

ORDINANCE NO. 10105

**AN ORDINANCE AMENDING TITLE 5 CHAPTER 5.128 CONCERNING
THE STREET SALE OF CANDY AND ICE CREAM AND
THE REGULATION OF ICE CREAM TRUCKS VENDING ON PUBLIC ROADS**

WHEREAS, the City of Granite City is a Home Rule Unit pursuant to Article VII, Section 6 of the Illinois State Constitution of 1970; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-13-1 et seq., empowers Cities and other Municipalities to regulate land uses for the public health, safety, and welfare, though the use of zoning ordinances; and

WHEREAS, the City Council of the City of Granite City has determined that it is necessary and in the best interests of the health, safety, general welfare of the City of Granite City to amend Title 5, Chapter 5.128 of the Municipal Code relating to Ice Cream Trucks vending on Public Roads as stated below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE CITY, ILLINOIS:

Chapter 5.128, Title 5, of the City of Granite City, Illinois Municipal Code is hereby amended with the following language:

TITLE 5, CHAPTER 5.128 – STREET SALE OF CANDY AND ICE CREAM AND THE REGULATION OF ICE CREAM TRUCKS VENDING ON PUBLIC ROADS

5.128.010 - Prohibited.

It is unlawful to sell or offer for sale any candy, snow cones, ice cream, confection or any food or beverage for human consumption, from any motor vehicle or any vehicle or cart of any kind, on any public street or sidewalk in the city except as provided by this Chapter. (Ord. 4652 § 4(part), 1992; Ord. 2265 § 2, 1965)

5.128.020 - Violation—Penalty.

Any person, firm or corporation who violates any of the provisions of this chapter shall be fined not less than seventy-five dollars nor more than seven hundred fifty dollars for each offense. Each violation of this Chapter shall constitute a separate offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to the penalties provided herein, the City of Granite City may institute any appropriate civil action or proceeding, including suit for injunctive relief, as may be necessary in order to prevent or abate violations of this Chapter. (Ord. 4652 § 4(part), 1992; Ord. 2265 § 3, 1965)

(Ord. No. 8364, 7-16-2013)

5.128.030- Definitions;

Definitions. As used in this section, the following words, terms, and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Ice cream truck shall mean every motor vehicle from which ice cream, ice milk, frozen dairy products, ice flavored with syrup, popsicles, frozen desserts or other confections are sold, attempted to be sold or distributed.

Ice cream truck operator shall mean the person or persons driving and/or selling products from an ice cream truck.

Public road shall mean all roads within the City of Granite City designated as public roads which includes all roads open and available for use by the public and dedicated to the public use according to law or by prescription. Such public roads shall include the surface paved or maintained for vehicular travel along with any curb or median associated with such roads.

Vending activities shall mean the sale of, or the attempt to sell, any product from an ice cream truck.

Territory embraced. This article shall apply throughout the City of Granite City, Illinois

5.128.040 -. - Ice cream truck inspections.

No vending activities shall occur from any ice cream truck unless and until such ice cream truck has been inspected and certified to ensure the vehicle complies with the requirements of this section and other applicable regulations.

Inspection. The required inspection shall be completed by the Granite City Police Department or the City Inspector's Office, which shall establish standard procedures by which such inspections are completed.

