

★ Roll Call Number

Agenda Item Number

52

Date April 23, 2007

Informal hearing regarding vending on city streets and property.

(Council Communication No. 07-235)

Moved by \_\_\_\_\_ to receive and file comments and

APPROVED AS TO FORM:

  
Bruce Bergman  
City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Date \_\_\_\_\_

Agenda Item 52

Roll Call # \_\_\_\_\_

ADOPTED BY THE  
MAYOR AND COUNCIL

\_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

RELATING TO BUSINESS LICENSES AND OCCUPATIONAL LICENSE TAX;  
AMENDING CHAPTER 7 BY ADDING A NEW ARTICLE XXIII PROVIDING FOR  
LICENSING AND OPERATIONAL REQUIREMENTS FOR ICE CREAM TRUCK  
VENDORS; AMENDING SECTION 19-41 TO ADD AN OCCUPATIONAL  
LICENSE TAX ON ICE CREAM TRUCK VENDORS; AND DECLARING AN  
EMERGENCY

SECTION 1. The Tucson Code, Chapter 7, Businesses Regulated, is amended  
to add a new Article XXIII as follows:

**“ARTICLE XXIII. ICE CREAM TRUCK VENDORS**

**Sec. 7-490. Definitions.**

As used in this Article, the following terms are defined as follows:

(1) “Chief” means the Chief of the Tucson Police Department or the Chief’s  
designee.

(2) “Director” means the Director of the Department of Finance or the  
Director’s designee.

(3) “Ice Cream” means any frozen dairy or water-based food product.

(4) “Ice Cream Truck” means any motor vehicle used for Ice Cream Truck  
Vending.

(5) “Ice Cream Truck Vending” means the selling, displaying, or offering  
to sell Ice Cream or any other prepackaged food product from an Ice Cream  
Truck on a Street in a Residential Area or in a City park. Except for activities

licensed to occur in City parks, such term does not include an activity licensed pursuant to another provision of the Tucson Code or the selling, displaying, or offering to sell Ice Cream or other prepackaged food product from a motor vehicle where Ice Cream or other prepackaged food products are not the primary products offered or displayed for sale.

(6) "Ice Cream Truck Vendor" or "Vendor" means any person who owns or operates an Ice Cream Truck.

(7) "Residential Area" means any Street where over fifty percent of the front footage of either side of the block is devoted to single-family and multiple-family dwellings, dormitories, or mobile homes.

(8) "Street" means any public road, highway, avenue, boulevard, alley, or lane within the City.

#### **Sec. 7-491. License Requirements and Application Procedures.**

(a) In General. It shall be unlawful for a person to operate as an Ice Cream Truck Vendor in a Residential Area or a City park unless such person has received an Ice Cream Truck Vendor license from the Director.

(b) License Application. Any person desiring to obtain or renew an Ice Cream Truck Vendor's license shall file an application with the Director. Such initial or renewal application shall contain the following information:

(1) The full legal name, date of birth, and residence address of the applicant.

(2) A valid identification issued by any government that includes a photograph of the applicant.

(3) The year, make, model, and color of the motor vehicle the applicant intends on using as an Ice Cream Truck.

(4) A copy of a valid registration certificate issued by the Arizona Division of Motor Vehicles for the Ice Cream Truck identified in Paragraph (3).

(5) If employed by a business or other person, the name and address of such business or person.

(6) Any conviction of the applicant or Vendor for any of the following:

(A) any misdemeanor or felony within the previous 5 years if the offense involved sexual misconduct, prostitution, or any of the offenses

enumerated in Chapter 14, Title 13, Arizona Revised Statutes (Sexual Offenses) or Tucson Code § 11-28 and any such offense committed outside the State of Arizona that would have been classified as one of the above offenses if committed within the State of Arizona; or

(B) any felony at any time if the offense required registration as a sex offender under the laws of Arizona or of any other state, commonwealth, or possession of the United States.

(7) The applicant's complete fingerprints taken by the Tucson Police Department, along with written verification from the Police Department of having completed being fingerprinted.

(8) Proof of valid insurance for the Ice Cream Truck identified in Paragraph (3).

(9) Payment of the occupational license tax required by Section 19-41(f).

(c) Term of License. The license issued pursuant to Subsection B shall be valid for one year from the date of its issuance.

(d) Lost and Expired Licenses. The fee to replace a lost valid license shall be \$10.00. If a Vendor's license expires prior to filing for renewal, such Vendor must reapply for a license and pay any applicable fee or tax.

(e) Applicant Background Check. The Chief shall forward the fingerprints obtained pursuant to Paragraph (7), accompanied by the appropriate fees paid by the applicant, to the appropriate State and federal agencies to conduct a criminal history records check for the purpose of evaluating the fitness of the applicants as permitted under State and federal law. If the Chief determines, based on such background check, that the applicant has a conviction for any offense described in Subsection (b)(6), the Chief shall recommend to the Director that a Vendor license be denied or not renewed; otherwise the Chief shall recommend that such license be issued or renewed.

(f) License Issuance/Renewal or Denial. The Director shall issue an Ice Cream Truck Vendor license, or renew such license, upon filing of an application meeting the requirements of Subsection (b) and the affirmative recommendation of the Chief. If the Chief has not made a recommendation to the Director within 45 days after receiving the applicant's fingerprints, the Director may consider the application without reference to such a recommendation. If any requirement of Subsection (b) is not met or if the Chief recommends denial, the Director shall deny the applicant a Vendor's license or the renewal of such license. If a license is denied or not renewed, the applicant or Vendor may appeal pursuant to Section 7-492.

### **Sec. 7-492. Appeal Procedures.**

(a) In General. An applicant for an Ice Cream Truck Vendor's license, or a Vendor seeking renewal thereof, who has been denied a license by the Director may appeal such denial as provided in Subsection (b).

(b) Appeal Requirements. The Director shall provide written notice of denial or nonrenewal to the applicant or Vendor stating the grounds thereof and the procedures to appeal the decision. The notice may be personally served or mailed, return receipt requested, to the address provided on the application. The applicant for a license, or a Vendor seeking renewal thereof, may file an appeal of the Director's decision in Tucson City Court, but such appeal must be filed within fifteen (15) days of receipt of the notice or from the date the notice is returned to the Director as undeliverable. A hearing shall be scheduled upon receipt of the filing of the appeal before a magistrate or special limited magistrate.

(c) Hearing. At the conclusion of the hearing, if the magistrate or special limited magistrate finds that the grounds for the denial or nonrenewal have been established by a preponderance of the evidence, the magistrate shall uphold the Director's decision. Either the City or the applicant or Vendor may appeal the ruling to the Pima County Superior Court in accordance with the Superior Court Rules of Appellate Procedure-Civil. If the Director's decision is upheld and the Vendor or applicant appeals to the Superior Court, such person may not operate unless and until such time as the Court orders the license issued or otherwise authorizes the person to operate.

### **Sec. 7-493. Display of License.**

The Director shall issue a license to the applicant who shall conspicuously display such license on or within the applicant's Ice Cream Truck. A law enforcement officer may detain an individual operating an Ice Cream Truck in a Residential Area or City park who is actively engaged in offering for sale the food products located thereon for the limited purpose of determining the status of the individual's license issued under this Article.

### **Sec. 7-494. Penalties.**

Any person who commits, causes, permits, facilitates, or aids or abets any violation of, or who fails to perform any act or duty required by this Article is guilty of a class one misdemeanor.

**Sec. 7-495. Separate License Required to Operate in City Parks and Other City Property.**

The license issued pursuant to Section 7-491 does not permit an Ice Cream Truck Vendor to operate in a City park or other City property (except City right of way in Residential Areas) unless such Vendor also has a license issued by the director of the department having control over such park or other City property.

**Sections 7-496-499. Reserved.”**

SECTION 2. Tucson Code § 19-41 is amended by adding at the end thereof a new Subsection (f) to read as follows:

“(f) Ice Cream Truck Vendors. Ice Cream Truck Vendors, as defined in Section 7-490(6), shall pay an annual occupational license tax of \$50.00.”

SECTION 3. (a) Except as provided in Subsection (b), Sections 1 and 2 are not effective until April 1, 2006.

(b) Between February 1, 2006, and April 1, 2006, the Director of the Department of Finance may accept applications for and issue or deny the licenses authorized by Section 1 and collect the occupational license fees authorized by Section 2.

(c) Any license issued pursuant to Section 1 between February 1, 2006, and April 1, 2006, shall be effective as of the date it is issued. Any business license issued to an individual for the operation of an ice cream truck prior to February 1, 2006, shall expire on February 1, 2006.

SECTION 4. If any of the provisions of this Ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not effect other provisions or applications of this ordinance which can be given effect without the invalid provision or circumstance and to this end the provisions of this Ordinance are severable.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately

effective, an emergency is declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
CITY MANAGER

DLD:tec  
12/14/2005 10:30 AM



**By-law Number 0523-2004**

**A By-law to regulate and govern the  
Owner and Drivers of Ice Cream Trucks  
and to repeal By-law 189-99, as amended,  
the Ice Cream Truck Vendor By-law**

**WHEREAS** section 150 of the *Municipal Act, 2001* S.O. 2001, c.25, provides that a local municipality may Licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** the *City of Mississauga Act, 1994* enables Council of The Corporation of the City of Mississauga to pass by-laws regulating or prohibiting the Selling, offering to Sell or displaying any goods, merchandise, products, refreshments, foodstuffs or flowers on public Highways over which the Corporation has jurisdiction;

**AND WHEREAS** a by-law licensing or imposing any condition on any business or class of business passed under this section comes into force shall include an explanation as to the reason why the municipality is licensing or imposing the condition and how the reason relates to the purpose;

**AND WHEREAS** the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Ice Cream Trucks for the purposes of Health and Safety, to enhance and encourage safe maintenance and operational practices for Drivers and Owners, ensure experienced and qualified Drivers are providing services and ensure accountability of industry participants for health and safety issues;

**AND WHEREAS** the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Ice Cream Trucks for the purposes of Consumer Protection, to enhance and encourage equal, fair and courteous treatment of customers;

**AND WHEREAS** the Council of the City of Mississauga considers it desirable and necessary to license, regulate and govern Owners and Drivers of Ice Cream Trucks for the purposes of Nuisance Control to promote professional behavior, fair dealing amongst participants in the industry, ensure courteous treatment, and limit or mitigate unsightliness, unnecessary noise, nuisance or disruption for passengers, Drivers, Owners and the general public;

**AND WHEREAS** a public meeting was held on December 8, 2004 at which time a report entitled Vehicle Licensing By-laws relating to the licensing of the business was presented and considered;

**AND WHEREAS** the Council of The Corporation of the City of Mississauga is desirous of enacting such by-laws;

**NOW THEREFORE** the Council of The Corporation of the City of Mississauga ENACTS as follows:



## **DEFINITIONS**

1. In this by-law:

*"Appeal Committee"* means a committee of Council duly appointed by by-law to conduct hearings under this By-law;

*"Applicant"* means a Person who applies for a Licence or for the renewal of a Licence pursuant to this by-law;

*"Articles for Sale"* means ice cream, ice cream cones, iced milk or other iced confection, refreshments or foodstuffs offered for sale by retail;

*"City"* means The Corporation of the City of Mississauga and its physical boundaries as described in the *Regional Municipality of Peel Act*, R.S.O. 1990, c.R. 15, as amended;

*"Clerk"* means the Clerk of The Corporation of the City of Mississauga or her duly appointed Deputy;

*"Council"* means the Council of The Corporation of the City of Mississauga;

*"Driver"* means any Person who drives or operates an Ice Cream Truck;

*"Driver's Licence"* means the Licence issued under this By-law to a Driver of an Ice Cream Truck;

*"Highway"* means a common and public Highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

*"Ice Cream Truck"* means a Motor Vehicle from which Articles for Sale are sold or offered for sale to the public;

*"Inspecting Authority"* means the Ministry of Transportation, Peel Regional Police Services, the Ministry of Environment, Medical Officer of Health or an Inspector;

*"Inspector"* means an inspection officer duly appointed by Council;

*"Licence"* means a Driver's Licence, Owner's Licence or Special Event Licence issued under this by-law;

*"Licence Manager"* means the Manager of the Vehicle Licensing Section of the Corporation's Enforcement Division;

*"Licence Renewal Sticker"* means the coloured consecutively numbered sticker issued with the renewal of the Owner's Licence, to be attached to the Owner's Plate. The sticker indicates the expiry year of the Owner's Licence;

*"Licence Sticker"* means the stamp or seal issued to an Owner under this by-law;

*"Licensee"* means a Person licensed as a Driver or Owner or in receipt of a Special Event Licence under this By-law;

*"Licensing Unit"* means the Vehicle Licensing Unit of the By-law Enforcement Division in the Corporate Services Department of the City;

"*Medical Officer of Health*" means the Medical Officer of Health for the Regional Municipality of Peel, duly appointed under the *Health Protection and Promotion Act*, R.S.O. 1990, c.H.7, as amended, and includes any staff official acting on his behalf;

"*Motor Vehicle*" includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a motorized snow vehicle or motor-assisted vehicle;

"*Owner*" means the Person certified as the Owner of an Ice Cream Truck by the Registrar of Vehicles for the Province of Ontario or a Person who is a lessee of an Ice Cream Truck pursuant to a written lease agreement with the Owner of the Ice Cream Truck;

"*Owner's Licence*" means the Licence issued under this By-law to the Owner of an Ice Cream Truck;

"*Owner's Plate*" means a numbered plate issued to an Owner licensed under this By-law;

"*Permit*" means a Permit within the meaning of, and issued pursuant to, the Parks By-law 277-96 as amended;

"*Person*" includes a corporation and its directors and officers, and the heirs, executors, and administrators or other legal representatives of an individual and their respective successors and assignees;

"*Safety Standards Certificate*" means a Safety Standards Certificate issued by the Ministry of Transportation pursuant to the *Highway Traffic Act* and Regulations thereunder certifying that a Motor Vehicle has been inspected in accordance with the provisions of the *Highway Traffic Act* and that the Motor Vehicle meets the prescribed standard on the date of inspection;

"*Sell*" includes display for sale, expose for sale and offer for sale Articles for Sale to the public, and "Selling" shall have the corresponding meaning;

"*Special Event*" means an event which takes place on City property that requires City approval(s) in addition to the approval for the use of the property itself, and may require the approval of regulatory agencies other than the City of Mississauga (such as LLBO, Medical Officer of Health, Peel Regional Police Department).

## **LICENSING REQUIRED**

2. (1) No Owner of an Ice Cream Truck shall operate or Permit the operation or use of the Ice Cream Truck in the City unless the Owner obtains an Owner's Licence under this by-law.
- (2) No Person shall drive or operate as the Driver of an Ice Cream Truck for the purpose of Selling Articles for Sale unless they obtain a Driver's Licence under this By-law.
- (3) No Person who is the Owner of more than one Ice Cream Truck shall require a separate Owner's Licence for each Ice Cream Truck which the Owner intends to use in the City.
- (4) No Person shall be licensed under this By-law unless they are at least eighteen (18) years of age and a citizen of Canada, a landed immigrant or has a valid employment authorization issued by the Government of Canada.

- (5) The issuance of a Licence pursuant to this By-law shall not relieve any Person from the necessity of acquiring any other Licence, Permit or approval required for such activity by any governmental or public authority.

### **REPRESENTATION**

3. No Person shall publish or cause to be published any representation that the Person is licensed under this By-law if they are not so licensed.

### **APPLICATION FOR A LICENCE AND FOR RENEWAL OF A LICENCE**

4. (1) An application for a Licence and an application for the renewal of a Licence shall be completed on the forms provided by the Licensing Unit.
- (2) Each completed application shall be submitted to the Licensing Unit accompanied by:
  - (a) the fee in the appropriate amount as set out in Schedule 1 to this By-law; and
  - (b) if the Applicant is a corporation, a copy of the incorporating document and a copy of the last annual information return as filed, if any, or if a registered partnership, a copy of the registered declaration of partnership.
- (3) Where an application for a Licence or for renewal of a Licence is refused, the Licence fee shall be fully refunded.

### **GROUND S FOR REFUSAL TO LICENCE, RENEW OR REVOKE**

5. Council may refuse to issue a Licence or refuse to renew a Licence where:
  - (a) having regard to the Applicant's financial position the Applicant cannot reasonably be expected to be financially responsible in the conduct of their business;
  - (b) the past conduct of the Applicant affords reasonable grounds for belief that the issuance of a Licence would be adverse to the public interest;
  - (c) the Applicant is carrying on activities that are, or will be if licensed, in contravention of this by-law and the schedules or any other by-law or statute; or
  - (d) the Applicant is in default of payment of any fine or fines which have been imposed by a court as a sentence arising from a conviction for breach of a by-law enacted by the City, or arising from a conviction for breach of a law or regulation.
6. Council may revoke or suspend a Licence where the Licensee would be disentitled to the Licence under Section 5, and where the Licence is revoked, the Licensee is entitled to a refund or part of the Licence fee proportionate to the unexpired part of the term for which the Licence was granted.

### **LICENCE ON TERMS AND CONDITIONS**

7. Notwithstanding any other provisions of this By-law, Council may impose conditions as a requirement of obtaining or renewing a Licence or may at any time impose conditions as a requirement of continuing to hold a Licence.

### **LICENSING UNIT**

8. The Licensing Unit shall;
  - (a) receive and process all applications for Licences and for renewal of Licences;
  - (b) issue all Licences where an application is approved in accordance with the provisions of this by-law;
  - (c) maintain complete records showing all applications received and Licences issued; and
  - (d) generally perform all the administrative functions conferred upon it by this by-law and the attached schedules.

