

SPONSOR: Reed/Heath

## ORDINANCE NO. 118-06

AN ORDINANCE ADOPTING JACKSON CODIFIED ORDINANCE CHAPTER 735, ICE CREAM TRUCK VENDORS AND OPERATORS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

**Section One.** The Jackson Codified Ordinance Chapter 735, Ice Cream Truck Vendors and Operators, is hereby adopted as set forth in Exhibit "A".

**Section Two.** The Clerk of Council shall assure that this Ordinance is posted in all the City's Ordinance books.

**Section Three.** This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to establish this licensing requirements as quickly as possible before the summer season begins. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

**Section Four.** In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

**Section Five.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Date: May 22, 2006

James H. Hines  
PRESIDENT OF COUNCIL

Dea R. King  
CLERK OF COUNCIL

Approved:

Date: 5/24/06

[Signature]  
MAYOR

# EXHIBIT A

---

## CHAPTER 735 ICE CREAM TRUCK OPERATORS

735.01 Definitions	735.04 Denial/Revocation of License
735.02 License Required	735.05 Penalty
735.03 Display of License	

---

### 735.01 DEFINITIONS.

“Ice Cream Truck Operators” are defined as any individual or entity selling, displaying, or offering to sell ice cream or any other prepackaged food product, on a public street or public property, from a motorized vehicle commonly known as an ice cream truck.

### 735.02 LICENSE REQUIRED.

Any person or entity desiring to obtain or renew an ice cream truck operator’s license shall be required to file all of the following information with the Director of Public Service:

- (a) A valid state-issued identification card including legal name, date of birth, and residence address of the applicant. If the applicant is a partnership or corporation, the information from all partners or officers is required.
- (b) A list of any person(s) who will operate or work within the Ice Cream Truck, including the full legal name, date of birth, and residence address. A criminal background check conducted by the Jackson County Sheriff’s Office, or other agency approved by the City, is required for each person who will operate or work from the ice cream truck. This list must be kept current with the City at all times.

- (c) The year, make, model, and color of the motor vehicle that will be used as an ice cream truck and a valid sticker indicating passage of a motor vehicle inspection (MVI) conducted by the Ohio State Highway Patrol. Any vehicle used as an ice cream truck must maintain a valid MVI sticker at all times.
- (d) A copy of a registration certificate issued by the Ohio Bureau of Motor Vehicles is to be provided to the City for any vehicle to be operated as an ice cream truck.
- (e) Proof of valid insurance for the vehicle and liability insurance of no less than \$300,000 with the City of Jackson named as additional insured.

#### 735.03 DISPLAY OF LICENSE.

The license provided by the City must be displayed at all times in a place upon the vehicle that is easily visible to the public.

#### 735.04 DENIAL OR REVOCATION OF LICENSE.

The Director of Public Safety shall deny or revoke a license if it is found that the applicant, or any employee or contractor working on behalf of the applicant, has a conviction of any of the following:

- (a) Any misdemeanor or felony if the offense involved a sex crime.
- (b) Any misdemeanor or felony if the offense involved a violent crime.
- (c) Any misdemeanor or felony if the offense involved drugs.
- (d) Any misdemeanor or felony if the offense involved a crime against a child.

735.05 PENALTY.

Anyone who violates any provision of this Chapter, or any person who operates an ice cream truck in the City without a valid license issued by the City, shall be subject a fine of \$150.00 per day.