

# Mobile Frozen Desserts Permit

\_\_\_\_\_  
(Vendor)

Pursuant to Ordinance No. 3861-2002, the following conditions are met and the vendor noted herein is entitled to a valid permit for the sale of mobile frozen desserts for the sale of mobile frozen desserts for the year extending from January 1 of \_\_\_\_\_ to December 31 of \_\_\_\_\_:

Each vehicle has a driver who is at least 21 years of age and possesses a valid driver's license.

A) List the name of each driver and supply a valid drivers license, a copy of which shall be attached to this application: \_\_\_\_\_,

current address & phone: \_\_\_\_\_,

Each vehicle shall be accompanied by at least one employee to assist in sales and observation of traffic. This person must be 18 years of age and have valid identification.

A) List the name of the assistant(s): \_\_\_\_\_,

current address & phone: \_\_\_\_\_,

Outer garments or uniforms are affirmed to be clean and to display the name of the employer.

A copy of a current and valid food establishment permit issued by the Health District authorities is attached.

Proof of at least \$300,000.00 bodily injury and property damage insurance is shown. (The company who carries the insurance should be contacted to verify that the policy is effective.)

A copy of an inspection of the vehicle by someone qualified to do so is attached showing all of the following: Inspection performed by North Ridgeville Service Dept., call 440-353-0859 to schedule an inspection.

A) In letters of not less than two inches, the vehicle displays (i) the product name(s), (ii) the manufacturer and (iii) the employer's name. and telephone number on vehicle.

B) The vehicle is of (i) commercial metal construction, (ii) properly insulated, (iii) in good repair, (iv) well-painted, (v) clean and sanitary both inside and out.

The \$25.00 permit fee is paid.

\_\_\_\_\_  
Safety Service Director  
City of North Ridgeville

Date: \_\_\_\_\_

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To qualify for a permit, all boxes must be checked off. To retain a permit, all sections of Ordinance No. 3861-2002 and any amendments thereto must be complied with.

CHAPTER 856  
Mobile Frozen Desserts Sales

856.01	Definitions.	856.05	Vehicle requirements.
856.02	Enforcement.	856.06	Prohibited places of sale.
856.03	Requirements for mobile frozen desserts sales.	856.07	Violations.
856.04	Permit application and requirements.	856.08	Noise controls.
		856.99	Penalty.

CROSS REFERENCES

Vending from vehicles prohibited - see TRAF. 432.42

Solicitation on public streets or sidewalks prohibited - see B.R. & T. 854.02

**856.01 DEFINITIONS.**

As used in this chapter:

- (a) "Frozen dessert" includes ice cream, frozen custard, water ices, sherbet, imitation ice cream and any and all other similar frozen desserts.
- (b) "Mobile frozen desserts sales" means the sale by a person moving from place to place while making, or attempting to make, the sale of frozen desserts from a vehicle or container.  
(Ord. 3861-02. Passed 12-2-02.)

**856.02 ENFORCEMENT.**

The enforcement of any of the provisions of this chapter shall be the responsibility of the Director of Public Safety and/or the Police Division or any duly authorized agent or employee of either.  
(Ord. 3861-02. Passed 12-2-02.)

**856.03 REQUIREMENTS FOR MOBILE FROZEN DESSERTS SALES.**

- (a) The driver of a vehicle must be at least 21 years of age and possess a valid drivers license.
- (b) There shall be at least one employee accompanying the driver of the vehicle to assist in the selling of the frozen desserts and in the watching of pedestrian and vehicular traffic.
- (c) All employees shall wear clean, washable outer garments or uniforms disclosing the name of his or her employer thereon.
- (d) One must keep and maintain a valid food establishment permit issued through the Health District authorities.

(e) One must keep and maintain a valid permit from the Safety Director and display an approved permit in each vehicle.

(Ord. 3861-02. Passed 12-2-02.)

#### **856.04 PERMIT APPLICATION AND REQUIREMENTS.**

(a) One must file for and obtain a valid permit from the Safety Director.

(b) There shall be payable an annual twenty-five dollar (\$25.00) permit fee per vehicle on a calendar year basis.

(c) One must carry a minimum of three hundred thousand dollars (\$300,000) bodily injury and property damage insurance. Proof of such insurance shall be exhibited to the City to show that such insurance is in effect.

(d) An inspection of the vehicle shall be made to show compliance with the vehicle requirements of this chapter.

(e) One must possess a valid food establishment permit issued through the Health District authorities and proof of such permit must be provided.

(Ord. 3861-02. Passed 12-2-02.)

#### **856.05 VEHICLE REQUIREMENTS.**

(a) All vehicles used to transport or to contain frozen desserts shall display on the vehicle thereof, in letters not less than two inches high, the name of the product or products, the manufacturer thereof and the name of the employer.

(b) Such vehicles shall be of commercial metal construction, properly insulated and at all times kept and maintained in good repair and well painted, and in a clean and sanitary condition within and out.

(Ord. 3861-02. Passed 12-2-02.)

#### **856.06 PROHIBITED PLACES OF SALE.**

No sale of frozen desserts products shall occur under the following conditions:

(a) Within 100 feet of any street intersection;

(b) Within 500 feet of any schoolyard or play school ground during the hours when a regular or summer or play school is in session or for a period of one-half hour after the closing hour of such regular, summer or play school;

(c) Within 500 feet of any church or place of worship during the period when any weekend religious service is being held therein;

(d) Before 1:00 p.m. or after sunset on Saturdays and Sundays and before 5:00 p.m. or after sunset on all other days, Mondays thru Fridays;

(e) On any streets where the posted speed limit is in excess of 25 mph or on major thoroughfare streets.

(Ord. 3861-02. Passed 12-2-02.)

**856.07 VIOLATIONS.**

The following actions by a vendor of frozen desserts in the City are hereby declared to be violations and are prohibited, but this enumeration shall not be deemed to be exclusive:

- (a) Excessive canvassing or soliciting for the sale of frozen desserts in any area or upon any street by representatives of the same organization;
  - (b) Failure to keep and maintain the vehicles and the containers used for the sale of frozen desserts in this City in a clean and sanitary condition at all times;
  - (c) The sale of frozen desserts by a person who has a communicable disease;
  - (d) The failure to maintain and satisfy the insurance requirements;
  - (e) The failure to maintain and satisfy the vehicle requirements;
  - (f) Any violation of the prohibitions of places of sales;
  - (g) Any violation of the noise controls; or
  - (h) The failure to satisfy any of the requirements for mobile frozen desserts sales.
- (Ord. 3861-02. Passed 12-2-02.)

**856.08 NOISE CONTROLS.**

No one shall engage in the business of mobile frozen desserts sales in such a manner as to create a loud voice or use any noise-producing device other than a soft chime or to commit any breach of peace in soliciting the sale of the frozen desserts products.

(Ord. 3861-02. Passed 12-2-02.)

**856.99 PENALTY.**

Whoever violates or fails to comply with any provision of this chapter is guilty of a minor misdemeanor.

(Ord. 3861-02. Passed 12-2-02.)