issued to all ice cream trucks or itinerant street vendor vehicles operated by that company.

(d) *Equipment specifications.* All ice cream trucks and itinerant street vendor vehicles shall be equipped with the following:

(1) A convex mirror mounted on the front so the driver in his normal seating position can see the area in front of the truck obscured by the hood.

(2) Signs or decals on both the front and the rear of the vehicle identifying the vehicle as an ice cream truck or itinerant street vendor and displaying the words "SLOW CHILDREN CROSSING" in distinctive lettering at least six inches in height which is visible at 300 feet to the front and rear in normal sunlight upon a straight level roadway or highway.

(3) An outside passenger side mirror that provides the driver with visibility to the right side and to the rear of the vehicle.

(4) A sign or decal that is visible at all times with the business address and telephone number of the business license holder printed on the side of the vehicle in letters of not less than two inches in height.

(5) A trash receptacle to dispose of all litter that is generated from products sold from the ice cream truck or itinerant street vendor vehicle.

(6) *Slow signal arm.* In addition to any other equipment required under local, state, and/or federal law and required by the other provisions of this article, every ice cream truck shall also be equipped with a slow signal arm that can be extended horizontally from the left side of the truck. This arm shall be yellow with black lettering three to five inches in diameter visible at 300 feet to the front and rear in normal sunlight upon a straight level roadway or highway. The bottom of the signal arm shall be approximately 42 inches above the roadway or street.

(e) *Driver Requirements/Driver Permit Required.*

(1) *Required.* No person shall operate an ice cream truck or other itinerant street vendor vehicle in the city, and no person who owns or controls an ice cream truck or itinerant street vendor vehicle shall permit it to be so operated at any time, unless the driver of said ice cream truck or other itinerant street vendor vehicle shall have first obtained and shall then have in force an itinerant street vendor vehicle driver's permit or an ice cream truck driver's permit issued under the provisions of this chapter.

(2) *Qualifications.* No itinerant street vendor vehicle driver's permit or ice cream truck driver's permit shall be granted unless the applicant is at least eighteen (18) years of age, has a valid state issued driver's license, and the applicant has no active suspension on his or her driving privileges in any state. Further, no permit shall be issued if the applicant has been convicted of a felony in the past five years. Further, no permit shall be issued if the felony conviction was for a sexual offense, an offense involving drugs, or the use of a firearm in the commission of the offense, or if it was a violent felony, regardless of when the felony occurred (there is no five-year limitation for these types of felony crime).

(3) *Application.* Any person desiring an itinerant street vendor vehicle driver's permit or an ice cream truck driver's permit shall, under oath, apply in writing to the Administrator. The form of such application shall be developed by the Administrator and shall include, but not be limited to, the age, name and address of the applicant. The police department shall also have the authority to require additional documentation, as needed, to process the application.

a. *Fee.* A fee of \$5.00 shall be paid to the city at the time the original application is filed, and an annual fee of \$5.00 shall be assessed each year for renewal of the permit.

b. When the application is approved, the itinerant street vendor vehicle driver's permit or ice cream truck driver's permit shall be issued in card form designed by the Administrator. The photograph of the driver shall be attached to the card. Each driver will be given an itinerant street vendor vehicle driver's permit or an ice cream truck driver's permit number which will be on such permit. This card shall be posted in a prominent place in the itinerant street vendor vehicle or ice cream truck and shall be shown to any customer, police officer, or code enforcement officer upon request. Only one driver's permit shall be posted in an itinerant street vendor vehicle or ice cream truck at any time.

c. *Acknowledgment of application.* The applicant shall acknowledge with any application that he or she understands that the itinerant street vendor vehicle driver's permit or ice cream truck driver's permit, if granted, will be for a specific period of time not to exceed one year, and an annual fee will then be charged for renewal of the permit. The applicant shall also acknowledge that it is his or her obligation to notify the Administrator any time the driver's driving privileges are suspended, or the driver is convicted for driving while intoxicated or actual control of a motor vehicle while intoxicated.

(4) *Investigation.* Each applicant shall be given an Arkansas State Police background check form which they will complete and forward to the Arkansas State Police, Records Section, with the required fee. Upon return of the record check, the applicant will deliver it to the Administrator for completion of the

background investigation. The Administrator shall forward all applications to the Springdale Police Department, Records Section, for a city criminal record check and traffic record. The police department shall return the application with the criminal record check and traffic record to the Administrator. The Administrator may develop rules and regulations with respect to the investigation and issuance of an itinerant street vendor vehicle driver's permit or ice cream truck driver's permit, but no driver's permit shall be issued if the applicant has a suspended or revoked driver's license in any state.