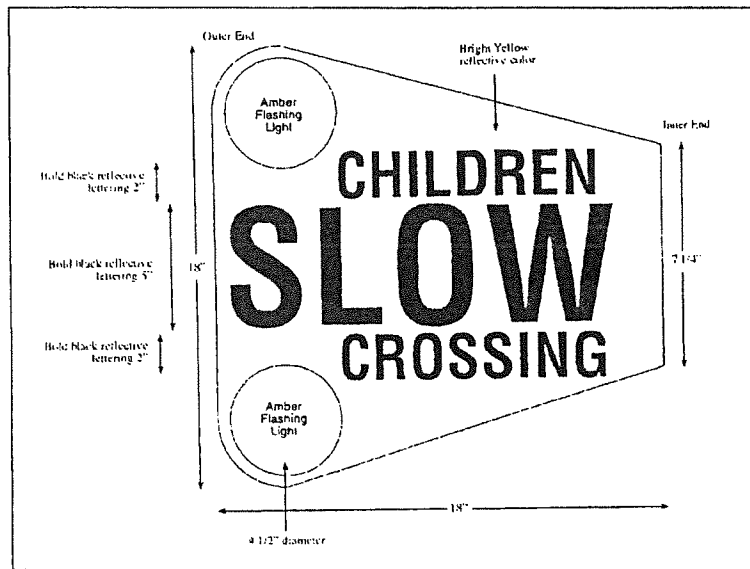
Equipment requirements for ice cream trucks. In addition to all other equipment required by law, every ice cream truck engaged in vending activities in the City of Granite City shall be equipped with:

Signal lamps. Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. These lamps shall be at least five (5) inches in diameter and shall display two (2) alternately flashing amber lights visible from a distance at least five hundred (500) feet to the front and rear in normal sunlight upon a straight level highway.

Signal arm. A signal arm that can be extended horizontally from the left side of the vehicle. This arm shall be yellow with black lettering and contain two (2) alternately flashing amber lights three to five inches in diameter and visible at three hundred (300) feet to the front and rear of the vehicle in normal sunlight upon a straight level highway. The bottom of the signal arm shall be no less than forty-two (42) inches above the highway upon which the vehicle stands. An example of the design, size, and specifications for such a signal arm is shown on

Figure 1.

Figure 1. Signal Arm.



Exterior mirrors. Each ice cream truck shall be equipped with a system of exterior mirrors meeting the following requirements:

A front-view mirror system providing the driver, while seated in the driver's seat, with indirect vision of the blind spot otherwise obscured by the hood and fenders of the vehicle. The front-view mirror system shall allow the driver of an ice cream truck to see any persons or objects across the entire width of the vehicle from ground level up and from the front wheels forward to the point where the driver can see by direct vision.

A rear-view mirror system providing the driver, while seated in the driver's seat, with indirect vision of the area directly behind the vehicle. The rear-view mirror system shall allow the driver to see any persons or objects across the entire width of the vehicle from ground level up to a height of thirty-six (36) inches and from the rear wheels back to a point at least thirty-six (36) inches directly behind the center of the vehicle.

A side-view mirror system providing the driver, while seated in the driver's seat, with indirect vision of the right and left sides of the vehicle. The side-view mirror system shall allow the driver to see any persons or objects along the entire side of the vehicle from ground level up and to a distance at least two hundred (200) feet to the rear of the vehicle.

The side-view mirror system shall cover the entire area from that covered by the front-view mirror system to that covered by the rear-view mirror system, and together with the front-view and rear-view mirror systems, the side-view mirror system shall allow the driver to view the areas around the right and left front and rear corners of the vehicle from ground level up to a height of thirty-six (36) inches or to the point where the driver can see by direct vision, whichever is lower.

Alternatively, to the above-described mirror(s), video camera(s) that allow the driver, while seated in the driver's seat, to view the identical spaces and areas required to be visible in the

respective mirror(s) described above, which video camera(s) shall have a display area of adequate size, not less than three (3) inches by three (3) inches, to allow a child within the field of vision to be easily discernible to the driver.

Warning signs. Signs or decals on both the front and the rear of the vehicle containing the words "ICE CREAM TRUCK" and "SLOW CHILDREN CROSSING" in lettering at least six (6) inches in height and visible from a distance at least three hundred (300) feet to the front and rear in normal sunlight upon a straight level highway.

Identification signs. A sign or decal on each of the driver and passenger sides of the vehicle containing the name, business address, and telephone number of the owner of the ice cream truck in contrasting lettering at least two (2) inches in height.