### **ICE CREAM TRUCK INSPECTION**

9. The Licence Manager may require an Owner to submit his Ice Cream Truck for inspection at any time and at an appointed place and the Owner shall submit each Ice Cream Truck for inspection when required to do so by the Licence Manager.
10. Where following an inspection an Inspecting Authority does not approve an Ice Cream Truck as required under section 9, the Owner shall remove and return to the Licence Manager the Owner's Plate and the Owner shall not operate the Ice Cream Truck until the Owner obtains and produces evidence that approval by the applicable Inspection Authority has been given.
11. If an Ice Cream Truck and its equipment have been examined by an Inspecting Authority and the Ice Cream Truck or its equipment is found to be defective, the Ice Cream Truck Owner shall not operate the Ice Cream Truck or Permit it to be operated until the Ice Cream Truck or its equipment have been reinspected and approved by the Licence Manager.
12. When an Ice Cream Truck is examined by an Inspection Authority and a report states that the Ice Cream Truck or equipment in the Ice Cream Truck is dangerous or unsafe, the Owner shall remove and return to the Licence Manager the Owner's Plate to be held until an Inspection Authority certifies the Ice Cream Truck or its equipment to be safe.
13. No Person shall obstruct an Inspecting Authority conducting an inspection, or withhold, destroy, conceal or refuse to furnish any information or thing required by the Inspecting Authority for the purpose of the inspection.

### **DISPLAY OF OWNER'S PLATE**

14. Every Owner shall prominently display the Owner's Plate at the rear of the Ice Cream Truck in a location approved by the Licence Manager.

### **LICENCE NON-TRANSFERABLE**

15. A Licence issued under this By-law shall not be transferable.

### **CHANGE OF LICENCE**

16. No Person to whom a Licence has been issued under this By-law shall alter, erase or modify or Permit the alteration, erasure or modification of that Licence or any part thereof, unless approved by the Licence Manager who has initialled such change.

### **TERM OF LICENCE**

17. Every Licence issued to a Driver, shall be valid for a period of (1) one year effective from the first (1st) day of May up to and including the 30<sup>th</sup> day of April in the following year.
18. Where a completed application for the renewal of a Licence is not submitted to the Licensing Section within thirty (30) days after the expiry date for the current Licence, the Applicant shall be required to submit a new application together with the application fee for an original Licence.

### **CHANGES**

19. (1) Every Licensee shall notify the Licensing Unit in writing within four (4) days after,
  - (a) any change in the Licensee's business address;
  - (b) any change in the number or composition of officers or directors, if the Licensee is a corporation, or any change in the number or composition of partners, if the Licensee is a partnership; or
  - (c) any change in the Licensee's business name.
- (2) Where a change has occurred and notification has been made in accordance with subsection (1), and if it is a change of business name or business address, every Licensee shall attend within four (4) days of the date of notification at the office of the Licensing Unit and produce the Licensee's Licence for amendment.
20. A Licensee shall carry on their business only in the name in which the Licensee is licensed.

### **OWNER DUTIES**

21. Every licensed Ice Cream Truck Owner shall use only the services of a Driver who is licensed under this By-law.
22. Every licensed Ice Cream Truck Owner shall attach the Owner's Plate to the Ice Cream Truck for which it was issued in a manner and position approved by the Licence Manager.
23. Every licensed Ice Cream Truck Owner shall attach the Licence Renewal Sticker to the Owner's Plate
24. Every Owner shall submit to the Licence Manager a certificate of approval for a new or replacement Ice Cream Truck from the Medical Officer of Health.
25. Every Owner shall produce and file with the Licensing Unit a copy of the current certificate of insurance for a new or replacement Ice Cream Truck and the policy shall provide;
  - (a) an endorsement to provide the Licence Manager with a least ten(10) days notice in writing of a proposed cancellation or expiration of the insurance policies, or of a variation in the amount of the policies; and
  - (b) general liability insurance in the amount of at least two million dollars (\$2,000,000) for each Ice Cream Truck against liability resulting from bodily injury to or death of one or more Persons, any and all claims associated with the Selling of Articles for Sale and loss or damage to property.

26. Every Owner shall produce for each Ice Cream Truck, a current valid Motor Vehicle Permit issued by the Ministry of Transportation, or if an Ice Cream Truck is a leased Motor Vehicle, provide a copy of the lease agreement for the Ice Cream Truck.
27. Every Owner shall produce and file with the Licensing Unit a valid Safety Standards Certificate.
28. Every Owner shall submit the Ice Cream Truck for inspection and receive the approval of the Licence Manager for use of the Ice Cream Truck.

#### **OWNERS PROHIBITION**

29. No Owner shall Permit any Owner's Plate issued to the Owner under this By-law to be affixed to any Ice Cream Truck other than the one for which the Owner's Licence was issued.

#### **DRIVER'S DUTIES**

30. No Person shall be licensed as a Driver unless:
  - (a) the Person submits to the Licensing Unit evidence that an Owner licensed under this By-law is prepared to employ the Driver;
  - (b) the Person provides proof a current valid Class G Driver's Licence issued by the Province of Ontario;
  - (c) the Person files a certificate prepared by a duly qualified medical practitioner within one (1) month immediately prior to the application, which states that the Applicant is fit and free from communicable diseases and medically fit to perform the duties of a Driver; and
  - (d) the Person has their photograph taken by the Licensing Section.
31. Every Driver licensed under this By-law shall:
  - (a) be civil and behave courteously;
  - (b) keep the interior of the Ice Cream Truck clean, and in good repair;
  - (c) sell only Articles for Sale;
  - (d) ensure all equipment used for dispensing refreshments are kept in a clean and sanitary condition;
  - (e) ensure condiments are only dispensed from containers approved by the Peel Regional Health Unit;
  - (f) only operate an Ice Cream Truck for which a Licence has been issued;
  - (g) only use single service disposable cups, plates, forks, spoons and serviettes which are individually wrapped or provided in dispensers approved by the Peel Regional Health Unit;
  - (h) clean up any debris, refuse or garbage resulting from the operation of the Ice Cream Truck in the immediate vicinity of the serving location for the Ice Cream Truck;

- (i) make a complete safety tour around the Ice Cream Truck and check the mirror system around the Ice Cream Truck before departing from any stop made for the purpose of Selling Articles for Sale; and
- (j) refuse to serve any customer standing on a Highway.

**DRIVERS' PROHIBITIONS**

32. Every Driver licensed under this By-law shall not;
- (a) operate an Ice Cream Truck which is not licensed under this By-law;
  - (b) operate an Ice Cream Truck without the Owner's Plate attached;
  - (c) operate an Ice Cream Truck on the Highways of the City;
  - (d) operate an Ice Cream Truck in a City park without a Permit;
  - (e) operate an Ice Cream Truck on private property without written permission of the property Owner;
  - (f) re-visit the general serving area of a previous service call, within two (2) hours of the previous serving time;
  - (g) stop to Sell within thirty (30 ) metres of any intersection;
  - (h) stop to Sell within one hundred (100) metres of an entrance to any public park;
  - (i) stop to Sell within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any regular school day;
  - (j) stop to Sell within five hundred (500) metres of a business that Sells to the public products similar to those of the Ice Cream Truck vendor;
  - (k) stop to Sell any Articles for Sale within the boundaries of the Business Improvement Areas in the City as defined in Schedule 2;
  - (l) stop for longer than 10 minutes at any one serving location;
  - (m) ring bells or chimes or making any other recognizable sounds at any one location for more than twenty seconds or between the hours of 7 p.m. of one day and 10 a.m of the next day;
  - (n) Permit any Person not licenced under this By-law as a Driver or Owner, to assist in the driving of the Ice Cream Truck or to assist in or to engage in the Selling of Articles for Sale from the Ice Cream Truck; and
  - (o) operate an Ice Cream Truck between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day.
33. The provisions of subsections 32(f), 32(j) and 32(l) do not apply to a Driver with a Permit, while operating in a public park.

### **OWNER AND DRIVER DUTIES**

34. Every Ice Cream Truck shall have:

- (a) attached at the top or near the highest point, at least two amber lights visible by a Person 1.52 metres in height at a distance of not more than 1.2 metres in front of or behind the Ice Cream Truck, and the Ice Cream Truck shall be equipped with a mechanical device causing such amber lights to flash alternately at all times when the Ice Cream Truck is stopped to Sell Articles for Sale and such device shall be so operated at all such times;
- (b) conspicuously displayed on the rear, in black letters on a yellow background the words "WATCH FOR CHILDREN" in letters at least 15 centimetres high and the vertical width of such yellow background shall be at least 22.8 centimetres;
- (c) a cover over each of its bumpers which shall be on a curve or angle to prevent a Person from standing, stepping on or hanging from the bumpers;
- (d) a "Mirror System" which makes it possible for the Driver to complete a 360° visual inspection of the area around the Ice Cream Truck;
- (e) body, doors and windows which are of sufficient sound construction to provide reasonable protection against dust, dirt, flies and other injurious matter or things;
- (f) a light colour in the interior which shall be repainted or refinished as often as required by the Licence Manager;
- (g) a floor made of a suitable impervious material, free of holes, cracks or crevices, and the surface thereof shall be readily washable and shall be kept clean and in good condition;
- (h) storage shelves painted or consisting of a suitable impervious material;
- (i) all parts and equipment thereof maintained in a clean and sanitary condition and in good repair;
- (j) a storage area for hard ice cream and related products maintained at a temperature no higher than -15 degrees Celsius and equipped with an accurate thermometer;
- (k) hard ice cream and related products maintained in a hard condition in the Ice Cream Truck at all times and no thawed, or partially thawed products shall be refrozen, stored or sold from the Ice Cream Truck;
- (l) adequate insulation to prevent fumes from the engine or engines from reaching the vending and dispensing section of the Ice Cream Truck;
- (m) a warning beeper device that is engaged when the Ice Cream Truck's transmission is placed in reverse gear; and
- (n) a music box with amplification of no greater than 8 watts.

### **OWNER AND DRIVER PROHIBITIONS**

35. (1) No Owner or Driver shall operate or Permit to be operated an Ice Cream Truck unless all of the following equipment is present on or in the Ice Cream Truck and is in a good state of repair;



- (a) a portable litter basket which shall be carried inside the Ice Cream Truck while in motion and shall be suspended from the outside of the Ice Cream Truck in such a position so as to be easily accessible by Persons making purchases while the Ice Cream Truck is stopped for the purpose of Selling Articles for Sale;
- (b) two sinks of adequate size and non-corrodible material equipped with hot running water;
- (c) a tank to receive sink wastes;
- (d) a refrigerated cabinet for storage of ice cream mix and other milk products which cabinet shall be maintained at a temperature no higher than 5 degrees Celsius and shall be equipped with an accurate, indicating thermometer;
- (e) storage for dry products, sundae toppings, and syrups, which storage shall be easily cleanable and where necessary of a type readily dismantled for cleaning;
- (f) all dispensing equipment, whether for dry cones, single service containers, ice cream, syrups or toppings, of sanitary design and should be emptied and sterilized each night;
- (g) mechanical air-conditioning in the vending and dispensing part of the Ice Cream Truck;
- (h) screens or other devices to ensure adequate protection against flies and dust; and,
- (i) diesel generator for the refrigeration for the Ice Cream Truck.

**NEW OR REPLACEMENT ICE CREAM TRUCK**

36. If an Owner licensed under this By-law disposes or otherwise ceases to use their Ice Cream Truck, and acquires a new or replacement Ice Cream Truck for the purpose of operating under the Owner's Licence with the new or replacement Ice Cream Truck, the Owner shall not use the new or replacement Ice Cream Truck unless the Owner:
- (a) submits to the Licence Manager a certificate of approval for the new or replacement Ice Cream Truck from the Medical Officer of Health;
  - (b) produces and files with the Licensing Section a Motor Vehicle Liability Insurance Card and complies with section 25 of this By-law;
  - (c) produces for each new or replacement Ice Cream Truck, a current valid Motor Vehicle Permit issued by the Ministry of Transportation or if an Ice Cream Truck is a leased vehicle, provide a copy of the lease agreement for the Ice Cream Truck;
  - (d) produces and files with the Licensing Unit a valid Safety Standards Certificate;
  - (e) submits the new or replacement Ice Cream Truck for inspection;
  - (f) and receives the approval of the Licence Manager for use of the new or replacement Ice Cream Truck.

### **SPECIAL EVENT LICENCES**

37. Where an Ice Cream Truck is required to be used at a Special Event, the Owner and where applicable, the Driver shall obtain a Special Event Licence.
38. An application for a Special Event Owner's Licence and a Special Event Driver's Licence shall be completed on the forms provided by the Licensing Unit and be accompanied by the fee set out in Schedule I.
39. The provisions of this By-law relating to an application for a Licence shall apply with necessary modifications to an application for a Special Event Owner's Licence and a Special Event Driver's Licence.
40. A Special Event Owner's Licence and a Special Event Driver's Licence issued under this By-law shall only be valid for the date(s) and location listed on the Licence.

### **ORDER TO COMPLY**

41. Where a Licensee has contravened any provisions of this by-law, or where the Licensee has contravened any other City by-law relevant to the Licence, the Licence Manager may serve a written notice on the Licensee, advising of the contravention and directing compliance with the applicable by-law.

### **HEARING**

42. (1) Before Council refuses to issue or to renew a Licence, or cancels, revokes or suspends a Licence, a written notice shall be given to the Applicant or Licensee advising them that a recommendation is to be made to Council with respect to their application, or with respect to their Licence, as the case may be.
- (2) The notice under subsection (1) shall inform the Applicant or Licensee that they are entitled to a hearing by the Appeal Committee if they deliver within seven (7) days after the notice under subsection (1) is served on the Applicant or Licensee, notice in writing requesting a hearing by the Appeal Committee and if they also deliver payment of the prescribed fee as set out in Schedule 1.
- (3) The notice under subsection (1) shall also inform the Applicant or Licensee that if they do not attend at the appointed time and place, the Appeal Committee may proceed in their absence and the Applicant or Licensee will not be entitled to any further notice in the proceedings.

### **APPEAL COMMITTEE - THE HEARING**

43. (1) The provisions of Sections 5 to 15 and 21 to 24 of the *Statutory Powers Procedure Act* shall apply to all hearings conducted by the Appeal Committee under this by-law.
- (2) When a hearing date before the Appeal Committee has been fixed and the Applicant or Licensee who has been given notice of the hearing does not attend at the appointed time and place, the Appeal Committee may proceed in their absence and the Applicant or Licensee will not be entitled to any further notice in the proceedings.
- (3) At the conclusion of a hearing the Appeal Committee shall, as soon as practicable, make a written report to Council, which report shall:

- (a) summarize the evidence and the arguments presented by the parties;
  - (b) set out the findings of fact made by the Appeal Committee and its recommendation; and,
  - (c) set out the reasons for the recommendation on the merits of the Application;
- (4) Council may uphold or vary the decision of the Appeal Committee or do any act or make any decision that it might have done had it conducted the hearing itself and the Applicant or Licensee shall not be entitled to a further hearing on the matter before Council and the decision of Council shall be final.

**LICENCE PRODUCTION**

44. When requested by a Municipal Law Enforcement Officer, the Licence Manager, a Police Officer or a Police Cadet, every Person licensed under this By-law shall produce their Licence, photograph and any other documents required under this By-law.

**RETURN OF LICENCE**

45. (1) Where a Licence has been revoked, the Licensee shall return the Licence and where applicable the Owner's Plate to the Licence Manager within twenty-four (24) hours of receipt of notification of revocation and the Licence Manager may enter upon the premises of the Licensee for the purpose of receiving or taking the said Licence and where applicable the Owner's Plate.
- (2) No Person shall refuse to deliver to the Licence Manager, or in any way obstruct or prevent the Licence Manager from obtaining the Licence and where applicable the Owner's Plate.

**NOTICE**

46. (1) Any notice or order required to be given or served under this By-law is sufficiently given or served if delivered personally or sent by registered mail, addressed to the Person to whom delivery or service is required to be made at the last address for service appearing on the records of the Licensing Unit.
- (2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the date of mailing, unless the Person on whom service is being made establishes that they did not, acting in good faith, through absence, accident, illness, or other cause beyond his control, receive the notice or order until a later date.

**PENALTY**

47. (1) Fine - for contravention

Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding \$25, 000.00.

- (2) Fine - for contravention – corporation

Despite subsection (1) every corporation which is convicted of an offence under the provisions of this By-law is liable to a fine not exceeding \$50,000.00.

**VALIDITY**

48. If a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the stated intention of Council that the remainder of the By-law shall continue to be in force.