(5) *Duplicate driver's permit.* Upon presentation of convincing evidence that an itinerant street vendor vehicle driver's permit or ice cream truck driver's permit has been lost or destroyed and payment of a replacement fee of \$2.50 the Administrator shall issue a duplicate driver's permit.

(f) *Use of slow arms on ice cream trucks.*

(1) The driver of an ice cream truck stopped on the roadway or highway for the purpose of vending shall activate and extend the slow signal arm.

(2) The slow signal arm shall not be used when the truck is in motion, nor at any time when the ice cream truck is stopped for a purpose other than vending.

(g) *Cleanliness required.*

(1) The interior and exterior of each ice cream truck and itinerant street vendor vehicle, and all equipment therein, shall be kept clean and sanitary and maintained in good repair at all times.

(2) The interior and exterior of each ice cream truck shall comply with all local, state, and federal codes and regulations governing the sale and distribution of food products.

(h) *Vending restrictions.*

(1) No ice cream vendor or itinerant street vendor shall vend before 10:00 a.m. or more than 30 minutes after sunset.

(2) Ice cream vendors and itinerant street vendors shall only vend on residential streets and only where the speed limit does not exceed 30 miles per hour. The City shall provide each ice cream vendor or itinerant street vendor with a map and a list of prohibited streets which may include certain residential streets. A copy of the same shall be on file at the city clerk's office.

(3) No ice cream vendor or itinerant street vendor shall vend within 500 feet of any property used as a school from one hour before the regular school day to one hour after the regular school day; provided, this subsection shall not apply on days when school is not attended by children.

(4) No ice cream vendor or itinerant street vendor may vend before the ice cream truck or itinerant street vendor vehicle is lawfully parked or stopped.

(5) Ice cream vendors or itinerant street vendors may only vend from the right side of the truck that is away from moving traffic and as near as possible to the curb or edge of the roadway or street.

(6) No ice cream vendor or itinerant street vendor may vend to a person standing in the roadway.

(7) Only individually pre-packaged products or items may be sold from ice cream trucks or itinerant street vendor vehicles, unless the ice cream truck or itinerant street vendor vehicle has been issued a health department permit from the State of Arkansas Department of Health.

(8) A copy of a current, valid health department permit from the State of Arkansas, or a letter from the State of Arkansas Department of Health stating that no permit is required, must be on file in the City Clerk's office and must also be carried in the ice cream truck or itinerant street vendor vehicle.

(9) A current City operating permit issued to the individual ice cream truck or itinerant street vendor vehicle must be visibly displayed on the ice cream truck or itinerant street vendor vehicle.

(i) *Backing restricted.* The driver of an ice cream truck or itinerant street vendor vehicle shall not operate the truck in reverse in order to make or to attempt to make a sale nor shall he/she operate the truck in reverse immediately before or after vending.

(j) *Sound amplification restrictions.*

(1) Sound amplification, if used, shall be restricted to the playing of non-vocal music and shall be subject to the restrictions contained in Chapter 42, Article III.

(2) Sound amplification equipment shall not be operated while the ice cream truck or itinerant street vendor vehicle is stopped or parked, and shall not be operated while the ice cream truck or itinerant street vendor vehicle is travelling outside an approved vending area.

(3) Sound amplification equipment shall not be operated within 500 feet of hospitals, schools, or churches.

(k) *Penalty for violations.* Any person violating any of the provisions of this article shall be subject to a fine as provided by Section 1-9 of the Code of Ordinances of the City of Springdale, Arkansas. In the event of a continuing violation, each and every day the violation continues is considered a separate and punishable violation. Each sales transaction completed in violation of the terms of this subchapter shall be considered a separate violation.

Section 2. All other provisions of Chapter 82 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 3. Any ice cream vendor or itinerant street vendor who possesses a valid business license on the date of passage of this ordinance shall not be required to comply with the provisions of this Ordinance until the expiration of that business license.

PASSED AND APPROVED this 13th day of July, 2010.

Doug Sprouse
Doug Sprouse, Mayor

ATTEST:

Denise Pearce
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper
Jeff C. Harper, City Attorney