

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 8-25-98

Submitted by: Assemblymembers ABNEY,
CARLSON, MEYER, MURDY

Prepared by: Assembly Office

For reading: August 25, 1998

ANCHORAGE, ALASKA
AO NO. 98-139(S-2)

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE 10.60, SAFETY
REGULATIONS FOR SLOW MOVING "ROVING VENDORS" (ICE CREAM TRUCKS)**

WHEREAS, the primary purpose of public right-of-ways - specifically public streets - is for use by vehicular traffic; however, vending on public streets promotes the public interest by providing mobile services and merchandise to residents, and contributing to an active economic environment; and

WHEREAS, to permit such activity on Anchorage's public streets, it is necessary to provide reasonable guidelines and regulations to protect public health, safety, and welfare, and to promote safe vehicular and pedestrian traffic; and

WHEREAS, a recent tragedy involving the death of a young girl near an ice cream truck prompted the Municipality to review its current guidelines and regulations for ice cream trucks; and

WHEREAS, the larger issue of guidelines and regulations for all roving vendors is important, but given the fact that children are the primary patrons of ice cream truck vendors, it is imperative that the Municipality address the need for improved guidelines and regulations - especially safety equipment, markings, and standards of operation - for ice cream trucks at this time.

NOW, THEREFORE, the Anchorage Municipal Assembly ordains:

Section 1: That, upon passage and approval, this ordinance shall be referred to and officially titled the "Whisper Ordinance" in memory of the young girl whose tragic death prompted this ordinance to be written.

Section 2. That AMC Section 10.60.020 is amended to add the following definitions:

Ice cream truck means any vehicle in which ice cream, ice milk, sherbet, yogurt, water ices, snow cones, shakes, or other frozen dairy and non-dairy desserts are carried for the purposes of retail sale on the public streets within the Municipality of Anchorage.

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4 **Ice cream truck vendor means a roving vendor offering ice cream,**
5 **ice milk, sherbet, yogurt, water ices, snow cones, shakes, or other**
6 **frozen dairy and non-dairy desserts for sale from an ice cream truck**
7 **on the public streets within the Municipality of Anchorage.**
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11 **Section 3:** That AMC Subsection 10.60.050 B. is amended to read as follows:
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13 10.60.050 Application for license.

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15 **B** *Roving vendor license.* An application for a roving vendor license
16 shall be made to the municipal clerk on a form approved by the
17 municipal clerk and shall include **the [THOSE] following** items:
18 **[STATED IN SUBSECTION A OF THIS SECTION AS WELL AS A**
19 **DESCRIPTION OF EVERY VEHICLE TO BE USED IN THE**
20 **BUSINESS OPERATED PURSUANT TO THE LICENSE]**
21

- 22 **1. The name of the vending business to be conducted**
23 **pursuant to the desired license;**
24
- 25 **2. The name, home and business addresses and telephone**
26 **numbers of the applicant, who shall be the owner and**
27 **licensee of the vending business to be conducted**
28 **pursuant to the desired license;**
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- 30 **3. A complete description of the equipment to be used for**
31 **display, storage, or other purposes related to the**
32 **business to be conducted pursuant to the desired**
33 **license, to include a description of every vehicle or**
34 **trailer to be used, and all distinctive markings and**
35 **signs;**
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- 37 **4. Proof that the applicant has obtained a State business**
38 **license in the applicant's name and the name of the**
39 **business to be conducted pursuant to the desired**
40 **license; and**
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- 42 **5. A complete description of the types of goods and**
43 **services that shall be offered under the desired license;**
44 **and**
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4 **6 An application fee of \$150.00.**

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7 **Section 4:** That a new AMC Section 10.60.057 is added to read as follows:

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9 **10.60.057 Roving vendors - Licensing requirements.**

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11 **Applicants for a roving vendor license shall provide the following**
12 **licensing requirements to the municipal clerk's office prior to**
13 **issuance of a license, but no later than April 1 of the license year:**

- 14
15 **A. Proof of insurance as required by section 10.60.110, to**
16 **include insurance coverage of each vehicle to be used in the**
17 **vending business;**
- 18
19 **B. Proof of state vehicle registration for each vehicle to be used**
20 **in the vending business;**
- 21
22 **C. Proof that the applicant has health permits required by chapter**
23 **16.60 for preparation and sale of food or beverages, and any**
24 **license required by title 11; and**
- 25
26 **D. For ice cream truck vendors, proof of the following:**
- 27
28 **1. Each truck to be used in the vending business has the**
29 **markings required by subsections 10.60.140 A.1.c. and**
30 **10.60.140 A.1.d.**
- 31
32 **2. Each ice cream truck to be used in the vending**
33 **business has passed a safety inspection required by**
34 **subsection 10.60.140 B.**

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36 **The licensee shall be responsible for ensuring that all pertinent**
37 **insurance policies, vehicle registrations, health permits, and**
38 **licenses required by this section remain current and valid during**
39 **the license year.**

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Section 5: That a new AMC Section 10.60.140 is added to read as follows:

10.60.140 Ice cream truck vendors.

A. Safety equipment and markings.

1. Each ice cream truck shall be equipped with the following:

- a. At least one (1) amber warning beacon light of at least six (6) inches in diameter and six (6) inches in height mounted on the truck's roof, which is visible from not less than 500 feet from the front and rear of the truck.**
- b. Left and right outside rear view mirrors as well as two additional outside wide-angle mirrors on the front and back of the truck to enable the driver to see around the entire truck.**
- c. Reflective signs, decals, or lettering on the front and rear of the truck identifying the vehicle as an ice cream truck and providing a warning such as "SLOW - CHILDREN CROSSING", "CAUTION CHILDREN", or "WATCH FOR CHILDREN" in at least five (5) inch lettering and in contrasting colors, which is visible from not less than 300 feet from the front and rear of the truck.**
- d. The name, ~~address~~ and telephone number of the vending business on both sides of the truck in at least two (2) inch letters of contrasting colors.**

2. Refrigeration or generation equipment, if located on the outside of the ice cream truck, shall be completely enclosed and secured in a manner that will prevent public access to and injury from the equipment.