**SCHEDULES**

49. All schedules attached to this By-law shall be deemed to be a part of this By-law.

**INTERPRETATION**

50. The provisions of the *Interpretation Act* R.S.O. 1990, c.I.11, shall apply to this By-law as required.

**REPEAL**

51. By-law 189-99 is hereby repealed

**SHORT TITLE**

52. This By-law shall be known as the Ice Cream Truck Vendors' By-law.

ENACTED AND PASSED this 15th day of December 2004.  
Signed by: Nando Iannicca, Acting Mayor    Crystal Greer, City Clerk

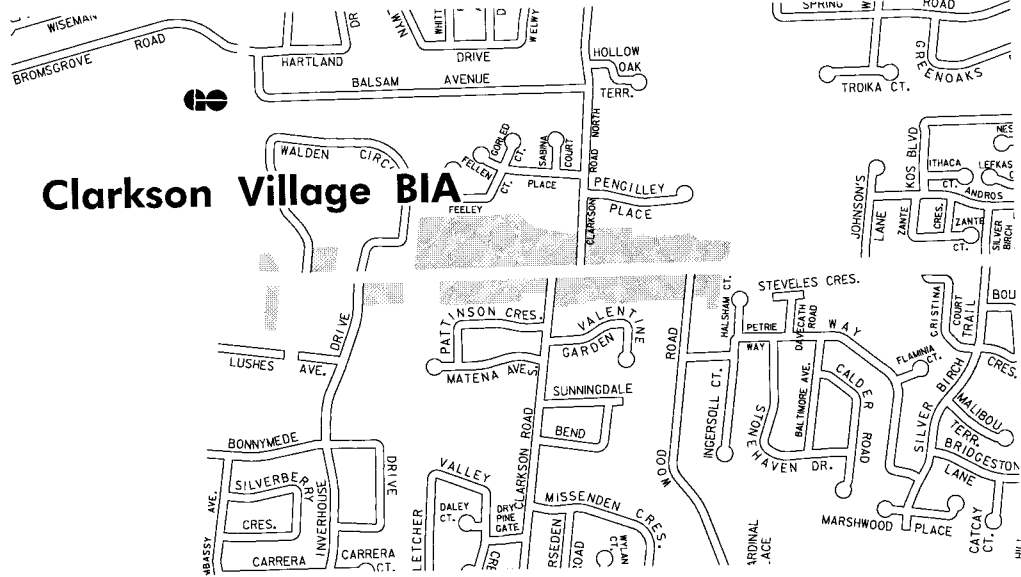
**Schedule 1 to By-law 523-04  
relating to Fees**

<u>1. TYPE OF LICENCE</u>	2004*		2005*	
	<u>Original</u>	<u>Renewal</u>	<u>Original</u>	<u>Renewal</u>
Ice Cream Truck Driver	\$ 89.00	\$ 88.00	\$ 129.00	\$ 126.00
Ice Cream Truck Owner	\$ 152.00	\$ 144.00	\$ 177.00	\$ 169.00
Special Event Ice Cream Truck Driver	\$ 18.00		\$ 27.00	
Special Event Ice Cream Truck Owner	\$ 35.00		\$ 41.00	
<u>2. Other Fees</u>		<u>2004-2005*</u>		
Appeal Hearing Fee		\$ 334.00		
Driver's Photo Identification Card Replacement		\$ 12.00		
Photographs		\$ 20.00		
Replacement Fee For Loss Of Driver's or Owner's Licence		\$ 12.00		
Replacement Fee For Lost Owner's Licence Sticker		\$ 6.00		
Replacement Fee For Lost Owner's Licence Renewal Sticker		\$ 3.00		
Search of Ontario Driving Record		\$ 12.00		

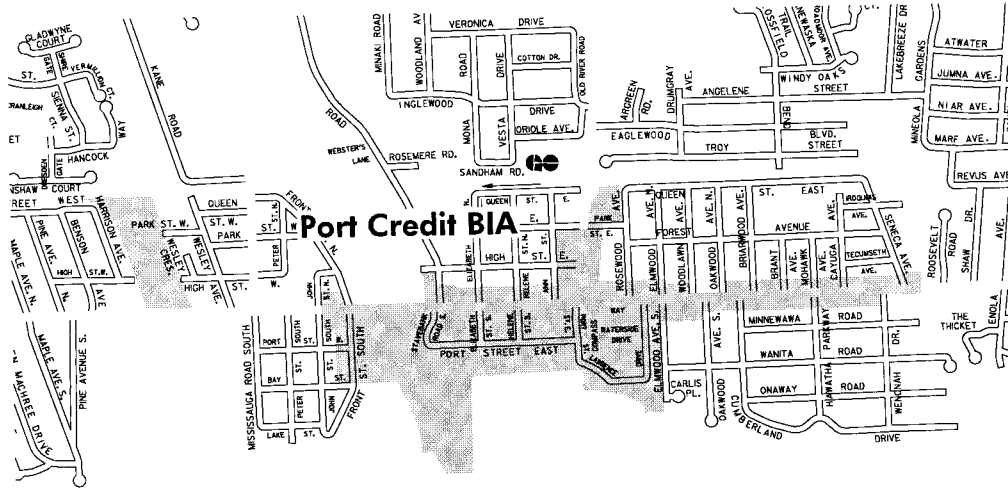
\* NOTE: These rates shall automatically increase and be rounded to the nearest dollar on the first day of January in each year, starting in 2004, by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the 12-month period ending on October 1 in the year immediately preceding the rate increase date.

SCHEDULE 2

CITY OF MISSISSAUGA  
BIA BOUNDARIES



SCHEDULE 2 (cont)



LAKE ONTARIO





**ARTICLE IX. ICE CREAM VENDORS\***

\*Editor's note--Section 1 of Ord. No. 2432, adopted Aug. 26, 1996, has been included herein as §§ 42-601--42-613 at the editor's discretion.

**Sec. 42-601. Purpose.**

The purpose of this article is to allow and regulate the sale and vending of prepackaged ice cream or frozen desserts from a motor vehicle on public streets or sidewalks.

(Ord. No. 2432, § 1, 8-26-96)

**Sec. 42-602. Definitions.**

As used in this article, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means an individual, corporation, partnership, limited partnership, limited liability company or any organization applying for issuance of a license.

Chief of Police means the Chief of Police, or designee, of the City of Thornton Police Department, State of Colorado.

Ice cream truck means any vehicle in which prepackaged ice cream, popsicles or frozen desserts of any kind are carried for purposes of retail sale on the City streets.

License means the authority under this article to operate and vend from an ice cream truck.

Licensee means a person who operates an ice cream truck for vending purposes and who has been issued a license under this article.

Vend or vending means the business of offering prepackaged ice cream, popsicles or frozen desserts for sale from an ice cream truck on the City streets.

(Ord. No. 2432, § 1, 8-26-96)

**Sec. 42-603. Amplified sound.**

Ice cream trucks may use amplified sound only in accordance with a permit issued pursuant to Section 38-441 (c)(10) of the City Code.

(Ord. No. 2432, § 1, 8-26-96; Ord. No. 2550, § 9, 7-12-99)

**Sec. 42-604. Operating requirements.**

Every person vending or operating an ice cream truck shall:

- (1) Obey all traffic laws;
- (2) Deliver products to customers only when the truck is lawfully stopped and the vehicle's hazard lights are in operation;
- (3) Comply with all applicable health and sanitation statutes, rules, regulations, ordinances or other laws;
- (4) Vend only from the side of the truck away from moving traffic and as near as possible to the curb or the side of the street;
- (5) Not vend to anyone standing in the roadway;
- (6) Not back-up any ice cream truck to make or attempt to make a sale;
- (7) Not vend before 10:00 a.m. or after 8:00 p.m.;
- (8) Vend only on residential streets;
- (9) Not drive an ice cream truck above 15 miles per hour while vending;
- (10) Not allow any person to hang on the vehicle or allow any person to ride in or on the vehicle, except a bona fide assistant or assistants.

(Ord. No. 2432, § 1, 8-26-96)

**Sec. 42-605. License required/fees.**

It is unlawful for any person to engage in the business of vending prepackaged ice cream or other types of frozen desserts from a motor vehicle in the City of Thornton without first obtaining an annually renewable license from the office of the City Clerk for each ice cream truck business owned and operated by such person according to the provisions of this article. The fee for each license shall be as established from time to time by resolution of the City Council, which license fee shall include the cost for investigation of one driver for each license issued. An additional investigation fee shall also be established, by resolution of City Council, to cover the costs of investigating each additional driver authorized to operate any ice cream truck under the license issued. The licenses shall be valid from March 1 through August 31 of any calendar year. Each ice cream truck shall be issued a decal as evidence of licensing. A copy of the license must be in each ice cream truck available to display upon request of any official of the City, and the decal must be placed on the lower left hand portion of the ice cream truck's windshield, from the driver's perspective, for each ice cream truck.

(Ord. No. 2432, § 1, 8-26-96; Ord. No. 2493, § 1, 1-26-98)

**Sec. 42-606. Insurance required.**

Each holder of a license hereunder shall at all times maintain liability insurance in amounts not less than required by the City and evidenced by a certificate, signed by an agent of an insurance carrier authorized to conduct business in Colorado. Such certificate shall verify insurance status and set forth the limits of each policy, policy number and insurer, the effective and expiration date of each policy, and a copy of an endorsement placed on the submitted policy requiring ten days' notice by mail to the City prior to policy cancellation for any reason.

(Ord. No. 2432, § 1, 8-26-96)

**Sec. 42-607. Licensing procedure.**

(a) No license shall be issued pursuant to the provisions of this article unless the applicant submits to the City Clerk the following:

(1) At least 30 days prior to the commencement of operations a completed application, signed under oath as to the truthfulness of its contents, on a form prepared by the City Clerk. The application form shall include, but not be limited to:

- a. Name, date of birth, address and social security number of the applicant;
- b. Name, age, social security number and date of birth of any individual who is employed as a driver for the business.

(2) The annual license fee and any investigation fee(s) required.

(3) Evidence of a current driver's license for the applicant and any individual who will be employed as a driver.

(4) A cash deposit of \$200.00 shall be required annually for anticipated sales taxes. These funds shall be retained by the City until a sales tax return is submitted by the licensee. If the deposit amount is in excess of the sales tax due, such excess shall be returned to the applicant within 20 days. In the event additional sales taxes are due and owing after a sales tax return is filed, the City may pursue such other action as is appropriate for the collection of such additional sales taxes due and owing. If no sales tax return is filed by the applicant for a period of 20 days after the close of business for the season, the deposit is forfeited by the licensee.

(5) Amended application. The applicant shall file with the City Clerk an amended application statement within ten days of the occurrence of any event which would constitute a change in the information submitted in the original application or any renewal thereof. In addition, the applicant may file an amended application within the same time period upon notification of any disqualifying or potentially disqualifying information as a result of the Police Department's investigation concerning an application or renewal.

(6) Renewals. Renewals of this license shall meet the criteria of a new license.

(7) Application following suspension or revocation of license. Licenses suspended hereunder upon the expiration of the suspension period shall be automatically reinstated if any time remains in the term of the license.

(b) Any initial or amended application or application for renewal shall be filed in duplicate with the City Clerk. One copy shall be referred to the Chief of Police for investigation and one copy retained by the City Clerk.

(1) Upon submission of the application, the Chief of Police shall cause an investigation to be conducted, as may be required, to obtain, confirm and verify information deemed necessary and appropriate in the decision to grant or deny the license, or to constitute cause for its nonrenewal, suspension or revocation as herein provided, including the moral character of the applicant and any employee of the business. Factors to be considered in determining moral character shall include but not be limited to:

a. The prior conviction in any jurisdiction of a felony, or of a crime which, if committed in Colorado, would constitute a felony;

b. Conviction of any criminal offense involving sexual crimes committed against children or involving the exploitation of children through pornographic or obscene materials;

c. Suspension of the applicant's or an employee's driver's license for any reason in the last five years.

(2) The Chief of Police shall complete the investigation within 15 business days of the filing of any application hereunder; however, the Chief of Police may obtain upon written request, filed with the City Clerk and a copy furnished to the applicant, an extension for additional time not exceeding 30 business days, if reasonably required to complete the investigation.

(Ord. No. 2432, § 1, 8-26-96; Ord. No. 2493, § 2, 1-26-98)

**Sec. 42-608. Issuance of license; grounds for refusal.**

(a) No license shall be issued or renewed until the requirements of Section 42-607 have been met and the applicant is approved by the Chief of Police. Issuance or denial of a license shall occur within ten business days from the date of completion of the investigation by the Chief of Police unless an amended application is submitted, in which case a decision to issue or deny shall be made within 15 business days from the date the amended application is received.

(b) The City Clerk shall not issue or renew the license required by this article upon the return of the investigation report of the Chief of Police if a finding is made that:

(1) Any employee is under the age of 18 years;

(2) The application contains any materially false statement;

(3) The applicant or any individual who is employed as a driver as set forth in the application are not of good moral character;

(4) The applicant or any individual who is employed as a driver does not have a current driver's license.

(Ord. No. 2432, § 1, 8-26-96; Ord. No. 2493, § 3, 1-26-98)

**Sec. 42-609. Notice of denial of license.**

(a) In the event that the City Clerk denies issuance of a license or denies a request for a renewal of a license hereunder, the City Clerk shall provide the applicant with written notice of such denial, which notice shall contain a copy of the investigation report or reports setting forth the basis of disqualification.

(b) In the event that the applicant wishes to appeal the City Clerk's decision to deny the issuance of the license, the procedures set forth in Section 42-611 shall be followed. The licensee may file with the City Clerk, along with a copy to the City Attorney, a written notice of appeal of the notice of denial or nonrenewal within the ten days following the date of the notice of denial or nonrenewal, stating with particularity the basis of appeal.

(Ord. No. 2432, § 1, 8-26-96)

Sec. 42-610. Revocation of license.

(a) The City Clerk shall revoke any license issued pursuant to this article, though otherwise eligible for such issuance pursuant to Section 42-607 or Section 42-608, upon the written finding of one or more of the following made by the Chief of Police:

- (1) The licensee or any individual employed as a driver has been convicted or pled guilty or no contest to a felony, or a crime which, if committed in Colorado, would constitute a felony.
- (2) The licensee or any individual employed as a driver has been convicted of or pled guilty or no contest to a sexual crime committed against children or involving the exploitation of children through pornographic or obscene materials.
- (3) The licensee's driver's license or the driver's license of any individual employed as a driver has been suspended for any reason in the last five years.
- (4) The application contains any materially false statement.
- (5) The licensee has operated in violation of Section 42-603 or 42-604.

(b) The City Clerk shall mail the notice of revocation setting forth the grounds for such revocation and issued pursuant to this section to the address of the licensee. No such order of revocation shall become effective until the expiration of ten days following the date of such notice or the final disposition of any appeal, if filed hereunder. The licensee may file with the City Clerk, along with a copy to the City Attorney, a written notice of appeal of the notice of revocation and the applicable appeal fee within the ten days following the date of the notice of revocation, stating with particularity the basis of appeal.

(c) Any revocation issued hereunder shall be effective for a period of 12 months following the effective date thereof.

(Ord. No. 2432, § 1, 8-26-96)

Sec. 42-611. Appeal procedure.

(a) Upon receipt of an appeal by the City Clerk for either denial or revocation as set forth pursuant to Section 42-609(b) based on a denial to issue a license, or Section 42-610(b) based on revocation of license, the City Manager shall designate a hearing officer to hear and determine the issues presented. The hearing officer, based on the standards of this article, may:

- (1) Sustain or reverse the decision of the City to deny issuance, reissuance or reinstatement of a license hereunder;
- (2) Sustain, modify or reverse the revocation of a license. In the event that the hearing officer finds that cause for revocation as set forth at Section 42-610 has been established, however, mitigating circumstances are found, the hearing officer may, in lieu of revocation:
  - a. Order the license suspended for a period not exceeding 90 days;
  - b. Impose reasonable conditions on the license, or any renewal thereof, to secure compliance with the standards of this article.

(b) Mitigating factors which may be considered shall be:

- (1) The absence of any prior violations of this article;
- (2) That the violation was not willful and that appropriate steps have been taken to avoid recurrence;

(3) That the violation of the ordinance did not involve a violation of criminal laws of the State or ordinances of the City, and that no serious personal injuries or damages to property have resulted from such violation.

(c) Any appeal presented pursuant to this article shall be conducted in conformance with standards of procedural due process applicable to administrative hearings, including the right to present testimony and to confront witnesses.

(d) The hearing officer shall apply the standard for review whether the City, through the order of revocation, abused its discretion, acted arbitrarily or acted in excess of its authority hereunder. Additionally, the appellant shall have the burden to show by a preponderance of the evidence why the

revocation or denial of license, or renewal thereof, was improper under the above standard. It shall also be the burden of the licensee to establish mitigation in contesting any order of revocation.

(e) The hearing officer shall conduct the hearing within 20 days of the filing of the notice of appeal and shall enter written findings of fact and conclusions of law within ten days of the hearing date.  
(Ord. No. 2432, § 1, 8-26-96)

**Sec. 42-612. Violations and penalties.**

(a) Any person who shall violate any of the provisions of this article, including failure to comply with the terms and conditions of the license, shall, upon conviction, be fined in the sum of not more than \$1,000.00 and/or up to one year in jail.

(b) In addition to the administrative remedies and penalties set forth in this article, the City Attorney shall be authorized to initiate an action before any court of competent jurisdiction to seek any appropriate remedy available to secure compliance with this article, including injunctive relief, and to secure costs and damages sustained by the City in enforcing this article.  
(Ord. No. 2432, § 1, 8-26-96)

**Sec. 42-613. No assumption of liability.**

Nothing in this article shall create any duty to any person, firm, or corporation with regard to the enforcement or nonenforcement of the article. No person, firm, or corporation shall have any civil liability remedy against the City, its officers, employees, or agents, for any damages arising out of or in any way connected with the adoption, enforcement, or nonenforcement of this article, and nothing in this article shall be construed to create any liability or to waive any immunities, limitations on liability, or other provisions of the Governmental Immunity Act, § 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available.

(Ord. No. 2432, § 1, 8-26-96)

**DIVISION 3. ENVIRONMENTAL REGULATIONS\***

\*Cross reference(s)--Environment, Ch. 22.

**Sec. 38-440. Purpose.**

(a) The purpose of this Division 3 is to provide for uniform Environmental Regulations for the control of noise, humidity and heat, glare, vibration, dust, weeds and brush in recognition that:

- (1) The quality of life in a community is enhanced when free from the nuisances created by these environmental conditions;
- (2) The excessive exposure to these environmental conditions can adversely affect the health and safety of the citizens of the City; and
- (3) The establishment and enforcement of reasonable standards is more effective than waiting until individual citizens have to complain of adverse impacts and therefore contributes to the general welfare of the community.

(b) Any City project that the City Manager determines is necessary to maintain or protect public amenities, facilities or infrastructure and thereby promote the public health, safety, and welfare shall be exempt from the environmental regulation contained in Sections 38-441 through 38-444.

(Ord. No. 2550, § 6, 7-12-99; Ord. No. 2766, § 1, 3-25-03)

**Sec. 38-441. Noise.**

(a) General provisions.

(1) It shall be unlawful for any person to willfully or recklessly make, cause to be made, or continue any unreasonable noise or sound within the City.

(2) Any noise or sound which disturbs the repose of the community or normal sensibilities of citizens and which is plainly audible within 25 feet of the noise source, when the noise source is within a vehicle or on the public right-of-way, or is plainly audible through the common wall in a multifamily building shall be considered an unreasonable noise, and such facts shall constitute prima facie evidence of a violation of this section. For this Section 38-441, plainly audible shall include noises or sounds which are so pervasive at the property line that the noise or sound falls within the definition of "Plainly audible" contained in Section 38-1.