Parental warning signs. A sign or decal on each of the driver and passenger sides of the vehicle containing the words "PARENTS: PLEASE WATCH YOUR CHILDREN AND KEEP THEM SAFE" in contrasting lettering at least six (6) inches in height.

Audible reverse warning device. An audible reverse warning device that automatically emits a beeping sound when the vehicle's transmission is in "reverse".

Fire extinguisher. A minimum five (5) pound "ABC" type fire extinguisher with a current inspection certificate.

Insurance required. In addition to complying with any other insurance requirements imposed by law, the owner of an ice cream truck to be operated in the City of Granite City shall procure and maintain a liability insurance policy for the vehicle issued by an insurance company authorized to do business in the State of Illinois and providing for at least one million dollars (\$1,000,000.00) per occurrence in combined bodily injury liability insurance and property damage liability insurance. Such insurance shall be maintained at all times while the ice cream truck is being used for vending activities within the City of Granite City. Proof of insurance shall be kept in the ice cream truck for which it was issued while any vending activities are occurring and shall be produced upon demand of any law enforcement officer or code enforcement officer or the city inspector's office.

Cleanliness of vehicle. The interior and exterior of an ice cream truck, including all equipment therein, shall be kept clean and sanitary and maintained in good repair at all times. The vehicle must have a trash receptacle to dispose of all litter that is generated from products sold from the ice cream truck.

Expiration and reinspections. A certificate issued pursuant to this subsection shall expire one year from the date of issuance. Reinspections shall be handled in the same manner as initial inspections.

Inspection certificate automatically voided. An inspection certificate shall be automatically deemed void should the vehicle owner fail to maintain the standards for approval at any time prior to the certificate's expiration.

General terms applicable to all inspected ice cream trucks.

Issuance of an inspection certificate for an ice cream truck shall not relieve any ice cream truck operator of meeting the operator permit requirement.

An inspection certificate shall be vehicle-specific and nontransferable.

The original inspection certificate shall be kept in the ice cream truck for which it was issued while any vending activities are occurring and shall be produced upon demand of any law enforcement officer or code enforcement officer. In addition to the original inspection certificate, the City Clerk may issue a decal to be affixed to the vehicle evidencing its successful inspection and indicating the month and year by which the vehicle must be reinspected.

Copies of all inspection certificates shall be retained by the City Clerk or his or her designee.

The requirements of this subsection are in addition to any and all legal requirements imposed by the federal, state, and/or local government for motor vehicles, and particularly for ice cream trucks.

5.128.050. - Ice cream truck operator permits.

No ice cream truck operator shall undertake any vending activities unless and until such ice cream truck operator has obtained an operator permit pursuant to this section.

Application. The applicant shall submit a complete application to the City Clerk or his or her designee. The application shall contain the following information:

The legal name of the individual applying for the permit along with any aliases;

The applicant's Social Security number;

The applicant's date of birth;

The applicant's current driver's license numbers and the state of issuance for each;

The applicant's street and mailing addresses;

A list of all jurisdictions in which the applicant has held or currently holds a driver's license;

A list of the applicant's convictions, if any, for felony offenses or misdemeanor driving offenses, including the date of adjudication and the jurisdiction where the conviction occurred; and

The signature or other appropriate mark of the applicant. The signature or mark provided shall certify that all information provided is true and accurate and that the applicant agrees to defend, indemnify, and hold harmless the City of Granite City and its respective officers, agents, and employees from any suits, actions, and claims arising out of or in any way connected with the activities permitted under an operator permit.

No incomplete applications shall be processed. If an application is deemed incomplete for any reason, the City Clerk or his or her designee, not later than ten (10) days following receipt of the application, shall inform the applicant in writing of the reason(s) for such

determination. The time period for approval or denial of an application shall not commence until a complete application form is received.

Fee. The fee for applying for a permit shall be \$100.00 per calendar year. A calendar year begins at 9:00am on January 1 and ends at December 31 at 10:00p.m.