B. Safety inspection.

Each ice cream truck to be used in the vending business shall be inspected by a certified ASE (Automotive Service Excellence) technician of the vendor's choice and at the vendor's expense. The inspection shall be reported on a checklist form provided by the municipal clerk as part of the roving license application and shall include but not be limited to the following items:

- 1. Certification of compliance with and working order of the safety equipment required by subsections 10.60.140 A.1.a. (amber warning beacon light) and 10.60.140 A.1.b. (mirrors), and compliance with the requirement to enclose and secure refrigeration or generation equipment located on the outside of the truck per AMC subsection 10.60.140 A.2; and**
- 2. Safety check and certification of the working order of the truck's:**
 - a. Brakes;**
 - b. Steering assembly;**
 - c. Headlights, turn signals, brake lights, parking lights, and hazard warning lights;**
 - d. Horn and windshield wipers; and**
 - e. Tires (tread depth).**

The ice cream truck vendor shall provide the municipal clerk's office with the completed inspection checklist form, signed by the technician, along with other documentation which the municipal clerk may require such as proof of technician certification and proof of payment for the inspection.

No ice cream truck shall be licensed and operated until it has passed the safety inspection required by this subsection, to include correcting and reinspecting any and all deficiencies.

C. Issuance and display of decal.

- 1. In addition to the annual roving vendor license issued to an ice cream truck vendor, the municipal clerk shall also issue two (2) decals for each ice cream truck to be used in the vending business and which has met the licensing and inspection requirements under this chapter.**
- 2. The decal shall be in a form approved by the municipal clerk and shall be self-adhesive, reflective, of a color and size that is distinctive and easily visible, and shall at a minimum state the license's expiration month and year. The color of the decal shall be different from one license year to the next.**
- 3. In addition to the display requirements for licenses, permits and certificates under section 10.60.080, each ice cream truck vendor shall prominently display one decal on the driver's side of the rear of the truck above the bumper, and one decal on the driver's side of the front of the truck above the bumper.**

D. Standards of operation.

Ice cream truck vendors shall:

- 1. Not vend on ~~any public street where parking is prohibited on both sides of said street, nor on any~~ public street where the legal speed limit exceeds 25 miles per hour.**
- 2. Not vend on any public street before 10:00 a.m. and not after 10:00 p.m.**
- 3. ~~Not vend~~ and operate sound amplification equipment within 1,000 feet of any school ground of any duly accredited public, or private, elementary, junior high, or middle school, while school is in session and during the regular school day hours of that school.**
- 4. Not vend on any public street within 50 feet from an intersection.**

5. Vend only when the ice cream truck is lawfully parked or completely stopped.
 6. Vend on public streets from the side of the truck away from moving traffic, and within one (1) foot of the curb or edge of the street.
 7. Not distribute free candy or other free food or merchandise.
 8. Activate the amber flashing beacon light only while the ice cream truck is in motion and the sound amplification equipment is being operated, or while the truck is stopped for the purpose of vending.
 9. Activate the ice cream truck's hazard warning lights while the truck is stopped for the purpose of vending.
 10. Operate sound amplification equipment/^{only}as required by the noise restrictions under AMC chapter 15.70, and only while in motion, or stopped for the purpose of vending, on public streets where the legal speed limit does not exceed 25 miles per hour.
 11. Not back the ice cream truck to make or attempt a sale.
- A list of these standards of operation shall be provided by the municipal clerk's office to each ice cream truck vendor, and the vendor shall post a copy of this list in each ice cream truck used in the vending business.

Section 6: Additional code amendments.

That, upon passage and approval of this ordinance, a separate ordinance shall be prepared for Assembly action amending other related code provisions to include but not limited to AMC Chapter 9.36 (use of vehicle lights).

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4 Section 7: Ordinance review.

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6 That, within one year after the effective date of this ordinance, the
7 Municipal Clerk, in conjunction with the Assembly Public Safety
8 Committee, Anchorage Police Department, Transportation Inspection,
9 Health and Human Services, Risk Management, Traffic Engineering,
10 Municipal Manager's Office, Anchorage School District, and local ice
11 cream truck vendors shall review the effectiveness of the ordinance and
12 the need for any amendments, to include but not be limited to:

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14 1. Any problems with compliance with and enforcement of the
15 ordinance;
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17 2. The impact of the ordinance on pedestrian and vehicular traffic and
18 safety;
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20 3. The number of vendors cited for a violation of the ordinance;
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22 4. The need to provide other fines and penalties for violation of the
23 ordinance;
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25 5. The need for increased or additional fees;
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27 6. The need to have the required truck safety inspections conducted
28 in a different manner, such as through Transportation Inspection;
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30 7. The need for further vending restrictions near school grounds; and
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32 8. The need to provide similar guidelines and regulations for other
33 roving vendors.
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35 Section 8: Upon passage and approval, this ordinance shall become effective on
36 October 1, 1998.
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38 PASSED AND APPROVED by the Anchorage Assembly this 25th day of
39 August, 1998.
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42 ATTEST:

43 Fay Von Hemmingen
44 Chair
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43 Leyana Ferguson
44 Municipal Clerk
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