(3) In addition to Subsection (a)(2), the following are declared to constitute noises or sounds which disturb the repose of the community and thereby cause unreasonable noises or sounds in violation of this section; provided, however, that the following list is not in limitation of Subsection (a)(1) of this section and is not inclusive:

a. Bells and chimes or any device for the production or reproduction of the sound of bells or chimes operated between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day and is in violation of the noise level standards contained in Subsection (c) herein.

b. Radios, televisions, phonographs or any similar device that creates a plainly audible sound as defined in Subsection (a)(2) of this section.

c. Any animal or bird which by frequent or habitual howling, barking, meowing, squawking or other noise, creates a plainly audible sound as defined in Subsection (a)(2) of this section.

d. Any steam engine, stationary internal combustion engine, air compressor, motorboat, motor vehicle or other power device which is not equipped with an adequate muffler in constant operation and properly maintained and which use is in violation of the noise level standards contained in Subsection (c) herein. No such muffler or exhaust system shall be modified or used with a cutoff, bypass, or similar device.

e. Operating a vehicle that is improperly loaded or so out of repair that it creates an unreasonable noise and is in violation of the noise level standards contained in Subsection (c) herein.

- f. Operation of a dynamic braking device that does not have an adequate muffler or operation of a dynamic braking device which creates an unreasonable noise.
- g. Loading or unloading any truck, including any garbage, trash, or compactor truck, in a residential zoning district or within 300 feet of any lodging use between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day which loading or unloading creates noise in violation of the noise level standards contained in Subsection (c) herein.
  - (4) Areas around schools, institutions of learning, churches or courts while such are in use, hospitals, nursing homes, or homes for the aged are especially sensitive to noise. When provided with conspicuous signs displayed on adjacent or surrounding streets, an area containing one of these uses may be declared a quiet zone.
- (b) Exclusions.
  - (1) Activities directly connected with the abatement of an emergency, including construction activities and authorized emergency vehicles when such vehicles are responding to an emergency call or when in pursuit of an actual or a suspected violator of the law or when responding to but not returning from a fire, are excluded from the provisions of this section.
  - (2) Bells and chimes or any device for the production or reproduction of the sound of bells or chimes from any church, school, or clock, operated between the hours of 7:00 a.m. and 10:00 p.m., are excluded from the provisions of this section.
  - (3) Firework displays, which otherwise comply with this Code, are excluded from the provisions of this section.
  - (4) Activated burglar alarms, which otherwise comply with this Code, are excluded from the provisions of this section.
  - (5) Operations that create sound related to the care and maintenance of public or private golf course facilities between the hours of 5:30 a.m. and 7:00 p.m., are excluded from the provisions of this section.
- (c) Noise sound level standards.
  - (1) Sound pressure levels shall be measured at the approximate location of the property line or, for motor vehicles, at least 25 feet from the near side of the nearest traffic lane being monitored or within 25 feet of a motor vehicle, at a height of at least four feet above the immediate surrounding grade, on a sound level meter of standard design and operated on the A network.
  - (2) The maximum permissible sound pressure levels of any continuous source of sound is given in Table A, Sound Pressure Level Limits. Sound pressure levels in excess of these limits are considered an unreasonable noise and are prohibited.

Table A. Sound Pressure Level Limits

TABLE INSET:

District	dB(A) During the Day, 7:00 a.m. to 7:00 p.m.	dB During the Night, 7:00 p.m. to 7:00 a.m.
All residential districts	55	50
Nonresidential districts except Industrial	60	55
Industrial Districts	80	75

- (3) The repairing, rebuilding or testing of any type of motor vehicle and the operation of machinery, equipment, pump, air conditioning apparatus or similar mechanical device shall be subject to the maximum permissible sound pressure levels in Table A for the district in which the source is located.
- (4) The standards in Table A do not apply to motor vehicles operating on public rights-of-way or to any other sources of sound that have their own set of standards in this section.
- (5) Construction activities are prohibited within any zoning district, except an Industrial District,

between the hours of 9:00 p.m. and 6:00 a.m.; otherwise construction projects are subject to sound pressure level limits for Industrial Districts given in Table A.

(6) Within enclosed places of public entertainment, when individuals are subject to sound levels and exposure durations exceeding those shown in Table B, all feasible administrative or engineering controls shall be utilized to protect against the effects of such noise exposure.

Table B

TABLE INSET:

Exposure Duration Per Day (hours)	Sound Level dB(A) Slow Response
8	90
6	92
4	95
3	97
2	100
1.5	102
1	105
0.5	110
0.25 or less	115

(7) No person shall operate or permit to be operated on private property or on the public right-of-way within any residential or nonresidential district, except for an Industrial District, any domestic or commercial power equipment:

- a. Between the hours of 10:00 p.m. and 7:00 a.m.; or
- b. Any commercial power equipment which exceeds a sound pressure level of 88 dB(A) between the hours of 7:00 a.m. and 10:00 p.m.; or
- c. Any domestic power equipment which exceeds a sound pressure level of 80 dB(A) between the hours of 7:00 a.m. and 10:00 p.m.; except
- d. On any day on which at least two inches of snow has fallen in the prior 24 hours at the location where such equipment is being used, the use of snow removal equipment between the hours of 5:00 a.m. and 10:00 p.m. shall be allowed.

(8) It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved any motor vehicle which emits a noise that exceeds the following sound pressure levels:

- a. Eighty dB(A), for any motor vehicle with a manufacturer's gross vehicle weight less than 6,000 pounds or any combination of motor vehicles towed by such a motor vehicle; or
- b. Eighty-eight dB(A), for any motor vehicle with a manufacturer's gross vehicle weight more than 6,000 pounds or any combination of motor vehicles towed by such a motor vehicle; except
- c. These standards shall not apply to vehicles traveling on streets with a posted speed limit greater than 45 miles per hour.

(9) It shall be unlawful to sound any horn or signal device on any vehicle on any street or highway within the City, except as a danger warning when an emergency exists. It is only lawful to use a horn or signal device as a danger warning for as long as the emergency exists or for a reasonable period of time. Any person using a horn or signal device as a danger warning has the burden of showing that an emergency or crisis did exist.

(10) It shall be unlawful for any person to install, use, or operate a loudspeaker, any type of sound amplifying device or sound amplifying equipment in a fixed or moveable position or attached to or mounted on any motor vehicle within the City for the purpose of giving instructions, directions, talks, addresses or lectures or for transmitting music or sound to any person or assemblages of persons,



without first obtaining a permit. A permit may be obtained as follows:

a. An applicant shall provide to the City Clerk the following information:

1. Name, address, and telephone number for both the owner and user of the sound amplifying equipment or device;
2. The license number of the sound truck or other vehicle to be used (if applicable);
3. A general description of the sound amplifying equipment or device to be used;
4. A description of the intended purpose or need for use of the sound amplifying equipment or device; and
5. The dates, times and locations in which the sound amplifying equipment or device will be used.

b. A permit shall be issued within five business days by the City Clerk on condition that the sound amplifying equipment or device will be operated only between the hours of 7:30 a.m. and 9:00 p.m., only on the dates specified and in compliance with the noise level standards contained in Subsection (c) herein.

c. If the applicant violates any requirements of this Subsection (c)(10) or any other municipal ordinance, the permit shall be automatically revoked.  
(Ord. No. 2550, § 6, 7-12-99)

#### Sec. 38-442. Glare.

(a) Exterior and interior lighting in all zoning districts shall be designed and installed so that all direct rays are confined to the site on which the lighting is located and so that adjacent residential properties are protected from glare which is deemed to be a public nuisance.

(b) The installation or erection of any lighting which simulates, imitates or conflicts with warning signals, emergency signals or traffic signals is prohibited.

(Ord. No. 2550, § 6, 7-12-99)

#### Sec. 38-443. Dust.

(a) It shall be unlawful for property owners or lessees of land within the City to allow the blowing of dust from their property when the blowing of dust may or does cause damage to surrounding property or creates a danger to motor vehicle traffic.

(b) Persons are required to prevent potential damage from blowing dust by watering and wetting down the area, by installing snow fences or other barriers, or by chiseling the ground.

(c) A property owner or lessee is required to take corrective measures within 24 hours after the date written notification by the City is sent advising that dust blowing from the property is or is likely to cause damage to surrounding properties.

(d) In the event the property owner or lessee does not take appropriate action, the City shall have the right to:

(1) Enter the property and take whatever corrective actions are determined to be necessary;

(2) Assess the property owner or lessee for the actual cost of the dust prevention measures taken, for the purposes of this Section 38-443, property owner shall include any occupant or person in possession of the property; and

(3) Assess the property owner or lessee for the costs incurred by the City to enforce collection of the costs of the dust prevention measures, including attorney's fees and court costs under the procedure provided in Subsection 38-453(b).

(Ord. No. 2550, § 6, 7-12-99)

#### Sec. 38-444. Weeds and brush.

(a) It shall be unlawful for a property owner or lessee to permit weeds and brush to grow to a height exceeding eight inches, for the purposes of this Section 38-444, property owner shall include any occupant or person in possession of the property. Excluded from the prohibitions of this Subsection (a) are the following:

(1) In Agricultural Districts, weeds other than noxious weeds shall be controlled for a distance of

100 feet from a property line that adjoins another residential or nonresidential district boundary, or along any street right-of-way;

(2) On lots greater than five acres in size, weeds other than noxious weeds shall be controlled for a distance of 100 feet from the property line of the lot; and

(3) Noxious weeds shall be kept below eight inches in height regardless of distance to adjacent properties or rights-of-way.

(b) A property owner or lessee is required to take corrective measures within ten calendar days after the date written notification by the City is sent advising that weeds or brush has become overgrown and that corrective measures shall be taken. The written notification shall contain a description of the property upon which the violation has occurred and will direct the owner or lessee to correct the violation within the time period provided.

(c) In the event the property owner or lessee does not take appropriate action, the City shall have the right to:

(1) Enter the property and take whatever corrective actions are determined to be necessary;

(2) Assess the property owner or lessee for the actual cost of the weed or brush control measures taken; and

(3) Assess the property owner or lessee for the costs incurred by the City to enforce collection of the costs of the weed or brush control measures, including inspection, attorney's fees and court costs under the procedure provided in Subsection 38-453(b).

(Ord. No. 2550, § 6, 7-12-99)

Secs. 38-445--38-450. Reserved.

#### DIVISION 4. ADMINISTRATION AND ENFORCEMENT

Sec. 38-451. Application for relief.

(a) Any property owner or lessee may apply for a permit for relief from the Environmental Performance Standards in this article on the basis of undue hardship. Applications for relief shall be submitted to the City Manager and shall contain the following information:

(1) Name, address, and telephone number of the applicant;

(2) The location of the property for which relief is sought;

(3) A detailed description of the relief being requested and the identification of the performance standard in question; and

(4) The nature of the hardship that prevents compliance.

(b) A permit for relief shall be issued by the City Manager only upon a finding that:

(1) Additional time is reasonably necessary for the applicant to alter or modify the applicant's activity or operation to comply with this article; or

(2) The activity, operation or use will be of a temporary duration and cannot be done in a manner that would comply with this article;

(3) Compliance would constitute an undue hardship; and

(4) No other reasonable alternative is available to the applicant.

(c) The City Manager may attach any reasonable condition to the permit for relief deemed necessary to minimize adverse effects on the community or the surrounding neighborhoods. (Ord. No. 2550, § 6, 7-12-99)

Sec. 38-452. Enforcement.

(a) The City Manager is authorized to adopt and promulgate regulations and procedures deemed necessary for the proper and effective enforcement of the Environmental Standards contained in Division 3 of this Article X. Such rules, regulations and procedures shall be consistent with the provisions and the standards established in Divisions 3 and 4 of this Article X.

(b) The operation or maintenance of any environmental condition in violation of any provision

which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(c) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations of Code violations relating to performance standards in this article, the City may call in properly qualified experts to make the determination. If expert assistance is used, the City shall:

(1) Assess the cost of the determination of a violation by an expert against the property owner or lessee responsible for the violation, in addition to other permissible penalties; except

(2) If no violation is found, costs of the determination shall be paid by the City without assessment against the properties or persons involved.

(d) Violation of any regulation for noise or glare, except violations where the noise source is a vehicle, shall be cause for summons and complaint to be issued immediately, except in lieu of a summons and complaint a notice to abate the violation may be issued instead. A notice to abate shall:

(1) Be in writing, signed by the City Manager;

(2) Provide a reasonable amount of time for compliance that is no shorter than 24 hours, or longer than five days;

(3) Be delivered personally or by certified mail to the owner, occupant, or person in charge or control of the machine, device, building or other premises in violation of this article; or

(4) If unable to be delivered as provided in Subsection (d)(3) of this section, be posted in a conspicuous place on the property in violation;

(5) State:

a. "It is hereby declared that failure to reply or to correct the alleged violation to the satisfaction of the City within the time limit set constitutes admission of violation of the terms of the City of Thornton's Environmental Regulations as contained in Article X of Chapter 38 of the Thornton City Code"; and

b. That upon request by the person to whom the notice is addressed, technical determination by outside experts may be undertaken, and that the cost of this determination shall be added to other permissible penalties, unless no violation exists, in which case the cost of the determination shall be paid by the City.

(e) Failure to comply with the order so issued and served shall constitute a violation of this Article X.

(f) Violation of the noise standards in this Article X where the noise source is a motor vehicle shall be cause for a summons and complaint to be issued immediately. Minimum fines for motor vehicle noise violations are as established by Council resolution.

(g) Compliance certification requires that:

(1) The noise violation can be attributed to faulty or defective equipment;

(2) The owner has fixed the vehicle prior to the scheduled court appearance;

(3) The vehicle has been checked for compliance by a designated City compliance officer; and

(4) The vehicle receives compliance certification.

(Ord. No. 2550, § 6, 7-12-99)

Sec. 38-453. Assessment policy.

(a) Purpose. The purpose of this section is to provide for a procedure by which the City can enforce the various environmental concerns addressed by this Article X and to establish a policy authorizing the City to take corrective enforcement measures should a landowner fail to voluntarily comply with the provisions of this Article X.

(b) Policy.

(1) Upon the contractor's completing eradication of the violation, a notice of assessment, including

the right to a hearing, as set out in Subsections (b)(6) and (b)(7) of this section, shall be sent by first class mail, from the City's Finance Director to the property owner at the address listed for the property owner in the county record and to the property address. If any notice is returned, the property will be posted with such notice.

(2) For the purpose of this Section 38-453, property owner shall include renters, lessees, occupants or persons in possession of the property.

(3) The property owner has 30 days from the date the notice of assessment is mailed or if notice is returned, from the date the property is posted to pay the assessment. Failure to pay within the time allotted will cause the assessment to be recorded against the property. The assessment will constitute a continuing lien against such property.

(4) The amount of the assessment will include, in addition to all contractors' charges, inspection costs, attorneys' fees, court costs, and all other associated costs. The assessment may be paid any time prior to the assessment being turned over to the County Treasurer. Payments must be made directly to the City's Finance Director.

(5) Unpaid assessments will be filed quarterly with the proper office of the County Clerk and Recorder's office and annually with the Treasury office.

(6) A property owner may object to such assessment within 30 days from the date the notice of assessment was mailed or if the notice is returned, from the date the property is posted. The objection must be in writing and mailed to and received by the Municipal Court within the 30-day period. The objection must include a phone number and address of the objecting party, and must state the basis for the objection. Upon receipt of such objection, the City Manager will appoint a hearing officer. Such hearing officer will then set a hearing date, which hearing shall be within 30 days from receipt of the objection. Notice of this date will be mailed to the person making the objection. Failure to include an address in the objection will constitute a waiver of the right to file an objection.

(7) The property owner who requests the hearing will be charged an additional administrative cost, established by resolution of the City Council, should the hearing officer find in favor of the City. Failure of such person to attend the hearing at the date and time scheduled shall constitute a waiver of such right to a hearing and a determination of all issues regarding the assessment.

(8) The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The City shall carry the burden of establishing there was probable cause to cite for a violation and that a violation did occur. The standard of proof shall be by a preponderance of the evidence. A written decision will be prepared at the end of the hearing. This decision will be reached after both the landowner and the City have presented their cases. The decision will be deemed effective three days from the date the decision is mailed to the property owner as provided in Subsection (b)(1).

(Ord. No. 2550, § 6, 7-12-99; Ord. No. 2663, § 8, 4-23-01)

**ICE CREAM TRUCK SURVEY RESULTS**

**Question #1: If you are an ice cream consumer, where do you currently purchase ice cream products?**

**Ice Cream Store: 180**  
**Grocery Store: 260**  
**Convenience Store: 53**  
**Other: 22**

**Question #2 – On a scale of 1 to 4, how likely would you or members of your family be to purchase items from a neighborhood ice cream truck?**

**Definitely: 204**  
**Don't Know: 1**  
**Maybe: 63**  
**No: 25**

**Question #3 – How many of your family members might purchase ice cream from a neighborhood ice cream truck?**

**0: 25**  
**1: 24**  
**2: 55**  
**3: 52**  
**3-4: 1**  
**4: 57**  
**5: 29**  
**6: 11**  
**7: 4**  
**8: 1**  
**9: 2**  
**10: 6**  
**11: 1**  
**15: 3**  
**18: 2**  
**All: 19**  
**Half: 1**

**Question #4 – How many times a week might you or your family members purchase ice cream from a neighborhood ice cream truck:**

**0: 30**  
**0.5: 2**  
**1: 79**

1+:	1
1-2:	4
1-3:	3
2:	94
2-3:	13
2-4:	1
3:	31
3-4:	4
3-5:	2
4:	12
5:	9
6:	1
7:	6
13:	2
1x/mo:	1
2x/mo:	1
?:	4

**Question #5 – Do you think ice cream trucks would be good to have in your neighborhood:**

**Yes: 254**

**No: 35**

**If yes, why?**

Ice cream trucks are part of American culture. They encourage people to be out in their neighborhoods. It's a fun way for families to take a walk, go to the park and know they can get a treat.

I have children and can understand people's concerns for safety. However, I'm sure the city/citizen group can look at other communities who have successfully incorporated ice cream trucks into their neighborhoods to learn how they have addressed safety needs.

I REALLY hope this is something that succeeds in Des Moines. Also, if it seems that there are certain neighborhoods that are interested and others that are not, I would hope that we could accommodate that issue.

