

Ice-cream vendors
Business License Application & Renewals

Business Name: _____

Please follow the instructions we set forth for applying for a new Ice Cream Truck Application or an Ice Cream Truck renewal. Turn in all items each year and pay the proper fees associated with the business license.

5.64.520: Business License Required: It shall be unlawful for any person to engage in the business of mobile ice cream, confection or other frozen dessert vending unless he/she has first obtained a business license from the business license office. All business licenses shall be issued according to regulations established by this article and all other applicable ordinances of the city. In addition to the business license, any person who operates an ice cream truck shall obtain and maintain in full force and effect a valid ice cream truck operator's license issued by the police department of the city. The use of the term "ice cream" in this article shall include confections and other frozen desserts. (Ord. 24-03 § 1, 2003)

Items to include with your application:

- Salt Lake City Application for Business License
- Background Check information form. (One per owner and each driver).
- Copy of Department of Agriculture Certificate.
- Certificate of Insurance. (Must show Salt Lake City as additional insured.)
- Proof of State Tax Identification for Salt Lake City
- Copy of a valid driver's license for each driver
- I will abide by Article VII. Mobile Ice Cream Vendors:
http://www.sterlingcodifiers.com/codebook/index.php?book_id=672

By signing below I am acknowledging receipt of the mobile ice cream vendor ordinance, 5.64.520 and understand and agree to comply with the rules and regulations. I also agree and understand that I am not allowed to do business in the parks without written permission from the Parks Department.

Owners Signature

Print Name

Date

**We cannot accept applications or renewals without all proper documentation.*

Items the inspectors will inspect on the vehicle:

- _____ Audible backup warning device, that activates in reverse gear.
- _____ Convex mirror mounted on the front of the vehicle so that the driver can see the area in front of the vehicle, obscured by the hood.
- _____ Two (2) flashing yellow beacons on the roof of the vehicle; 1 in front and 1 at the rear.
- _____ Swing-arm sign attached to the left side of vehicle.
- _____ Sign or decal on the front and rear of the vehicle containing the words "**CHILDREN CROSSING**" and "**ICE CREAM**". The wording needs to be at least **6 inches in height**.
- _____ Printed on both sides of the exterior of the vehicle – **name & current phone number of the mobile ice cream vending business** and the **business license ID#**. The lettering needs to be at least **3 inches HIGH AND WIDE**.
- _____ Sound Device Check

I you have any question regarding the Ice Cream Truck Applications or Renewals; please call our office at (801) 535-6644.

Article VII. Mobile Ice Cream Vendors

5.64.510: PURPOSE AND INTENT:

The City Council expressly finds that vehicles in which ice cream, confections and other frozen dessert products are carried for purposes of retail sale on the public streets pose special dangers to the public health, safety and welfare of children and residents in the City of Salt Lake City. It is the purpose and intent of the City Council, in enacting this article, to provide responsible companies and individuals who engage in the operation of ice cream trucks with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community. (Ord. 24-03 § 1, 2003)

5.64.520: BUSINESS LICENSE REQUIRED:

It shall be unlawful for any person to engage in the business of mobile ice cream, confection or other frozen dessert vending unless he/she has first obtained a business license from the Business License Office. All business licenses shall be issued according to regulations established by this article and all other applicable ordinances of the City. In addition to the business license, any person who operates an ice cream truck shall obtain and maintain in full force and effect a valid ice cream truck operator's license issued by the Police Department of the City. The use of the term "ice cream" in this article shall include confections and other frozen desserts. (Ord. 24-03 § 1, 2003)

5.64.530: APPLICATION FOR BUSINESS LICENSE:

The application for a mobile ice cream vending business license shall contain all information relevant and necessary to determine whether a particular license may be issued. Such relevant and necessary information shall include any information required under section 5.02.060 of this title or its successor section, and shall also include the following:

- A. The full name, current address, telephone number, and proof of identity of the applicant and all persons who will be operating an ice cream truck as a part of the applicant's business;
- B. A brief description of the nature, character, and quality of goods, wares, or merchandise to be offered for sale;
- C. The specific routes, if any, along which the vendor intends to conduct business;
- D. If the applicant is employed by another, the name and address of the person, firm, association, organization, company, or corporation; and
- E. A description of all ice cream trucks to be used in the business, together with the motor vehicle registration numbers and license numbers. (Ord. 44-18, 2018)

5.64.540: HEALTH INSPECTION CERTIFICATE:

Any application for a mobile ice cream vending license shall require a health permit from the Utah Department of Agriculture or its successor agency requiring such health permit in addition to the regular business license. The applicant's equipment shall be subject to inspections by the Utah Department of Agriculture or its successor agency requiring such inspections at the time of application and at periodic intervals thereafter. (Ord. 24-03 § 1, 2003)

