Application for Mobile Frozen Desserts Sales Permit

OFFICE OF THE MAYOR

Rules and Regulations for Obtaining a Mobile Frozen Desserts Sales Permit

All persons requesting a Mobile Frozen Desserts Sales Permit must have the following items submitted to the Office of the Mayor at City Hall, 7307 Avon Belden Road, North Ridgeville, OH 44039, before a permit will be issued:

- Completed Mobile Frozen Desserts Sales Permit Application
- Photo copy of driver's license, state ID or passport is required for each driver
- Each vehicle, in addition to the driver, must have at least one individual over 18 years of age to assist in sales and observation of traffic. Photo copy of driver's license, state ID or passport is required.
- A copy of current and valid food license permit issued by a health district authority
- A copy of proof of insurance of at least $300,000 bodily injury and property damage
- A copy of vehicle inspection performed by the North Ridgeville Public Works Department. To schedule an inspection, call (440) 490-2094.
- A copy of BCI and FBI background checks for all individuals listed on the application. The City shall accept background checks from locations listed on the Ohio Attorney General WebCheck directory and be dated within 30 days of filing the application.
- $50.00 Permit Fee per vehicle/per calendar year

Once the application is reviewed and approved, you will be contacted by the Mayor's Office to pick up your permit. The permit is valid for one calendar year. Each vehicle shall at all times display this permit.

Please refer to the North Ridgeville Ordinance, Chapter 856 Mobile Frozen Desserts Sales, found below for more information.

CHAPTER 856 – MOBILE FROZEN DESSERTS SALES

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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.

856.02 ENFORCEMENT

The enforcement of any of the provisions of this chapter shall be the responsibility of the Mayor or designee.
(a) Permits may be denied or revoked by the Mayor or designee for any one or more of the following reasons, or for substantially similar reasons:
(1) Incomplete information provided by the registrant;
(2) Fraud or misrepresentation contained in the registration form;
(3) Any alteration of the required form;
(4) Fraud, misrepresentation, or false statements made in the course of conducting the activity;
(5) Violation of any of the provisions of this chapter or of other Codified Ordinances or of any state or federal law;
(6) Conducting soliciting or business in such a manner as to constitute a trespass upon private property;
(7) The permittee ceases to possess the qualifications required in this chapter for the original registration;
(8) Any violation of any subsection of this section.

CHAPTER 856 – MOBILE FROZEN DESSERTS SALES *(cont'd)*

(b) A violation by the registrant or any agent thereof of any requirement of this section is punishable under Section 856.99. In addition, the permit shall be revoked for any violation for the remainder of the permit period. Upon a second violation, no further permits shall be issued to the registrant and/or the organization or business represented by the registrant.

856.03 REQUIREMENTS FOR MOBILE FROZEN DESSERTS SALES.

(a) All individuals employed and/or entities operating as frozen dessert vehicles for sales shall:

(1) Be at least twenty-one (21) years of age driving the vehicle and possess a valid driver's license;
(2) Be at least one individual eighteen (18) years of age accompanying the driver of the vehicle to assist in the selling of the frozen desserts and the watching of pedestrian and vehicular traffic;
(3) Shall wear clean, washable outer garments or uniforms disclosing the name of their business thereon;
(4) Maintain all necessary food services licenses as required by law;
(5) Comply with all food service and/or health guidelines as required by law;
(6) Keep and maintain a valid permit from the Mayor or designee and display an approved permit in each vehicle.

856.04 PERMIT APPLICATION AND REQUIREMENTS.

(a) To obtain a permit one must file an application for Mobile Frozen Desserts Sales on a form furnished for such purpose, list all individuals operating the frozen dessert vehicle and obtain a valid permit from the Mayor or designee.
(b) An annual fifty dollars ($50.00) permit fee per vehicle on a calendar year basis.
(c) One must carry a minimum of three hundred thousand dollars ($300,000) in 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 a health district authority and proof of such permit must be provided.
(f) The registrant shall furnish a copy of an unexpired Driver's License, State Identification, or Passport for all individuals employed and/or entities operating as frozen dessert vehicles.
(g) BCI and FBI background checks must be completed within 30 days of application and provided with the original application for all individuals operating the frozen dessert vehicle. The City shall accept background checks from locations listed on the Ohio Attorney General WebCheck directory. No person shall operate under a mobile frozen dessert permit within the City who has been convicted of or pled guilty to any of the following criminal offenses:

(1) Whether the applicant has ever been convicted of a crime and, if so, where and the nature of the offense and the punishment or penalty imposed therefor, if any, or whether the applicant has ever had a license issued by any authority revoked and the reason for said revocation;
(2) Any felony violation or misdemeanor violation involving fraud or moral turpitude within the past ten (10) years;
(3) Any offense involving a minor;
(4) Any sexually-oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually-oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;
(5) Unlawful possession of weapons within ten (10) years after conviction or guilty plea;
(6) Any felony drug abuse or trafficking in drugs within ten (10) years after conviction or guilty plea;
(7) Any homicide offense in Ohio Revised Code Chapter 2903 or any substantially similar homicide offense under any municipal or state law; and
(8) Any other felony within ten (10) years after conviction or guilty plea.

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.

CHAPTER 856 – MOBILE FROZEN DESSERTS SALES *(cont'd)*

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.

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 sale;
(g) Any violation of the noise controls;
(h) The failure to satisfy any of the requirements for mobile frozen dessert sales.

856.08 NOISE CONTROLS.

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

856.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter is guilty of a minor misdemeanor. In addition, the permit shall be revoked for any violation for the remainder of the permit period. Upon a second violation, no further permits shall be issued to the registrant and/or the organization or business represented by the registrant.

Application for Mobile Frozen Desserts Sales Permit

OFFICE OF THE MAYOR

CITY OF NORTH Ridgeville EST 1810

BUSINESS REGISTRANT INFORMATION

Business Name

Primary Contact

Street Address

Business Phone Number

City, State and Zip

Tax ID # (if applicable)

DRIVER(S) INFORMATION

Name

Phone Number

Street Address

Email Address

City, State and Zip

Driver's License Number

Name

Phone Number

Street Address

Email Address

City, State and Zip

Driver's License Number

ASSISTANT(S) - OVER 18 YEARS OF AGE

Name

Phone Number

Street Address

Email Address

City, State and Zip

Driver's License/State ID/Passport Number

Name

Phone Number

Street Address

Email Address

City, State and Zip

Driver's License/State ID/Passport Number

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OFFICE OF THE MAYOR

VEHICLE INFORMATION

Make _____ Model _____

Issuing State _____ Plate Number _____

BUSINESS REGISTRANT ACKNOWLEDGEMENT

I do hereby acknowledge that all statements contained herein are true and it is my responsibility to abide by all State of Ohio and City of North Ridgeville Ordinances regarding Mobile Frozen Desserts Sales contained within Chapter 856. I understand a violation of such ordinance may be cause, among other penalties, for revocation of my permit.

Signature of Business Registrant _____ Date _____

OFFICE USE ONLY

_____ Photo IDs _____ Insurance _____ Vehicle Inspection _____ Food Permit

_____ BCI/FBI _____ Application Fee _____ Approved/Date _____ Date Expires