It's something to look forward to. It brings all the kids in the neighborhood out to mingle with each other. It's something that our generation, (I am 27) have no memory of, but have heard our grandparents talk about them. I would love my child to have that memory and I would love to experience it as well!

It would create a community to meet neighbors.

I think it would be a great way to meet your neighbors!

Convenience, nostalgia

Ours is a quiet neighborhood that would enjoy the opportunity to enjoy this option.

The ice cream truck is a very happy memory of my childhood. When I moved to Des Moines, I couldn't believe there was a law against them! The kids here have missed out on so much!

Because being someone born in that era, and it was so successful then, I think my children and their children would enjoy being able to wait for the ringing of the ice cream man (woman)'s truck. But since the times have changed we also have to be careful of this person's background to keep our children safe.

For kids sake it would be something that they could look forward to.

It will be safer I think, because a lot of children want to go to the store and are not allowed to so this will give children in the neighborhood to get what they want without having to worry about crossing busy intersection or streets.

It is a nice summer tradition. When I was a kid I remember the trucks coming by and how much fun it was. I'm sorry about the death of the young girl, but parents/guardians must instill in kids to be extra careful crossing the streets. It would be a happy and fun return to the neighborhoods.

It creates a sense of community - gets people out of their houses. Also a nostalgic image. They can be done safely. Other communities have had success.

It brings people out of their houses and you get to meet your neighbors. It makes you feel good to hear the sound of the ice cream truck and I would love to see my kids get all excited when the ice cream truck comes by.

Might bring people out of their houses more.

We live in a very kid friendly neighborhood and I think that kids would love that. I know my kids would.

Good to have around. They could be undercover cops to get rid of the drugs in the neighborhood.

My kids love to be at home and do things in our neighborhood. Plus it would give us another chance or "excuse" to visit with neighbors.

I have such fond memories. When I was a kid I lived in the country and when we would visit my cousins in Arizona they had an ice cream truck and it was such a treat. I would definitely like to see it return so my grandchildren could have the same experience.

Fun for the kids

It would be nice to have the ice cream delivered instead of having to go pick it up. Store bought ice cream goes bad before we have a chance to eat it all since our family likes different kinds of ice cream. It's also not convenient for our family to go to the ice cream store all the time.

It would be a good way to meet some of the other neighbors and kids in our neighborhood.

This brings to mind a safe environment where children can engage in a transaction with their parents' supervision.

It would get the neighbors out more and there would be more interaction. Good community watch also.

This would give the kids and also adults something to look forward to. I remember the ice cream bikes as a child and my brothers and I loved them.

They bring joy and openness to the neighborhood

They are a novelty and the kids would be so excited because it would be a fun treat to have. Why should something that happened to one person stop the fun for the rest of us.

To keep us cool - have something cold in our mouths. May be good for those of us who can't get out of the house to drive somewhere to get an ice cream. Good to keep neighborhood people getting along with others and maybe meet new neighbors by getting an ice cream from the truck. Many good ideas why.

One of life's simplest pleasures.

Some of my fondest memories as a child include the summers I spent with my uncle in MD. In his neighborhood there was an ice cream truck. The joys of hearing the catchy tunes of the music and the variety of different ice cream products are some of the things that I will remember for the rest of my life."

They are a part of the nostalgia from my time as a kid in Cedar Rapids. I think it is very unfortunate that Des Moines has not let us as a citizenry have the privilege of the neighborhood ice cream truck.



I am sure other locals have had very unfortunate accidents, and they didn't ban ice cream trucks.

It is nostalgic. I grew up chasing that silly truck down the street to get my bomb pop. And the song the truck plays, every kid should be exposed to that little tune that gets stuck in your head.

As long as it complied with health & safety regulations and those owner/operators passed background checks to rule out unsavory characters who might be casing homes or stalking children. I don't think the city should rule them out, but at the same time we've lived without them for this long.

I remember how excited I got as a child growing up with the "Ice Cream Man" my dad used to sing with us. "You scream, I scream, we all scream for ice cream." I have memories of running through the house "Ice cream Man, Ice cream Man" Please bring back the good old fashioned "Ice cream Man".

Fun for the kids.

They offer more of a variety of ice cream than in the grocery stores.

Helps neighbors meet their neighbors. Friendly neighbors would be more likely to look out for each other.

The kids get the biggest kick out of it and it would bring back memories to the rest of us. We actually had an ice cream truck come around our campground down in Afton, Iowa. It was incredible

It's something I had as a kid. I think it is something my great grandchildren might enjoy.

Sense of community

Good to get neighborhoods together

It gives families a chance to buy a treat for their kids, without having to go to the store. Also the kids can buy themselves a treat with some of their pocket change, when mom or dad won't allow them to walk to a C-mart.

It would be a nice amenity as long as they were regulated and inspected.

It would add to our attractive Ingersoll District. This is also a large school area.

Great childhood memories.

I can remember the old times when the ice cream truck came by and you could get a treat and your family did not have to drive. The driver knew your name and

he was familiar with the area and the families in that special area that was serviced. Many cannot afford to go and take the whole family and if you had money you could buy yourself

We love ice cream and ice cream trucks! Ice cream is delicious.

Convenience, fun, old times

I used to live on the east coast and the ice cream truck was a great childhood memory. I was disappointed to learn of no ice cream trucks when I moved here.

I grew up in Des Moines when we had ice cream trucks. It was great for kids. It would be a good way for neighbors to get out and say hello to each other.

If it's like the old ice cream truck with the music sound and it has individual ice cream bars and popsicles, I think that it would be good for the children during the summer to experience it as long as it is affordable.

That's what's wrong with this city, we need to bring back the things we grew up with as kids, maybe our kids and grandkids would turn out better, and it would be great to have the ice cream truck to look forward to.

We are in a neighborhood with many children and at-home moms. The kids play outside most of the time during the summer months. Most of the residents of our block get and spend time in each other's yards and an ice cream truck would be a nice treat for all of us.

It would bring your neighborhood closer together

It would be fun to have something from the old days!! It is also something different that you wouldn't get to see every day!!

It would be nice to be able to just go out get some ice cream from the ice cream truck instead of having to get in your car and go to the ice cream store or elsewhere. The convenience of an ice cream truck is one of the appeals of having one in the neighborhood.

Fun for the kids.

I have visited other towns that had trucks and miss it terribly. The ding-ding brings a sense of excitement to the neighborhood children that is currently missing in Des Moines.

Great for the kids and adults alike.

When I was growing up my family traveled South every summer and there were and still exist ice cream trucks in the neighborhood, which hold some of my fondest childhood memories. My 12 year old son experienced his first trip to the ice cream truck last summer and still talks about it today!!! A well managed and maintained ice cream truck would be a welcomed addition to this community.

It would give kids something to look forward to, nostalgia

Because I like ice cream and I don't like going to the DQ.

It brings the adults outside and encourages conversations between neighbors while they eat their treat.

Something different.

As a child the ice cream truck is one of my fondest memories. It was an experience and joy to be able to be outside playing and hear the bell of the ice cream truck approaching in the distance"

It give kids something to look forward to in mid-day, late evenings cools them off. It's the joy of hearing the bell of the ice cream truck.

Why not? Something fun for the kids to look forward too. My husband used to live in California and still remembers hearing the ice cream trucks and running to buy ice cream.

It would be a great summer time memory.

It brings the neighborhood together. You could have ice cream socials with your neighbors and families. Keeps kids at home instead of at the pool or park. Unless the ice cream truck came to the park?!

Most people seem to like them and they are convenient and novel.

Having it right at your door is a convenience and a way to get the neighbors out of the house together!!!!!!

Promote togetherness and close net neighborhoods.

Convenience. Makes stronger neighborhoods. Brings back a sense of history.

It's fun for the kids, convenience.

I think it would let my grandkids experience something that is a wonderful memory that I have from my childhood. It gives a few more jobs and lets

someone own and run their own business. It gives grocery stores a run for their money.

The kids would love it. Some of our family in Ames have one and the kids loved it while we were there.

I think it would be great because it would bring back the ice cream man. I use to love it when the ice cream truck came by when I was a little girl. I also think that this would be a great social neighborhood even opportunity.

If they are monitored for safety and good people operating them, it will be an asset to a neighborhood. I know there are ice cream trucks operating in smaller towns. They are doing very well, very appreciated and safe.

Convenience and charm for the neighborhood. Maybe it would actually cause people to stray from behind closed doors and get to know each other!

I would pay extra and invite my grandchildren to experience the simple pleasure and thrill of hearing the truck chiming up my street with its artice goodness in tow.

Pleeeeeeeese bring back the ice cream trucks!

It is a great American past time I would love to share with my children. Heck I would probably still go running if I heard the music near. I remember having them in Omaha when I was a child. It's fun and provides an opportunity for neighbors to meet and get to know each other and their families.

I think bringing ice cream trucks back to Des Moines could help enhance the feeling of community. Unfortunately most people don't know their neighbors as well as they did 20 to 30 years ago, people tend to stay to themselves more. We as a society, have become more impersonal and people converging at an ice cream truck could help encourage neighbors to introduce themselves to each other and possibly create a small social encounter for them that they may not have had otherwise.

It brings a personal touch back to neighborhoods and could be the catalyst to help give people a sense of community again.

Because there are older people that might not be able to get out.

There are quite a number of children in my neighborhood and they would benefit from them

Why not.

I'm nostalgic and remember ice cream trucks from my childhood fondly. So I don't really have a good reason other than it would provide a good memory for my children.

We love the Schwan's man, we would love the ice cream man one day a weekend in the summer afternoon.

I grew up in Omaha and we had and still have an ice cream truck with a bell on it that came around nightly. I have heard many reasons for not having an ice cream truck, accidents, kids getting ran over, insurance etc. We need to quit being so concerned about the things that might happen and look at what good things would come from it. Neighbors spending more time outside meeting neighbors, extra eyes on the block etc. "

Brings more neighbors outside. Makes people smile.

We live on a cul-de-sac, not much traffic.

Bring a feeling of community and nostalgia

It's fun! But most of all, it gets the neighbors out of the house to socialize. When neighbors know one another our neighborhoods are safer.

I grew up with them in California and everyone loves them there. It brings smiles to kids' faces. It's a great way for neighbors to get to know each other and bring communities together. One tragic accident 40 years ago does not mean this activity should be outlawed.

Kids would like it.

Everyone loves ice cream.

For me, it brings back fond memories. For kids today, I think it gives them something wholesome to experience. I think, too, that it might be a way for neighbors to meet and get to know each other.

Just something to look forward to, and it brings neighbors together, plus its just fun.

It is a good way to get to know your neighbors.

I remember when I was a kid and looked forward to the ice cream truck coming around. I would like my kids to experience a little bit of the innocent times we in our 40's did.

It adds a sense of neighborhood. I grew up in a community that allowed these trucks, and remember it fondly

When I was a child growing up in Florida the Ice cream truck would come to our neighborhood every Tuesday and Thursday. The lasting memories that I have are priceless. All children should have the opportunity to have that experience.

I remember them from childhood and love the options they have for frozen treats!

I believe it would make it easier for the parents not having to load up the kids and drive to the ice cream shop. I think it would be a fun thing for the kids to look forward to

During the early evening of summer there is nothing like having ice cream from the truck.

This creates wonderful memories for families.

It brings back the good old days when you would keep your ears open and look forward to hearing the sound of the ice cream man.

We have a lot of school age kids and live near a BUSY park.

Adds a sense of community not found in grocery stores or franchises.

It's a great ice cream social time for neighborhoods to meet and gather.

It would be good just for the convenience and the fun that it brings.

I remember them as a kid and thought they were the best thing that ever happened. I loved the ice cream man and it made it easy for us to get great ice cream without leaving home. I think this would be a great idea for the kids today, a bit of nostalgia. I think it would teach the kids a lesson in history.

Brings people out of their homes and makes neighborhoods more neighborly - while making the kids and the adults happy.

We are more spread out in our area , with few trucks or cars on some of the streets.

I moved here in February from a small town outside Milwaukee, WI. With a population of only 12,000, we had ice cream trucks visit during the summer. As wonderful as I've found Des Moines, and as much as I have admired its efforts at creating/sustaining viable neighborhoods, I'm baffled about the ban on ice cream trucks. It is such a wonderful part of summer and would so contribute to neighbors congregating around the truck when it stops by. Yes, the vehicles and the drivers absolutely need to be regulated. Drivers must be trustworthy as well

as safe in traffic. But these seem like minor regulatory obstacles compared to the enhancement of summer in our neighborhoods

It brings a liveliness and upbeat atmosphere to the neighborhood.

I am in favor - neighbors would meet each other - kids would love it.

It would keep children in the neighborhood giving them something to do

It is a great American tradition and should return.

So much fun for children.

Getting neighbors out and together.

Something fun and old fashioned.

Convenience of ice cream/treats without driving to the store. Having a neighborhood ice cream truck would promote social interaction with not only the neighborhood children, but the adults as well. Besides, its nostalgic. So bring the trucks back!

I remember being able to purchase ice cream from a truck when I was a kid. It was always exciting and something to look forward to on hot summer days. I think all kids should have this wonderful experience.

Might cause more outside activities and allow people to become more familiar with neighbors.

Convenience and summer fun.

It would be nice to have one drive by on a certain day of the week

They would bring a joyful feeling to the neighborhood and a chance to meet other people from the area.

Convenience, nostalgic memories

Schwan's has to be making big bucks out here and we have tons of kids at home during the day.

I remember them during the summer as a child and it brings back fond memories.

Like the old days.

This was something that I enjoyed as a child when they used to come to the neighborhood, because my mother was not a driver and we did not have a store close in the neighborhood. So it was a treat to have the ice cream truck come into the neighborhood. The prices were very good and affordable along with the convenience.

Kids love them and it would be more convenient.

They are a great nostalgic thing that makes the neighborhood seem so homey. A lot of people would buy from them and it would be fun!

Why not? It worked well in years past. Why not now? It would involve more of the neighborhoods to interact.

What wonderful childhood memories I have of playing outside on a summer evening and hearing the ice cream truck coming down the road. All of the kids in the family would be sure to have their chores done in time so that they could have their favorite ice cream treat! It is sad that our children don't have the opportunity to experience this.

It would get kids outside more to play and not be inside watching TV.

Streets are a lot different than back in the sixties. More safer streets, parents watching their children better. A much different landscape.

We have a lot of children in the neighborhood and I have a daycare, so it would be great. I loved it when I was a kid.

I loved them when I was a kid

It brings back memories of childhood

The neighborhood has lots of kids. It would be very popular.

Availability and convenience. Save on gas for families.

It would be fun for families.

They seem nostalgic. I grew up loving the ice cream truck and I feel my children should be able to experience it too!

It's great to have ice cream come right to your door! It reminds me of the "good old days". I have purchased ice cream from ice cream trucks on a number of occasions.



They are nice.

The children love ice cream trucks and it gives them something to look forward to in the summer. Also we adults love ice cream and it also gives individuals and small businesses more success. In Chicago they have one person walking carts that are also very successful, and a person can own their own small business for a very small fee. Small businesses are always an asset to any community.

Ice cream trucks also just make a neighborhood more appealing when you are raising a family and can give you good teaching opportunities for small children about traffic rules and social rules.

I think it would bring families together and it would also bring neighbors together. They enrich the neighborhood with a welcoming feel and make the people come out into the world and meet each other forming strong community bonds.

I was raised in Des Moines and we had the Ice Cream Men until I think the early seventies, when there was an unfortunate accident a child was killed as he ran out in front of a car from behind the Ice Cream Truck. I now live in Huntsville, Alabama and even though I'm 56 years old, I still like buying Ice Cream off of the Ice Cream Truck. I'm a former lowan, but I still miss Des Moines.

It would give the kids something to look forward to during the week. I get mad that one person's opinion will change the law, what about the rest of us? It's too bad that some child got killed or hurt but take responsibility for your child and was the driver driving too fast?

It would be great for the kids.

Kids might help more with yard work and housework if they thought they would get a treat when the truck came. I also think it is reminiscent of times parents can share with kids and grandparents and remember the old days. Nice conversation between families. Also gives a small business guy a chance to do something good and fun for the community.

I do think it would be more of a summer evening thing so parents can supervise kids and traffic but definitely a manageable situation.

In the past ice cream venders came into the neighborhoods and it caused an interaction between children and parents of the neighborhood. I even recall as a child not having the money to purchase anything and at times other parents would purchase something for you. In return you help with yard work etc. and thus developed a relationship whereby everyone helped each other. With our busy lives today this type of interaction has been lost. Many people do not even know who lives down the street from them let alone take time to know the children of the neighborhood.

I've traveled to many cities throughout the United States and the cities with the most appeal are those where the neighborhoods were active and it was obvious a teamwork process was taking place. If you want Des Moines to continue growing in a positive light, then there must be a continued investment in the neighborhoods. An ice cream truck sparks a renewed interest in neighborhoods and new interaction, heck let's get an entire fleet of trucks.

What a great addition to the concept of neighborhood associations and community policing. What a wonderful opportunity for people to get involved. To this day I remember Mr. Leiberman buying an ice cream bar for me in exchange for helping him, a neighborhood resident all the kids called uncle Joe that sprang for treats and seemed to always have two or three volunteers helping with yard work, and officer Tony that worked at the parking lot of the location grocery store. Heck it was more important to talk with officer Tony than actually go to the store to buy something. I was raised in Des Moines at the 1300 block of 31st Street during the 1950's and 1960's. I can still drive down the street and tell you the names of who lived in each house a block in every direction. I can tell you the names of the children and what most of the parents did for a living. Yes, I remember the ice cream trucks and even the three wheel bicycles ice cream venders they were part of what brought the neighborhood together.

Kids love ice cream and they would look forward to the truck coming

I think it could bring back unity and give neighbors a chance to run into one another and become acquainted once again.

To promote neighborhood unity.

Convenient, interesting addition to neighborhoods. It is just fun to buy ice cream from the truck.

The incident that caused the ban may never be avoided, but with new development in technologies, I would think the likelihood would be greatly reduced.

Fun for kids and parents, meeting neighbors.