5.64.550: PERMITTING UNLICENSED OPERATOR UNLAWFUL:

It is unlawful for any person who owns or controls an ice cream truck to permit it to be driven, and no ice cream truck licensed by the City shall be so driven at any time in the operation of the business, unless the ice cream truck is operated by a driver who has then in force a valid ice cream truck operator's license issued under the provisions of this article. (Ord. 24-03 § 1, 2003)

5.64.560: DRIVER'S LICENSE; APPLICATION:

An application for an ice cream truck operator's license shall be filed with the Business License Office of the City on forms provided by the City. (Ord. 24-03 § 1, 2003)

5.64.570: APPLICATION; VERIFICATION:

The application for a mobile ice cream vendor business license and for an ice cream truck operator's license shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application. (Ord. 24-03 § 1, 2003)

5.64.580: APPLICATION; FEE REQUIRED:

At the time the ice cream truck operator's application is filed, the applicant shall pay to the Business License Office the pertinent fee shown on the Salt Lake City consolidated fee schedule. (Ord. 46-16, 2016)

5.64.590: STATE MOTOR VEHICLE PERMIT REQUIRED:

Before any application is finally passed upon by the City, the applicant shall be required to show that such applicant has a current Utah motor vehicle permit and shall provide a conforming copy of such permit with the operator application referred to in section 5.64.600 of this article, or its successor section. (Ord. 24-03 § 1, 2003)

5.64.600: OPERATOR APPLICATION FORM REQUIREMENTS:

The prospective applicant for an ice cream truck operator's license shall be required to complete an

operator application form that, in addition to providing any information required under section 5.02.060 of this title or its successor section, shall also provide the following information:

- A. The correct legal name of each applicant;

- B. For each applicant, the application must also state:
 - 1. Any other names or aliases used by the individual,
 - 2. The age, date and place of birth,
 - 3. Height,
 - 4. Weight,
 - 5. Color of hair,
 - 6. Color of eyes,
 - 7. Present business address and telephone number,
 - 8. Present residence and telephone number,
 - 9. Utah driver's license or identification number, and
 - 10. Social security number;

- C. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;

- D. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;

- E. All criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony, a Class A misdemeanor, or an alcohol related offense shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere and sentence of each conviction or other disposition; identifying the convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers. Application for an ice cream truck operator's license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the ice cream truck operator's license;

- F. A written certification from the mobile ice cream vending business by which the applicant operator is employed that the applicant operator has received training from the said ice cream vending business as to operational requirements of this article. (Ord. 44-18, 2018)

5.64.610: PHOTOGRAPHS REQUIRED:

The applicant for an ice cream truck operator's license shall be required to have a photograph taken of him/her at police headquarters; applicants for renewal of such licenses shall furnish an up to date photograph or have an additional picture taken at police headquarters, as shall be determined and directed by the Chief of Police. (Ord. 24-03 § 1, 2003)

5.64.620: FINGERPRINTS REQUIRED:

The prospective applicant for an ice cream truck operator's license shall be required to file with the Chief of Police two (2) sets of fingerprint impressions, which shall be taken under the supervision of the Chief of Police. (Ord. 24-03 § 1, 2003)

5.64.630: INVESTIGATION OF APPLICANT:

- A. The Police Department shall conduct an investigation of each applicant for each ice cream truck operator's license, and shall review all of the information filed by the applicant as required by this article. Upon completion of the investigation, the Chief of Police shall recommend approval or disapproval of the proposed application to the Business License Administrator on the operator application form.
- B. It shall be the duty of the Chief of Police to report in writing to the Business License Administrator any misrepresentation or falsification by the applicant on the police recommendation form which may be uncovered by the police investigation, and any such misrepresentation or falsification will constitute just cause for the Business License Administrator to refuse to issue an ice cream truck operator's license, or to suspend or revoke the same if it has been issued.
- C. The Police Department's recommendation required by subsection A of this section shall be based upon:
1. Findings of the criteria specified in section 5.64.600 of this article, or its successor;
 2. The Police Department's recommendation may take into account the length of time between any criminal conviction and the application for the license and may also take into account the applicant's rehabilitation efforts, if any. (Ord. 24-03 § 1, 2003)

5.64.640: DRIVER'S QUALIFICATIONS:

- A. Except as hereinafter set forth, no permit or renewal of an ice cream truck operator's license shall be issued to any of the following persons:
1. Any person under the age of twenty one (21) years;
 2. Any person who is currently required to register pursuant to the Utah Penal Code, section 77-27-21.5, Utah Code Annotated, sex offender registration, or its successor;
 3. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, a felony conviction for an offense against a person or property, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
 4. Any person who has been convicted of driving a vehicle recklessly within the five (5) years immediately preceding application for a permit;
 5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a permit;
 6. Any person who has been convicted of two (2) or more felonies;
 7. Any person who does not comply with the requirements of section 5.64.600 of this chapter, or its successor.
- B. Notwithstanding the provisions of subsection A3 or A6 of this section, if the hearing examiner receives letters or testimony at a hearing, as provided in chapter 5.02 of this title, which proves by a preponderance of the evidence that the applicant has reformed his/her moral character so as to pose no threat to members of the public, the license shall be issued. Part of the letters or testimony used to establish the preponderance shall come from the applicant's parole officer, if the applicant is still on parole. Failure to provide a recommendation from the applicant's parole officer, if the applicant is on parole, shall be grounds to deny the request. (Ord. 24-03 § 1, 2003)

5.64.650: HEARING UPON REJECTION:

If the application either for a business license or for an ice cream truck operator's license is rejected, the applicant shall be entitled, upon request, to a hearing before a hearing examiner as provided in chapter 5.02 of this title, or its successor. (Ord. 24-03 § 1, 2003)

5.64.660: ISSUANCE OF LICENSE:

- A. The business license administrator shall notify the applicant in writing of the city's decision to issue or deny either the business license or an ice cream truck operator's license, not later than five (5) working days after the applicant has filed a completed application as provided in this article. In the event the city's review of the business license application or the operator application has not been completed within five (5) days of the filing of a completed application, the business license administrator shall send written notification to the applicant that the review period has been

extended to a date no later than forty five (45) days from the filing of the completed application. If the license has not been denied within forty five (45) days of the filing of the completed application, the license for which the application was filed shall be deemed to be issued.

- B. All licenses, permits, and identification cards issued pursuant to this article are valid for one year, unless suspended or revoked, and shall be both nonassignable and nontransferable. (Ord. 24-03 § 1, 2003)

5.64.670: BUSINESS LICENSE FEES:

Any vendor granted a vending license under this chapter shall pay the annual business license fee shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

5.64.680: DISPLAY OF IDENTIFICATION CARDS AND OTHER PERMITS:

- A. Any license or permit issued by the business license office shall be carried with the licensee whenever he/she is engaged in vending. Identification cards and health permits shall also be properly and conspicuously displayed at all times during the operation of the vending business.
- B. An identification card shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A health permit shall be deemed to be properly displayed when attached to the ice cream truck and clearly visible to the public and law enforcement officials.
- C. In addition to the foregoing, there shall be printed on both sides of the exterior of the vehicle being used for vending, in letters or numbers at least three inches (3") high and three inches (3") wide the name and current business telephone number of the mobile ice cream vending business for which said vehicle is operating and the Salt Lake City business license identification number of the business. (Ord. 24-03 § 1, 2003)

5.64.690: NOTIFICATION OF NAME, ADDRESS OR TELEPHONE CHANGE:

All vendors shall assure that a current and correct name, residence address, mailing address, and business telephone number are on file with the Business License Division. Whenever the name or address provided by a licensed vendor on his/her application for a vending license changes, the licensee shall notify the Business License Administrator in writing within fourteen (14) days of such change and provide the same with the name, address, or telephone number change. (Ord. 24-03 § 1, 2003)

5.64.700: EXEMPTIONS:

The provisions of this article do not apply to:

- A. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment, or transfer;
- B. The placing and maintenance of unattended stands or sales devices for the sale, display, or offering for sale of newspapers, magazines, periodicals, and paperbound books; or
- C. The distribution of free samples of goods, wares, and merchandise by any individual from his/her person. (Ord. 24-03 § 1, 2003)

5.64.710: CLAIMS OF EXEMPTION:

Any person claiming to be legally exempt from the regulations set forth in this article or from the payment of a license fee shall cite to the Business License Administrator the statute or other legal authority under which exemption is claimed and shall present to the Business License Administrator proof of qualification for such exemption. In the event such claim is asserted, the Business License Administrator shall review the claim with the City Attorney's Office. (Ord. 24-03 § 1, 2003)

5.64.720: NOISE RESTRICTIONS:

No person shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for the production of sound from an ice cream truck:

- A. When the ice cream truck is stationary;
- B. Earlier than ten o'clock (10:00) A.M., nor later than eight o'clock (8:00) P.M. or one-half ($1/2$) hour after sunset, whichever occurs first. Sunset shall be determined on any particular day by the times listed that day in any newspaper of general circulation in Salt Lake County;
- C. In such a manner that such sound is plainly audible three hundred thirty feet (330') from such vehicle; or
- D. Along the same block face traveling in either direction on the street more than once every two (2) consecutive hours. (Ord. 24-03 § 1, 2003)

5.64.730: USE OF PUBLIC STREETS:

- A. Each person or business selling, offering to sell, or displaying for sale ice cream or similar frozen desserts from or on motorized vehicles on public streets shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license or police identification card, and shall constitute a violation of this title:

1. The motorized vehicle shall have a clearly audible backup warning device that activates whenever the vehicle is shifted into reverse gear.
2. The motorized vehicle shall have a convex mirror mounted on the front of the vehicle so that the driver, in a normal driving position, can see the area in front of the vehicle that is obscured by the hood.
3. The motorized vehicle shall have at least two (2) flashing yellow beacons on the roof of the vehicle, one (1) at the front and one (1) at the rear, at least one (1) of which is visible from all sides of the vehicle. These beacons shall be activated whenever merchandise is being sold, offered for sale, or displayed for sale.
4. The motorized vehicle shall have an operable swing arm attached to its left side. This swing arm shall be of a type, size, and description approved by the City, and shall be activated whenever the vehicle stops to sell, offers to sell, or displays merchandise on a public street.
5. The motorized vehicle shall have a sign or decal on the front and on the rear of the vehicle in letters at least six inches (6") in height and visible for two hundred feet (200') along a level, straight highway, identifying the vehicle as an ice cream truck and containing the words "Children Crossing".
6. The motorized vehicle shall be prohibited from pulling any type of trailer.
7. Retail merchandise may not be sold, offered for sale, or displayed for sale from or on motorized vehicles on public streets where the speed limit exceeds twenty five (25) miles per hour.
8. The operator of the motorized vehicle shall not sell to any person standing in the roadway.
9. The operator of the motorized vehicle shall sell, offer to sell, or display for sale retail merchandise only when the vehicle is completely stopped and lawfully parked, and shall sell only from the rear or side of the vehicle nearest to the curb or edge of the roadway.
10. The motorized vehicle shall not be moved backwards in order to sell, offer to sell, or display for sale retail merchandise.
11. Each applicant for a license or renewal under this article shall submit, with its application, a certificate of insurance executed by an insurance company or association authorized to transact business in this State, approved as to form by the City Attorney, that there is in full force and effect general liability insurance in an amount not less than two hundred fifty thousand dollars (\$250,000.00) for one (1) person in any one (1) occurrence, five hundred thousand dollars (\$500,000.00) for two (2) or more persons in any one (1) occurrence and one hundred thousand dollars (\$100,000.00) for property damage, or such greater amounts as set forth in section 63-30-34, Utah Code Annotated, 1953, as amended, or its successor. Such policy or policies shall include coverage of all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the City Recorder at all times that applicant is licensed by the City verifying such continuing coverage and naming the City as an additional insured. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the City. Cancellation shall constitute grounds for revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.
12. All motorized vehicles of the applicant and operators shall comply with all other requirements of this article and any other requirements of ordinance or statute that may be applicable.

- B. The prohibitions of this section shall not be construed to prohibit vehicles from carrying business markings or advertising not otherwise prohibited by law. (Ord. 31-17, 2017)

5.64.740: VEHICLE INSPECTION PRIOR TO LICENSING; FEE REQUIRED:

Prior to the use and operation of any vehicle under the provisions of this chapter, and annually thereafter while being operated by the business licensee hereunder, the vehicle shall be thoroughly examined and inspected by an authorized representative of the City, and found to comply with the requirements of this chapter. In addition, the vehicle shall at all times in which it is in operation as an ice cream truck within the City be maintained in conformity with the safety inspection requirements of Utah and Federal law. The licensee shall pay to the City an inspection fee shown on the Salt Lake City consolidated fee schedule, per truck for each such inspection. (Ord. 24-11, 2011)

5.64.750: SUSPENSION AND REVOCATION OF LICENSE:

- A. In addition to any penalties that may be imposed, any license issued under this article may be suspended or revoked for any of the following reasons:
1. Fraud, misrepresentation, or knowingly false statement contained in the application for the license;
 2. Fraud, misrepresentation, or knowingly false statement in the course of carrying on the business of vending;
 3. Conducting the business of vending in any manner contrary to the conditions of the license;
 4. Conducting the business of vending in such a manner as to create a public nuisance; cause a breach of the peace; constitute a danger to the public health, safety, welfare, or morals; or interfere with the rights of property owners; or
 5. Cancellation of Utah Department of Agriculture authorization, or of the required authorization of any successor agency, for a food or beverage vending unit due to uncorrected health or sanitation violations.
- B. The business license administrator shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of the appeal procedure. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.
- C. If the city revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this section may not apply for a new license for a period of one year from the date that the revocation took effect. (Ord. 24-03 § 1, 2003)

5.64.760: APPEALS:

If the business license administrator denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the administrator's decision in accordance with sections 5.02.260, 5.02.280, and 5.02.290 of this title. (Ord. 24-03 § 1, 2003)

5.64.770: RENEWALS:

A mobile ice cream vending license may be renewed, provided an application for renewal and license fees are received by the city no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. (Ord. 24-03 § 1, 2003)