In the summer, but not just the traditional song. More blues and more Phil Collins.

Convenience when you want ice cream.

Fun for family and kids.

Because there are many children.

It would be like the old days when you hear the truck; you come out running for it. I would be looking for it on payday.

Because it is handy for the older people and the kids.

All the children there and people too.

We have a lot of children and teenagers in the neighborhood.

Help reintroduce neighbors to one another again; also help unify the neighborhood again.

Because I don't want to have to go to the store.

Because I love ice cream.

Because it's convenient, and you don't have to get in your car to get it.

Really good for the kids, something nice to bring back from the past.

It would be something for our children to look forward to.

It would be nice and fun for the kids.

We have a lot of kids in our neighborhood, and I know they, as well as adults, would like to purchase ice cream.

When you see it, you want ice cream.

Ice cream trucks are nostalgic, and they bring the people of the neighborhood/community together.

Keeps you from having to run to other places to get what you want.

Convenience and family fun.

It would be something different for Des Moines and fun for the kids.

There are many families, and there are no stores within walking distance where we can purchase ice cream.

It's very good for kids.

Because we have these going on awhile back. There are many people in every block who will buy some.

Sometimes I want ice cream, but I'm too lazy to go to the store and get some. Ice cream trucks make purchasing ice cream convenient.

There are a lot of children in my neighborhood.

Saves on trips to the store and is convenient.

I live where there are a lot of kids and people outside all the time, and there is a school right by our apartments.

When it's hot, we might want something cool right away, and where we live, I would have to walk in the heat to the store or drive, whereas the truck would be more convenient.

My family loves ice cream.

Good for the neighborhood.

Because if you don't have a store close by or if it is really hot and you don't have water.

Convenience, don't have to go to the store. It gets the neighborhood involved.

For the convenience of just walking out of your house to get ice cream instead of having to go to the store.

I miss seeing them.

Something for the kids to look forward to.

This used to be a childhood tradition that is remembered fondly. People will buy ice cream, especially in the summer.

Beautiful memories and a very special treat at my doorstep.

I think it would bring about a way to get the community and neighbors out. This could be used to get people involved.

Currently the only truck is Schwan's, and they don't run on a regular basis. Something new and different.

Saves gas money.

Saves time.

Brings nostalgia to the neighborhood.

Our neighborhood has a lot of kids.

Ice cream trucks were part of my neighborhood when I was young. I would love to see them back for this generation.

Something different. Right now you have Schwan's, and they are pricey, and you can't really buy individual items like you can from a neighborhood truck.

Convenient, quick access.

I think it depends upon the price. When I was a kid, I would have to walk to the Quik Trip for a special treat sometimes. A neighborhood truck would be a convenient way to bring something sweet to the kids.

Good neighborhood idea.

Because kids that are home alone that don't drive, could have a special treat during the summer.

Any chance to bring the community together, to meet your neighbors, to socialize with nearby friends is always a positive thing to have.

It just supports the idea of GOOD Neighborhoods. Anyone over 35 has most likely seen an ice cream truck when they were little. It is just one of those things that has been lost to modern day hustle and bustle

I enjoyed them when I was young. I think it would bring back the closeness of neighbors and neighborhoods if this was to happen. It would also show children the importance of responsibility (chores) so they can be proud of what they've done and reward themselves (or the parent can).

My husband is from New Orleans and remembers the ice cream trucks in his neighborhood. He would support this because of his fond memories. We have a 2 yr. old, a 4 yr. old and a 16 yr. old living in our home. They are constantly asking for ice cream products! Instead of buying these and keeping them in the freezer we would buy from the ice cream truck and this would build fond memories for them. Ice cream products have calcium which is good for their little bones, and they would get to choose their favorite item. I feel it builds neighborhood camaraderie! It gives the appearance of a down home family feel. Oh and I cannot forget, it will provide jobs!

For convenience, to bring the community together.

They are fun. Saves getting in the van and trucking to the DQ too.

I always looked so forward to the ice cream man everyday. To this day, the bells and music bring back many wonderful memories. It was a good chance for neighbors to gather and get to know each other as well.

Brings back the good old days and lets kid get to know other kids in the neighborhood.

It might be convenient for the children who do not have parents willing to drive them to the DQ to get ice cream, but who might allow them to get ice cream when it is available on their neighborhood streets.

Going back to the good old days of my childhood. I miss the sight and sound of the trucks. They spelled summer when I was a child.

It is a good experience for the children to be able to purchase ice cream in front of your house.

Convenience and because I have an addiction to ice cream and no one to drive me to the ice cream stand.

It would be a good way to stimulate interaction among neighbors. Also, it would add to ambiance of the neighborhood. This is a great example of a way Des Moines can improve its already good quality of life.

The nostalgia.

I would offer variety and community building. Makes neighborhoods fun again.

It is not only a profitable business, as there will be a high demand for ice cream or cooler snacks during the late-Spring through late-August months. A neighborhood or regular ice cream truck would meet this demand, as it would be providing access to these in a safe and easy way.

Competition for the Schwan's Man.

It's a great family activity. Plus it has the potential to increase neighborhood socialization.

Readily accessible ice cream is a good thing.

Get the kids out of the house. Get neighbors outside to talk etc. Something to look forward to in the neighborhood.

Sense of community. Adds a bit of family time to the evening.

Because it's a great childhood memory.

It would bring back the neighbor in neighborhood that was missing long ago.

Something from the past for the old to enjoy and an awesome visit for the young.

It's fun for the kids. I can remember being excited to hear the ice cream truck coming many years ago. I'm at work all day and don't have kids so would not personally use it.

It gives neighbors a chance to chat -- something that doesn't happen these days. The kids (and adults) love to hear the bell when the ice cream truck is coming.

We lived in Kansas City, MO for 10 years and the ice cream truck was a nice treat.

Des Moines has been without ice cream trucks for way too long because of an accident that happened a long time ago. "

Adds character and charm to neighborhoods. Draws people together with a local aspect and interest.

It would provide a fun atmosphere. Adults would have flashbacks to their childhood memories and share with their own children.

Used to have them in a prior neighborhood and it was always looked forward to hearing the music.

Preserves a tradition.

Brings people out of their houses.

Easier on the budget; instead of buying a box you could get one right away

Great addition to the area, have choices for entertainment (ice cream) if I am out walking the area it would be great to have the option of an ice cream. Reminds me of my youth.

Draw back - kids in the street or racing to get to the ice cream truck and not being aware of their surroundings. Not the ice cream drivers problems, parents need to teach their children to watch out and take care of themselves.

I believe it brings a sense of community back to our city. I believe an ice cream truck gives us and our children something to look forward to and reflect on in coming years.

They help to bring neighbors together.

The nostalgia of the whole idea is like the carousel in Union Park.

These type of things need to be brought back and preserved. We have all become so distant in our own neighborhoods we don't know who even lives next door.

It would be nice for the kids and for me to not have to drive to an ice cream place.

There's the special nostalgia of being able to go to an ice cream truck and purchase ice cream from a nearby area of our neighborhood.

### **If No, Why Not?**

I live at 31st and Grand. We live on major arterials, so it wouldn't be convenient for us. I think they would be fine on side streets.

Safety issues. Children dart out into the street on a regular basis, chasing balls, pets, etc.

I don't believe Des Moines should create or permit another opportunity for children to be injured.

We live in the country.

Don't want to be encouraging children to approach vehicles in the street or approach people they don't know. Also, with the obesity epidemic, why are we bringing another fatty snack to our kids? We would be better served by city services designed for children & families that focus on health & fitness.

Safety for the children is a concern.

Safety. Kids running into the street chasing a truck is NOT a good idea!!!

Children are rarely outside anymore. Traffic obstruction. Good occupation for a child molester - easy to pinpoint where children live and make friends with them. Wrappers end up in the street, encourages rodents. I'm just an old meanie, aren't I!

Would slow down traffic on busy streets. Kids could get hurt.

They are an "attractive nuisance" for children



Years have past and the day of the friendly ice cream truck have gone by the way side too. This day and age with convenience stores, specialty stops and grocery stores, ice cream is always close by. The safety risk to young children and busy streets and possibly the sex offender.

I was in Coralville recently, and an ice cream truck was stopped on a busy street. Not only was he blocking traffic, the canned music blaring from the speakers was VERY annoying. I live on a busy street in DSM, and if that truck stopped in my neighborhood I'd call the police for noise violation.

Concerned about safety -- kids here are already idiots. Concerned about safety of driver -- have had a number of robberies in area.

Traffic concern/safety. This neighborhood is not conducive to be playing out by the street anyway - houses set far back and hilly street making visibility poor for parked truck.

Traffic concerns - just today it was mentioned in the DM Register that a child was killed in a parking lot while under the care of a grandparent by a vehicle that was backing up. Children have limited depth of field and little experience with decision making. I had ice cream trucks when I was a child and enjoyed them. I didn't have the volume of cars and impatient drivers that we have today. When I was a child things seemed to move at a much slower pace. Then all of the neighborhood kids were outside, all Summer, and had experience in entertaining themselves.

Most people have daytime jobs so no one would be in the neighborhood until after 5:00.

They are just a nuisance.

It would be kind of scary. Everyone would have to be assured that it is legit and safe. and the thought of kids running to streets to get the ice cream. I would think of it more of a safety concern.

Because there are no children in my neighborhood.

The better question is, "Why?" There are other neighborhood improvements which would foster more cohesive, friendly, community-oriented neighborhoods with distinct characteristics, rather than just promoting our citizens to indulge in a product which would only contribute to the already skyrocketing obesity in this City and the State of Iowa. How about a "veggie truck"? Or having neighborhood walks/runs on a regular basis? Or a neighborhood bike group? Not more unhealthy fast-food convenience . . . .

Children going onto the street would be in danger.

Safety hazard.

Older neighborhood, few kids of that age group.

No - I think they can be unsafe. Plus, I don't want my kids begging for ice cream every time one of those trucks happens to drive by.

Because of the danger to our children running into the street. It would be better to set up a stand in a park, where families take the children to play.

They would be a nuisance if they solicited business by going door-to-door or placing flyers on doors.

Our neighborhood streets are busy enough and noisy enough without the ding, ding dinging of an ice cream truck. Plus we are fat enough and don't need any more help getting fatter.

Safety hazard and encouraging consumption of high calorie product.

Extra traffic on residential streets

Safety issues, traffic and food safety. Plus if they were temporary vendors I feel that it would look poorly for the neighborhood.

Kids would be running in the streets to stop the ice cream man and they may get hit or I might hit one.

Safety.

**Question #6 – Do you think neighborhood ice cream trucks would pose a hazard in your neighborhood?**

**Yes: 55**

**No: 235**

**If yes, why?**

Maybe, but only in specific areas.

We live in a quiet neighborhood. I do not think they should be allowed on streets where the speed limit is more than 25.

Couldn't be any worse than a Schwan's truck going to residential neighbor hoods or the way UPS drivers drive their trucks.

No more hazardous than garbage and construction trucks speeding through.

There is heavy traffic on my street and the cross-street traffic is extremely fast. Every driver exceeds the 25 mph speed limit.

The kids would run out into the street.

Traffic & the mixed message of parents telling their children not to run into the street or to approach a stranger's vehicle, but then having ice cream trucks where kids would be encouraged to do this?

Children would be running down the streets.

Too much traffic. Small children darting around cars.

It is a possibility that children see them and run out in front of them

Traffic obstruction, children running across streets. This is better as a small-town phenomenon.

A mild safety hazard, but families would need to take the responsibility to be there with their children

If the parents do not watch their children like they should, there could be a problem. Otherwise it should be okay

Kids do run into traffic to get to the ice cream.

I would be lying if I said no, it has always been a safety hazard. Children do run out into the street without looking because their mind is not on traffic, but the ideal that they are to soon to have a delicious ice cream bar in their mouth.

Not any more of a danger than the cars that speed up and down my street (I live on East Walnut Street)

I live on Euclid Ave - there are already enough wrecks in the neighborhood because drivers don't pay attention.

I live on a major highway with a 55 mile per hour speed limit.

We already have kids in the streets and lots of speeders/bad or rude drivers.

Traffic concerns - just today it was mentioned in the DM Register that a child was killed in a parking lot- while under the care of a grandparent - by a vehicle that was backing up. Children have limited depth of field and little experience with decision making. I had ice cream trucks when I was a child and enjoyed them. I

didn't have the volume of cars and impatient drivers that we have today. When I was a child things seemed to move at a much slower pace. Then all of the neighborhood kids were outside, all Summer, and had experience in entertaining themselves.

Not if parents watch their own kids like they should!!!!

Possibly. I think it would be necessary for there to be communication to the citizens of Des Moines that the trucks would be on the streets and that they would be making frequent stops so drivers are aware of the change. It has been a long time since Des Moines residents have had to be alert to the stops an ice cream truck would be making but I'm sure as long as they are made aware of the change, people would adjust their driving habits accordingly.

People already speed down residential streets with wild abandon. A vending vehicle would potentially annoy the street speeders, causing them to drive more recklessly and potentially harming property in the process. And, the annoyance it would cause to all neighbors opposed might insight neighborhood instability and bad feelings amongst neighbors, diminishing the positive neighborhood watch some neighbors provide, thus promoting more crime.

Children going onto the street would be in danger.

Kids already play in the street - this would make it worse.

Kids running out, crossing the street without looking in excitement

Yes - Kids see the truck or hear the truck and would come running.

Parents of today both work, and hire babysitters to mind the children. How ever it's the responsibility for everyone to be aware of the dangers. Children get excited and run just knowing what time the truck is coming. Plus not everyone can afford the price of an oce cream bar. Like we went to the beach in TX and a truck was selling Ice cream, Our son wanted a bar so we gave him three dollars, and he came back saying the man wants five dollars. This is a big problem when it comes to price, I can go to the store and buy a whole box of bars at that price. I would purchase Ice cream at a fair price, but not five dollars."

Whenever moving vehicles and kids are involved, there is always some risk

There's already enough traffic.

Kids running across the street without looking to get to the ice cream truck

Regardless of how it is regulated, there is always a risk.

I do not think it is a good idea to have children running out to the street area to buy ice cream. On our particular street the speeding and cell phone usage by drivers already makes it very dangerous.

Kids are irrational and go ballistic when they see ice cream signs.

We were taught the safety rules by both parents and neighbors. We knew exactly what time the truck would be coming down the street and there were numerous persons their watching.

I want to have to take the kids to the store for ice cream.

Because they are always around, and they see a lot, so they can be very helpful in the neighborhood.

I am about safety. I would help it be safe. Bring it.

If people don't watch their children.

Kids may run out for the truck.

Generally, my neighborhood seems pretty pleasant, but don't quote me on that. I do not know my neighbors that well, so I am assuming yes.

Living near two heavily traveled streets would make a service as this is a safety hazard. Serious consideration as to where these trucks can travel and park safely would have to be a main priority.

Possibly, we have young drivers who FLY down our streets. Instead of driving 25, they drive 55. Maybe if there were a way to help prevent any safety hazards, this would be a great idea!!

Well if they have superb driving skills then no hazard to be found. If however you hire drivers with criminal records and/or revoked licenses then that would pose a threat not only to the children of Des Moines, but the greater population. How many other cities in America have you heard that we were a danger to the community? Not many I assume.

Yes, as there will be a motor vehicle operating near children, and drawing children towards the street. We would need drivers with an extensive criminal and driving background check. The high parent-free exposure to children around strangers could be hazardous as well.

People drive too fast as it is anyway. Probably wouldn't be able to stop in time if a child were not paying attention and got in their path.

They could, because Children could run out in the street to get the ice cream and get hit by a car.

**If no, why not?**

I think it depends on the locations for "stops". Finding out from the Neighborhood Associations where "safe stops" might be in their areas. And making sure families know when/where so kids aren't running around through yards or across streets because they think they're missing the truck.

It's no different than the cars that drive up and down the street. I think especially if there was a certain time that people knew that the truck was coming people would be aware and watch out for them and the children.

I live on E Grand Ave and I can't tell you how many times I wish there was more police protection because of the speeders. At times people even pass other people and it's a no passing zone. I don't think an ice cream truck that goes 5 miles an hour down a street would be any more dangerous.

We would be familiar with the truck and driver if it happens.

There are safety measures now available on modern ice cream trucks

As long as the City makes sure to do a background check

If there is a caution or stop sign it should be all right

Kids must learn to be careful. Parents must teach children to be careful. If children are not being careful in a neighborhood than it should be up to the driver of the truck to suspend service to that particular neighborhood until they can show they understand how to be safe crossing the streets.

As long as they aren't stopping on the major arterials, you wouldn't have an issue. Ice Cream Trucks are as American as apple pie...and it's a piece of the "good" old days that a new generation can be introduced to.

Other communities have done this with success. New trucks have safety items. People should always watch for children when driving through neighborhoods, having an ice cream truck would pose no additional safety issue than any other car.

They don't hurt anything.

Not if people were aware they were out and about.

This is a service for children and thus the drivers are ever so careful. They travel at a slow rate of speed.

If the neighborhood is aware of the nights and approximate times the ice cream truck is coming, I don't think it would pose a safety hazard.

I feel that the people in our neighborhood already know how to watch for cars in the street. Hopefully having an ice cream truck wouldn't be any different from another car in the street; they know they need to be safe when crossing the street.

If the truck was licensed and a routine service it would be good.

I just don't believe this would be a concern.

Because they should be treated like any other vehicle. Also a well trained driver would know that once he/she has the music playing that he/she should slow way, way down and watch for children.

No, I don't think it will. It will be a good benefit for our neighborhood. If school buses can come by, ice cream trucks can too!!

I don't live in a traffic heavy neighborhood.

Children have to get the necessary monies from their parents, if the parents are being parents. So they won't be running out into traffic. Also I am sure that if/when the ice cream truck is brought back, there will be plenty of media exposure so traffic will be aware of the added foot traffic.

Usually the drivers are very aware of their surroundings and have the proper safety training to protect against accidents.

I believe this is an opportunity to help raise our village in our own neighborhoods and get to know the neighbors.

I think the cars that drive on our dead end street at 40 mph are more dangerous than a slow-moving ice cream truck.

If they stop at the curbs the kids would not have to be in the street.

I've only heard of one incident of a death from an ice cream truck. That is not enough to stop or prevent the business and sense of community you can get from that type of situation. I think most parents today teach their children more about safety than they used to. Children today know better than to run into the street. I drive through a residential neighborhood with lots of children on my way

to work. When they are in the front yard playing, they don't go anywhere near the street when they see cars coming.

Relatively quiet street.

Just don't foresee any problems.

Most children come up to them with family members.

They drive pretty slow.

This would be no different from the UPS or Schwan's trucks or any other driver on your street.

Parents should watch their children.

It's about parents teaching their kids how to deal with traffic and moving vehicles. The vendors look out for kids, the parents need to do their job.

I don't think it would, not on residential streets, maybe they could just pull over say in the middle of the block.

All of the parents on our block are very hands-on and someone is always watching. We have taught our children their boundaries and safety tips. The kids always use the buddy system and watch for cars when going in the street. A parent would be present when the children would visit the truck.

We should have taught our children how not to run in front of cars!! The ice cream truck would be going very slow anyway.

Children are taught from an early age the danger of cars and streets.

Why would they as long as they are managed and maintained and the drivers are well screened with clean driving records and of course not registered on the sex offenders registry.

I live on Polk Blvd, while the street is technically one lane, that doesn't stop the idiots from making it two lanes. What I'm saying is that an ice cream truck would have no problem stopping and selling ice cream and pose no problem to traffic.

If whomever reads this would pass along that the police in DSM could make a pretty penny on speeding / reckless driving tickets on Polk Blvd. that would be great. "

Kids are not left unattended in my neighborhood. Adults would be with them.



People should not be driving that fast in any neighborhood. Kids gathering means mom and dads could keep an eye on their kids easier.

There are all ready kids playing in the street. It just takes everyone using a little common sense.

Slow moving vehicle helps to slower faster cars.

I grew up at a time when they were around and I never heard of a kid being run over by a ice cream truck.

The kids and parents in our neighborhood are responsible. I don't feel that an ice cream truck would endanger anyone or anything in the neighborhood, but it would be great as a social meeting for the neighbors.

If they are required to have safety features on their trucks, I believe they can operate safely. A large sign maybe. A warning beeper, outside mirrors on both sides. Also be required to carry proper insurance.

Please don't allow the threat of 'safety hazards' cloud the issue. I think that hazard prevention is many times an excuse for apathetic irresponsibility. It's easy to just eliminate something rather than deal with alternatives or to even let the irresponsible be forced to face the consequences of their own behavior.

i am confident that ice-cream trucks can function again with little to no incidence as they do in many other cities & towns of the country.

As slow as the thing goes and as long as it stops in driveways or same side of street that cars park on what is the harm.

I think they pose less of a safety hazard then the young drivers that speed through the streets and never pay attention to the children playing. The ice cream truck drivers would be driving at a slow speed and they would always be on alert for the neighborhood children.

Children in my neighborhood are older school aged children so they are safety smart about traffic and playing outside

They are relatively safe.

Because I would accompany my children when purchasing from the ice cream truck.

As long as they obeyed the 25 mph speed limit and PARENTS took on the responsibility of watching the kids it would be ok. I think they need to make sure

the trucks have extra mirrors and maybe backup sensors and even a camera for the back of the truck.

Some neighborhoods may have to consider police so the ice cream truck doesn't get robbed!"

No more and significantly less than a city garbage truck that races down the street picking up garbage. These trucks make hundreds of more stops per week and day than an ice cream truck would.

People would look forward to them and would hear them and know approximately what time they would be in their neighborhood.

I understand there is risk with everything and I understand that an ice cream truck lures children toward the street. But, parents are ultimately responsible for teaching their children proper safety. I believe that when people come out of their house and meet one another our neighborhoods become safer. I think the pros outweigh the cons.

It poses no more of a hazard than the Schwan's trucks do.

My neighborhood doesn't have a lot of houses. There are plenty of kids, and a lot of traffic. We're all careful to watch out for them. If any of the kids are outside, there's an adult outside too.

It has a bell and drives slow right? So unless the dude is drunk and driving sixty mph and throwing the ice cream at the children, I see no safety issues.

In this day and age no parent lets their child out of sight so they are going to be there to make sure their child stays out of harms way.

Safe streets

Seen how they work and see how safe they are and safety precautions they have.

If a kid isn't already trained to stay out of the way of traffic, there is going to be trouble, regardless of whether ice cream trucks are cruising the streets.

It is not any more dangerous than regular street traffic. I can't believe that such a bill was ever passed and as long as there is some sort of guidelines put upon the vendors the city will only benefit.

Residential neighborhood with plenty of room on the street for a car to safely get by if necessary, and room for kids to get to and from truck safely.

As long as we remind our parents to go over the safety rules daily, then I believe our kids will be okay. Also, having parents always accompanying their children.

Not as long as drivers are trained and drive very slow.

I believe that they would be cautious.

As long as they drive carefully no. They would definitely be a plus and add old time charm in an older neighborhood.\

As long it primarily stopped on side streets, it should be fine.

I don't think that there would be any more hazard than a person walking down the street. You have to be smart and teach your kids to be smart.

Not if the parents got involved with the purchasing of the ice cream. Or if there are rules. I know there are enough rules already but I think if the streets the trucks went down were residential then that might not be a bad idea. Maybe add some flashing lights to the trucks. And something along the lines the school buses have.

They would just need to move slowly and have good safety features to make sure that the kids stay safe. I think that they should only be allowed on side streets (which I am sure is what they would do anyway) - but should not be allowed on major streets... no lights, no bells, no stopping - nothing on the major streets.

With safe drivers and the recorded music they play, I think it's almost impossible to miss them!

Ice cream trucks usually travel at a very slow speed well below the posted limit. Additionally they make full stops to the side of the street when customers approach.

Parents need to have watchful eyes over kids to ensure they don't run into traffic. Forbidding the trucks is not the way to do that.

Families would be around to keep an eye on the children.

Parents need to supervise, but drivers are supposed to be aware of what is going on around them. Most drivers are careful in residential areas with the assumption there are children playing and children don't think, they just do. Kids think a car can stop on a dime with 9 cents change. There are a lot of kids in my neighborhood that are home during the summer. Their parents pay pretty close attention. Generally, ice cream trucks have a set route and arrive in your

neighborhood about the same time daily. Parents will be more observant if they've told their child to watch for the truck and they know it will be coming.

The road through our development is private, no traffic

I think that the drivers would need to be reminded that the children need to be watched extra carefully.

As long as the driver was using common sense & parents or caregivers were watching their children, I don't see this as a safety concern.

Preteen kids tend to use the street for bicycling and skateboarding, which would pose a safety hazard to them with the extra traffic.

If they drove slow and parents took responsibility for their children everything would be fine. I do not ever remember any accidents as a kid.

It's safe.

We did not have a problem in our neighborhood, because they came around at the same time and we would be waiting in a safe place for the truck.

How?? All the ice cream trucks I have ever seen have bells and whistles and if people can't teach their kids how to properly cross the street then they should go and get the ice cream for their kids.

Because people in my neighborhood are smart and adults who were home would watch and protect other children in the neighborhood.

As parents, we need to teach our children "road" safety regardless if it is an ice cream truck, a garbage truck or the cable guy. It is the parents responsibility!

We had them when I was little and it was safe then.

Give them the same authority as a school bus when they put out their stop sign.

Ice cream trucks are much safer than in the 60s.

Hopefully drivers would be carefully trained.

No more so than mail trucks.

There is not much traffic in my neighborhood.

Low traffic streets.

They drive slowly and I think the safety issue should be addressed by parents who need to teach their children about traffic safety anyway. Also most small children do not just walk around with money for ice cream anyway, so would need parents to accompany them to the truck.

I believe that if they drove slow enough and had some sort of lights (flashing) then they would be fine.

The drivers would be trained to use caution and the people would use the same common sense that helps them cross the street and live safely.

Also people believe that its unsafe to have kids run up to trucks but they don't realize that without something safe and fun they would be getting into trouble and doing more dangerous activities.

It is impossible to make the streets 100% safe and accidents are going to happen. Kids have been hit while playing in the street and while riding bicycles, tricycles and many are killed in car accidents, therefore it was an over reaction by liberals to outlaw Ice Cream vendors.

Kids currently play ball and ride bikes on our street - and the music acts as a warning to traffic and to alert adults in the area to watch neighbor kids

Parents should be responsible for their children. It should be no different then a vehicle driving down the road.

Cars and trucks on the street are not an issue.

They play songs, people will hear them.

There are sidewalks in the neighborhood, and the children won't have to cross the street, park in the area.

Because they don't drive very fast.

Because they drive slowly.

As long as the driver can see well and hear (not accidentally hit someone). I don't see how it poses as a hazard.

As long as it has a safe place to stop with a stop sign.

We are not on a busy street, so there wouldn't be a risk for injury.

They should be equipped with stop signs.

Because they are equipped with lights and sounds to notify people that it's approaching. Plus, they make mirrors for blind spots.

It is an apartment complex with devices already in place, and the surrounding neighborhood would also be safe. The truck would probably have bells or some type of sounding device to let people know they're in the area.

Lights, stop sign, drive slowly, bell.

It would only be necessary for the truck to park in a reasonable location. Parents should not let their children run wild without supervision anyway.

I grew up in Chicago where ice cream trucks were everywhere. If ice cream trucks weren't a safety hazard in Chicago, then I don't believe it will be a safety hazard here.

I live on a dead end street, and there isn't too much traffic.

There is not a whole lot of traffic, just parking traffic. Not like a busy intersection or stoplights. There are, however, a lot of kids in the neighborhood.

Low traffic.

It moves at a very, very slow speed.

Because most ice cream trucks I have seen have warning signs, WATCH OUT FOR CHILDREN, SLOW DOWN, ETC.

Now trucks have safety precautions on them such as flashing lights, etc.

Safety is an issue no matter what you are dealing with.

They exercise safety, prices and travel at low speeds.

If they have proper safety precautions in place and follow safety signs, etc.

There's not a lot of heavy traffic.

With the hiring of safe drivers, safety would not be an issue.

It's very residential, a lot of young children and people are pretty aware of what's going on in the neighborhood.

I think, with checks and balances, upon hiring and continued checks and balances, safety problems would be limited.

No, not if the drivers are trained properly.

Ice cream trucks are noticeable. Especially if they have the sounds that most local ice cream trucks have. I also would encourage background checks for sex offenders, to ensure my children's safety.

I don't think they would. I live in an apartment complex and I think that most residents are careful and safe driving through the parking lots already. Also, if the ice cream truck played music or whatever that was recognizable, people would hear it and slow down anyway.

Not if safety is their number one priority.

Background check on drivers

With all the "PRESS" I am sure people would be on watch for the children around the trucks"

If the trucks are properly marked and people learn to drive slower and safely. In other words people need to get a ticket when they speed and run red lights.

With a little effort by drivers and their managers, the trucks could be the safest vehicles on the streets.

Safe neighborhood.

No more dangerous than any other commercial auto used in Des Moines today.

Because i think as citizens we would be more on guard for any mishaps.

Very little traffic on this street.

Responsible parents is the key.

If the trucks were careful. Schwan's trucks go around our city and there has never been a problem. This would be on a lower scale

Post signs; teach the children.

Traffic moves slow enough, and there are lots of side streets.

They usually drive slow and are usually off the beaten track.

People are paranoid.

Children are taught at an early age to look both ways before crossing a street.

The addition of an ice cream truck, or any vehicle driving slowly and coming to a complete stop, should pose little tangible risk. It is my opinion there is an equal, if not greater, risk in emergency vehicles.

Not if properly supervised.

**Question #7 – Do you have suggestions on ways to ensure safety for neighbors and customers if ice cream trucks were in your neighborhood?**

Make sure that people know the time of day that they are coming. And maybe have an adult that gets out of the truck and stands outside to make sure no one gets behind the truck or can make sure it's clear around the truck before it drives away.

Follow the rules.

Must be licensed, pass a test.

Appropriate hazard lights or notices on the truck itself.

I think if they deliver before night fall it would be ok.

Pull into a lot where kids can meet up at or have flashing lights and a stop sign like school buses have to let the kids cross the street but they all should wait until everyone is done with their purchase.

If a driver sees kids in a neighborhood NOT using caution, then he/she should be allowed to discontinue service to that neighborhood for a week or two. And the violators should have to read a safety booklet, pass the test and hand it back to the driver. (Or neighborhood association, or police, or an ice cream committee....someone who can provide a stern lecture and make a big deal about getting ice cream truck permission back.) Perhaps a senior center overview committee.

They should have caution signs and lots of lighting to alert drivers. Also, they should have signage that says to be careful when crossing the street.

Stop at designated sites.

Have the stops in neighborhood parks or libraries where the safety of children should already be a high priority to drivers.

Short of having them be stationary, I have no suggestions.

Maybe pull into a driveway of a customer.



I'm not sure why ice cream trucks are even being considered. There are plenty of places to purchase ice cream already. Why use tax dollars to provide an unnecessary "service" like this??

Make sure the neighborhood is aware of when the ice cream truck is coming. The truck should also have lights or something to make people aware that it is here.

One can never ensure safety.

Limited hours--not after dark. clean and presentable truck and employees.

Maybe set in parking lots of stores, parks.

I think part of the responsibility is on the parents of the children to make sure that children are trained to not run out to the truck while it is still moving. They should wait at the curb until the truck comes to a stop before approaching. Basic street safety would apply and I know that my kids know not to run out into the street and would be taught appropriately. If an accident occurs, the blame should be on the parents.

Tell children and parents and driver of truck to watch each other. Explain to kids that drivers can not always see them because they are short and cars are bigger than them. Maybe have the truck sit somewhere that won't be in the middle of traffic where kids could get hurt or cause confusion if the truck is staying or going for kids, etc.

First and foremost, to help ensure all foot traffic safety, I would start by having the DMPD go into neighborhoods and ticket speeders.

The business person who wants to have an ice cream truck should have a vehicle that is almost as obvious as a police car, with the paint job and lights.

Background checks for vendors and a licensing program that requires them to meet health & safety standards.

Keep them moving slowly and, of course, the truck should play "ice cream truck" music so you know where it is heading.

Maybe the time of day when the ice cream trucks would be in neighborhoods. In the evening maybe less traffic.

Do not let kids go out to the truck without an adult with them.

Music on the trucks, a designed place for the trucks to stop periodically so that children know where to go, just like they do for bus stops.

I like the idea of having the trucks in major parks (Gray's Lake).  
With the excitability of kids in general - I have seen them do dumb things in regards to traffic (even my 15 year old, just isn't conscience at times). I lived in Davenport many years back and don't recall any deaths by ice truck incidences.

Speed limits, designated routes, hours of operation.

If the city would quit turning off all the street lights. We want all our lights on just live Clive.

Only appropriate during daylight hours when parents are more likely to be at home. Make sure they have the same safety equipment as school buses, i.e. flashing stop signs and bar I front of the vehicle.

"No drinking and driving.

Play warning music as it approaches.

Drive slowly.

Installation of speed bumps.

Maybe if the trucks would only go down one side of the street and rest at each corner of the block. That way children will know that it would stop at the corners, and not worry about missing the truck.

Be sure that the truck drivers are trustworthy and cautious.

Have parents help with little children.

Talk to children about the hazards of the moving vehicle.  
Use the bell on the truck to notify us that it's in our neighborhood, maybe have a sign come out like on school buses telling traffic to stop, but they could continue on once the truck is set up to do business and parents and older sibling are there to help with the younger kids.

Yes, how about a flashing light on top along with the bells or whistles.

Don't have them.

Music, bells?

Don't sell ice cream to children under a certain age without a guardian nearby. For example, children under 10 must be accompanied before purchasing. This will limit the risk of small children chasing the truck into the street.

All the bells and whistles on the trucks with possibly a stop sign arm like school buses to ensure the children's safety. Also making the drivers aware of safer places in the neighborhoods to actually stop the vehicles so they are not stopping in the intersections and such.

All the bells and whistles on the trucks with possibly a stop sign arm like school buses to ensure the children's safety. Also making the drivers aware of safer places in the neighborhoods to actually stop the vehicles so they are not stopping in the intersections and such.

Background/driving checks done by city.

Don't play in traffic?

I believe they should only be allowed in residential neighborhoods with speed limits of 25 or below.

In this type of neighborhood, cars are to be on the watch for kids running after balls or just being kids not paying attention to what is going on around them. Anytime a car is in the area of an ice cream truck, a school bus, a mini van they should expect to see kids with their minds on anything except safety.

Perhaps notify residents of a set time/day the truck would be by so there would be less rushing for it. Also, designated stops -- like a bus -- on streets with less traffic.

Install safety lights on the top of the trucks and a back up alarm or horn, Do complete background checks on ALL drivers criminal and motor.

Post signs for motorists to slow down and be aware of children running cross the street. I think in neighborhoods with children they should go very slow. Parents, also need to educate their children on watching for cars even though they're excited about getting ice cream.

Would not purchase from them in the hopes that their route would go somewhere else.

Just have the trucks stop on the corner away from traffic and notify customers not to approach until they have stopped.

They would need bells or horns and bright colors to be seen. They would need to pull to the side of the street to serve or possible onto a sidewalk or drive apron.

Bright lights on truck and some kind of chime/sound.

I think the music alone would help let people know they are in the neighborhood.

I would have to say that the ice cream truck should have the bell sound and drive slowly.

Safety features on trucks. Good people running the operation. Don't just allow anyone to operate them. Also, limit the amount of trucks to an area. Create a zone or area with boundaries that can't be intruded by lots of trucks.

Re-educate on the following 'rules' of ice-cream truck selling;

- 1) Pre-determined route schedule.
- 2) A minimal trolling speed while servicing the neighborhoods.
- 3) Truck features that would signal when the truck was operational for business.

Please make sure your children know not to cross the street without permission and supervision. Always check, double check both ways for cars, and cross straight onto the side walk.

Implement a law preventing cars from passing stopped ice cream trucks similar to that in place for a school bus. Ensure that ice cream trucks are not allowed to operate during rush hour when there is a likelihood of increased traffic on residential streets. Examine possible restrictions of not allowing ice cream trucks to stop on certain city streets with higher traffic (highways--i.e. 65/69/E. 14th St.--and/or truck routes). Communication with city residents in multiple medias (not just the mailer to residents since many will not read them) possibly by asking news channels to provide coverage of hours of operation, safety suggestions, etc.

Maybe have a set location for the truck to park with set days and times. example ...Ewing park on Tuesdays at 7pm. or the corner of SW 9th and Watrous Fridays at 8pm

Put a flashing light on the truck, a bell and make sure they pull to the side of the road where kids and adults can still stay on the grass or parking.

Just don't have them.

Lights and music.

Have a recording that plays after each song that instills safety tips. For example, when a song finishes a friendly mother's voice could make an announcement like: "When the truck is in motion, please stand at least 20 feet from the curb."  
Or "Please look both ways before crossing the street."

Or

"Never cross the street when the truck is in motion."

Or

"Never run into the street."

:

Possibly 2 person teams in the trucks ensuring better visibility surrounding the Vehicle.

No - I prefer not to have them. If I want ice cream, I will buy it at the store.

Yes, I think it would be nice to have ice cream vendor at the neighborhood parks. Maybe on certain days of the week.

Hire good drivers that aren't x cons and or sex offenders.

You can never ensure complete safety when it comes to people. Adults and children alike will do some very stupid things. I guess you can make the rounds neighborhood specific, those that want it can have it and those that don't can do without.

I don't know how much safer they could be.

Require safety devices on the bumpers of the vehicles similar to those required on school buses. Require driver license review, and training, and appropriate insurance.

Have it playing the music if it is in operation to alert children and drivers to be alert. If in operation the vendors should not be able to exceed and particular speed and only be able to operate on street that are classified as neighborhood streets and not snow routes.

Make sure the teen drivers obey the traffic laws. And SLOW DOWN!

Maximum speed limit for the trucks in neighborhoods

Would it be possible to put up stops similar to the bus stops that they could stop at during different periods. That would help the driver know where he/she needs to be & alert children where to be careful. By having the neighborhoods designate these stops, the community can come together to avoid potential dangerous places.

In addition, I would feel it should be required to have an ice cream truck driver be screened thoroughly to avoid sexual predators.

To pull over onto side streets when actually selling ice cream.

Only allow the ice cream to be sold when the truck is stopped and to have signal gates for the kids wanting to cross the street to buy the ice cream. Or maybe allow the ice cream vendor to leave the truck to sell the ice cream to individuals on the curb.

If the truck is driving on a street designated as a snow route, the driver should strongly consider only stopping on the first available side street. If the street is a main route (ie. Watrous, Park, Hull) the driver should NOT travel with music running. The main danger is children impulsively darting across a street to reach the truck.

Turn off the music on busy streets and only allow the truck to play music on residential streets.

It would be nice to have more frequent radar set ups in residential areas, especially on streets where a car can get pretty good speed going between intersections. Once citizens realized the radar set ups would be something to expect, they would slow down and cause less hazard to pedestrians. I know our police department is already overwhelmed and doesn't have enough manpower, but speeding in residential areas is on the rise and needs to be addressed anyway.

No.

Put the truck on a schedule and let the adults know what it is and set up a designated safe/secure stop for the truck. Most parents go with their child to help them with their selection.

Maybe put a stop arm like the school buses have on the front of the truck.

I don't really see why they would be a safety issue! The kids in my neighborhood would not try to run in front of the truck, they know that might take the privilege away.

I think this service is not needed in the city of Des Moines.

Have designated areas where they can stop. That way parents and children don't have to guess where they will be stopping.

Make sure that they stop in the middle of the road, so no car could go around them, like the school bus.

Give them the same authority as a school bus when they put out their stop sign.

Limit speed.

Yes, the routes should remain the same, and the trucks would arrive at about the same time daily, so parents and children would be prepared for their arrival, which would ease the problem of children dashing home from play to get their ice cream money.

I do think screening should be done for the drivers to ensure that they are not sex offenders, but I also believe that the city should consider the push carts because they just go down the sidewalks and therefore do not obstruct traffic or cause rushing and running children, because the vendors themselves are walking.

The trucks could have the same little arms that stick out when they have customers just like school buses. and you could make it illegal to pass them when they are stopped with certain lights flashing.

Education and Parents that watch their children and speed bumps on Neighborhood streets help slow speeders down.

I will watch my kids, and you watch yours.

I think a flier or mailing to let parents know what night the truck comes through their neighborhood would be great as well as the music on the truck for a warning and maybe a blue flashing light for dusk.

Specific routes with designated times

Pamphlets distributed to neighbors encouraging watching over each others children and disclosure of safety rules

Police officer safety training sections at neighborhood meetings, community buildings, and schools.

Rotating amber light bars or strobes with high visibility

Designated stops on each block rather than at random

Signage similar to bus stops

Signs designating ice cream truck route

Training of ice cream truck drivers to re-enforce safety rules with children

Public service announcements about safety issues involved

Only allow designated stopping point on residential street where the speed limit is 25 MPH

Task force traffic enforcement to draw attention to safety issues or truck routes much like what is done on school zones and school bus passing violations.

Parents needs to watch small kids. The safety would be just like a school bus.

Louder music in trucks and extra driving instruction prior to ice cream truck deployment.

Possible stop sign on the truck that comes out like a school bus.

Have to be on both sides of the street.

Be sure to park on the correct side of the street. Maybe have some kind of caution sign.

To have some kind of safety sign or lights.

Yes. Fifth Ave. has a long hill starting on Ovid going down to Boston. There are a lot of children, so you would have to go really slow.

Have someone in the neighborhood to keep a lookout for anything strange.

Just make sure they drive slowly and make noise.

Be observant and drive slowly.

Ensure that the truck can be heard, have more than one child at a time buying ice cream.

Have stop sign that comes out from the truck.

Make sure of a safe, designated area for purchase.

WATCH FOR CHILDREN sign, please.

No, because the trucks are equipped with enough safety devices.

No, never heard of them being unsafe.

Park in safe locations to sell ice cream.



Simply drive slowly and watch out for children chasing the truck.

The ice cream truck can come around at the same time every week, at different locations.

Once the truck comes, people around it will make it safe.

Make it where trucks must register and be inspected.

Signs and CAUTION lights on the truck.

Just for parents or neighbors to watch kids and to look out for cars passing the truck and to supervise kids and watch them closely around the truck or have older or responsible brother or sister watch and supervise smaller kids coming up to the truck. No loitering or throwing trash around. Keep trash picked up after the truck leaves.

Music to alert neighbors to be cautions.

Complete stop when serving.

Do it between day hours with proper security lock on the truck.

Send out newsletter about safety rules when you advertise for the business.

Driver should drive slowly. Maybe have two people in the truck.

Schedule times when there is the least traffic, uphold safety at all costs.

Take routes/stops away from heavy traffic.

More CHILDREN AT PLAY neighbor signs would help with safety.

Make sure it has lights that signal some kind of way the truck is stopped and maybe some kind of music playing on a loudspeaker.

All drivers must not have a criminal background where imprisonment was imposed.

All former child molesters or any of the like must not be considered.

3Days and times should be allocated and watched via a neighborhood organized watch group.

Health & sanitation inspections should be mandatorily conducted quarterly."

One way would be to have an ice cream truck be located at a school or park in the neighborhood. Have prices that are affordable. Train employees and have a

specific plan for how to maintain safety and how to respond for an emergency. Have prices that are suitable to all incomes so people don't feel left out.

Keeping trucks on regular routes and allowed to park only at regular locations. Background checks on all employees; Maybe even assigning two people per truck.

No more than twenty dollars change per vehicle; all other cash kept in an onboard safe that can only be opened at a central location.

Regular safety training courses for all drivers and safety incentives for high level of quality.

Regular reminders of safety on the part of parents and children by means of pamphlets or advertisements on TV, radio, and newspapers.

Possibly placing up neighborhood watch signs--family friendly community.

Speed limit enforcement signs.

Background checks for sex offenders and drug related activities.

Lights and sounds on the trucks so that drivers are aware that they are there and the children would also know that the ""ice cream"" truck is on it's way.

Driving safety classes for the drivers (i.e. - children running out into the street to meet the drivers)

Maybe flyers in the neighborhood not only promoting the service, but also to instruct parents on safety for their children. (i.e. - When you hear the ice cream truck do not run out into the street until the truck has actually come to a stop. If you must cross the street to get to the ice cream truck, make sure that you look before you cross. Only buy ice cream from the "official" (have an identifiable symbol) ice cream truck (that way the children are only approaching the "official" ice cream truck and not someone scamming children.

There could always be signs posted (like pedestrian/deer signs) to alert drivers that ice cream trucks drive through the neighborhood. I also believe that most parents would either watch their children and/or teach their children on how to be safe in the streets.

Yes he should go through ringing his bell and park in lots. We have a school lot and we have a church lot or he could pull over on the side street.

Neighborhood watch.

Like mom always said, "look both ways before you cross the street." If common sense is used when hiring drivers and by the general public then there should be no pertinent or serious safety hazards.

The trucks should only stop in safe, low-traffic areas and the drivers must be cautious of young children. Kids who approach the trucks in an unsafe manner should be corrected by the driver and denied ice cream if they are repeat offenders.

Make sure it is late enough in the evening, that parental supervision can be enforced when visiting the ice cream trucks.

Perhaps having a sign that indicates whether a neighborhood has one or not. Also, like previously mentioned, having a driver with an extensive background check.

Don't let Baskin Robins and Dairy Queen employees within 500 feet!

I think that they should be well lit on the exterior of the trucks when they are stopped for sales so anyone could see what is happening.

Trucks must stay close to the curb and go up and down both sides of the street.

Possibly have stop signs on the ice cream trucks similar to those on school buses. Residential streets only, no business streets.

Maybe have ice cream trucks parked or visit less heavy traffic streets.  
brightly painted trucks'- flashing strobe mounted on the truck, day light only

It requires parents and drivers to be aware of children running. Parents must teach their children to cross the street safely and drivers have to be ready for children NOT to cross the street safely.

Have some flashing lights on rear of truck

Well maintained trucks, screened truck drivers, healthy ice cream. Some kind of identifying symbol that ensures that these measures have been taken.

Not sure how to enforce this. Good Luck.

Have designated stops, much like the MTA or school buses. This may be seen as not making the ice cream as available. But I think safety will over rule convenience.

**Question #8 – Would you or members of your family purchase items from an ice cream truck at the following locations?**

**Neighborhood Park**

**Yes: 79**

**No: 215**

**Special Events**

**Yes: 222**

**No: 72**

**Specified Location**

**Yes: 160**

**No: 134**

**Temporary Location**

**Yes: 118**

**No: 176**

**Question #9 – What is your home zip code?**

**35757: 1 – Madison, AL**  
**50001: 1 – Ackworth, IA**  
**50009: 6 – Altoona, IA**  
**50010: 1 – Ames, IA**  
**50021: 1 – Ankeny, IA**  
**50023: 2 – Ankeny, IA**  
**50047: 1 – Carlisle, IA**  
**50061: 1 – Cumming, IA**  
**50109: 1 – Granger, IA**  
**50111: 1 – Grimes, IA**  
**50131: 2 – Johnston, IA**  
**50208: 1 – Newton, IA**  
**50211: 1 – Norwalk, IA**  
**50263: 1 – Waukee, IA**  
**50265: 5 – West Des Moines, IA**  
**50266: 2 – West Des Moines, IA**  
**50301: 1 – Des Moines, IA**  
**50309: 9 - Des Moines, IA**  
**50310: 31- Des Moines, IA**  
**50311: 19 - Des Moines, IA**  
**50312: 40- Des Moines, IA**  
**50313: 12- Des Moines, IA**  
**50314: 10 - Des Moines, IA**  
**50315: 42- Des Moines, IA**  
**50316: 23 - Des Moines, IA**  
**50317: 38 - Des Moines, IA**  
**50320: 18 - Des Moines, IA**

**50321: 7 - Des Moines, IA**  
**50322: 4- Urbandale, IA**  
**50325: 1 – Clive, IA**  
**50327: 5 – Des Moines, IA**  
**72129: 1 – Prattsville, AR**

April 16, 2007

Date \_\_\_\_\_

Agenda Item 52

Roll Call # \_\_\_\_\_

Honorable Mayor and City Council Members  
400 Robert D. Ray Drive  
Des Moines, IA 50309-1919

RE: Request for Allowing Mobile Vending (Ice Cream) Trucks

Dear Mr. Mayor and Council Members:

On April 10, 2006, the City Council received a request to change the City Code to allow ice cream truck vendors to operate and sell products on City streets. Council referred this request to the City Manager and Traffic Safety Committee for consideration. On March 13, 2007, the City Manager's Office and Mayor conducted a public hearing on this issue.

At their April 10, 2007 meeting, the Traffic Safety Committee considered this issue, including a summary of the comments from the public hearing. The comments and questions could generally be classified in seven areas:

1. Traffic safety
2. Child safety
3. Product safety
4. Service is not needed
5. Service is needed
6. Other
7. General questions

A copy of the committee agenda item, including the summary of the input from the public hearing, is attached. After consideration of the issues, a motion was made to allow mobile vending for a one-year trial period, with appropriate regulations for locations, times, required vehicle safety equipment, required driver background checks and training, etc. This motion failed, three in favor and four opposed. A motion was then made to continue the existing prohibition on mobile vending on City streets, which was approved four in favor and three opposed.

Submitted by,

Gary L. Fox, Secretary  
Traffic Safety Committee

GLF/ms

Attachment



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ALL-AMERICA CITY  
1949, 1976, 1981  
2003

**ITEM #1: Ice Cream Vending Trucks on City Streets**

**BACKGROUND:**

On April 10, 2006, the City Council received a request to change the City Code to allow ice cream truck vendors to operate and sell products on City streets. Council referred this request to the City Manager and Traffic Safety Committee for consideration. On March 13, 2007, the City Manager's Office and Mayor conducted a public hearing on this issue.

A copy of the summary of the issues is attached. The comments and questions could generally be classified in seven areas:

1. Traffic safety
2. Child safety
3. Product safety
4. Service is not needed
5. Service is needed
6. Other
7. General questions

Mobile vending has been prohibited in Des Moines since 1967, when a 9-year-old girl was killed and two other children were injured in traffic accidents after buying ice cream. Council is seeking input and a recommendation whether such mobile vending, including mobile ice cream truck vending, should be allowed in the City of Des Moines. There are three general options that should be considered for such vending:

1. Continue the prohibition.
2. Allow mobile vending, with provisions in the ordinance that would regulate the locations, times, required vehicle safety equipment, required driver background checks and training, etc.
3. Allow mobile vending, with requirements as in option 2, for a limited trial period in a limited area of the City.

**STAFF RECOMMENDATION:**

Staff recommends that the Traffic Safety Committee review the public input and consider the three options for a recommendation to the City Council.

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## ICE CREAM TRUCK PUBLIC INPUT Summary of Issues

### 1. Traffic Safety, especially for children.

- Trucks today have safety features:
  - mirror in back
  - swing out arm with flashing lights
  - rear of vehicle has signage and flashing lights
  - signage is also in Spanish
  - signage on front of the vehicle
- This is a regulated industry today
- Ice cream trucks slow down traffic
- Ice cream trucks keep children close to home
- Criminal checks are conducted on the drivers
- If ordinance is amended, make sure there are strict safety regulations
- Welcome the vendors in the Parks, but not on busy streets
- Parents aren't at home to watch their children like they were in the 60s
- Ice Cream truck drivers could be on cell phones and not paying attention
- There are other safety risks for children like just crossing the street
- This is a new era and there is new technology to help with safety regulations
- We have a tough enough time keeping children safe around school buses
- These trucks will not be allowed on streets that have speed limits above 25 mph
- Kids in cars or on bikes are exposed to danger all the time
- Children when excited throw safety to the wind. Ice cream trucks increase the risk level to children
- Not all people will adhere to the "slow" signs on the truck
- Ice cream truck drivers will need to complete a vendor orientation training and receive a license or certification
- If the ban is lifted, please communicate and educate families on safety

### 2. Child Safety, i.e. pedophiles.

- Concern on pedophilia
- Parents aren't at home to watch their children like they were in the 60s
- What security measures will be taken against sex offenders or pedophiles?
- Ice cream truck drivers are required to go through five extensive background checks
- Do you check for stolen identity?
- How do you keep the sex offenders away from children buying from ice cream trucks?
- How do we protect the children all over the city from sex offenders?
- Ice cream truck drivers will need to complete a vendor orientation training and receive a license or certification



### 3. Product Safety.

- Sanitation is a high priority – how will this be handled in a mobile setting? (washing of hands)
- Products in ice cream trucks are completely over-wrapped and kept in freezers with a temperature of -30 degrees
- Will the trucks be inspected by the Health Dept?

### 4. Service is not needed.

- Sense of community is already at ice cream establishments such as Snookies
- Community builders are the locally owned ice cream businesses who hire youth and contribute back to the community, i.e. contributions to little league teams

### 5. Service is needed.

- There are children in the neighborhoods who cannot afford to buy the ice cream
- Ice cream is not readily available to all neighborhoods and ice cream trucks would be able to offer this treat to them
- There is a need for ice cream trucks for those who do not have transportation
- Why does Des Moines have to be different than other cities such as Kansas City or Omaha?

### 6. Other.

- The City would not be exposed to lawsuits
- Concern with noise pollution from the bells and the music
- Portland, OR has ice cream bicycles – Des Moines should research this
- Ice cream trucks are not considered to be a competitor to establishments such as Dairy Queen – they sell different types of ice cream products
- The amount of trucks allowed on the streets needs to be limited
- The ice cream trucks need to be owner-operated

### 7. Questions.

- Are push carts going to be allowed on sidewalks?
- Is the need worth the risk?
- How much insurance would be required from the vendor?
- Will this open other vending on the streets such as coffee or liquor?
- Will ice cream trucks pay taxes such as property taxes like retail ice cream businesses do?