Number of permits granted: Only three (3) permits will be granted per calendar year.

Processing. Within thirty (30) days following receipt of the complete application, the City Clerk or his or her designee shall either deny or approve the operator permit application in writing. If an application is denied, the City Clerk or his or her designee shall state the reasons for denial. If no final decision is made to approve or deny a permit within such thirty (30) days, the application shall be deemed to be approved on a temporary basis until a final determination is made.

Standards for approval. An operator permit shall be approved only upon verification that:

The applicant:

Is not required by any governmental jurisdiction to register as a sexual offender, sexual predator, or such other similar classification as may exist in the state or territory of conviction;

Has no convictions within the preceding three (3) years in any governmental jurisdiction for reckless driving, driving under the influence, or such similar offenses as may exist in the jurisdiction of conviction; and

Has no more than three (3) total convictions during his or her lifetime in any governmental jurisdiction for reckless driving, driving under the influence, or such similar offenses as may exist in the jurisdiction of conviction. A criminal background check shall be completed to verify this.

The applicant and or driver must possess a valid driver's license.

Expiration and renewals. An operator permit issued pursuant to this subsection shall expire on December 31 at 10:00p.m. each and every year. Renewals shall be handled in the same manner as new applications.

Permit automatically voided. An operator permit issued in error shall automatically be rendered void if the City of Granite City or any of its agents finds that the application for that permit contained any false or misleading information or failed to disclose any material information requested by the application. An operator permit shall be automatically void should the permit holder fail to maintain the standards for approval at any time prior to the permit's expiration.

Reporting requirement; interim review. An operator permit holder shall be responsible for notifying the City Clerk in writing of any changes to the information required to be provided on an application while the permit application is under review and/or before the expiration of an issued permit. Upon such notification, or at any other time prior to expiration of a permit, the City Clerk may review a permit holder's criminal and/or driving records to ensure the standards for approval continue to be met. Should the City Clerk find upon review that a permit holder's status has changed such that he or she is no

longer eligible to obtain or hold a permit, the City Clerk shall immediately notify the permit holder at his or her address of record that the permit is void and that vending activities in the City of Granite must have ceased as of the date on which the permit was automatically voided.

Issuance of an operator permit shall not relieve any person of the annual inspection requirement for any ice cream truck he or she may operate.

An operator permit shall be nontransferable.

An operator's original permit shall be kept in the ice cream truck while that operator is engaged in any vending activities and shall be produced upon demand of any law enforcement officer or code enforcement officer.

A copy of each issued operator permit shall be retained by the City Clerk or his or her designee, and a copy forwarded to the Granite City Police Department.

5.128.060 -. - Operating restrictions.

Ice cream truck shall not be operated in violation of the following restrictions:

An ice cream truck operator shall:

Not vend before 10:00 a.m. or after sunset;

Not vend on public roads where the speed limit exceeds thirty (30) miles per hour;

Not vend on Madison Avenue, Nameoki Road, Niedringhaus Avenue, Pontoon Road, Maryville Road, nor any 4 lane road within the City of Granite City.

Not vend without proof of Madison County Health Department approval;

Vend only at locations where the view of the roadway is clear and unobstructed for at least two hundred (200) feet both ahead of and behind the vehicle;

Not vend within five hundred (500) feet of any property used as a school from one hour before the start of the regular school day to one hour after the end of the regular school day; except on days when school is not attended by children or when such vending occurs on school property pursuant to the written approval of the school's principal or other chief administrator;

Vend only when the ice cream truck is lawfully parked or stopped pursuant to this section and all other applicable laws;

Vend only from the side of the truck away from moving traffic and as near as possible to the curb or edge of the public road;

Not vend to a person standing in the roadway; and

Not stop on the left side of any public road to vend or attempt to vend.

The operator of an ice cream truck that is stopped on a public road for the purpose of

vending shall actuate the signal lamps and extend the "Slow Children Crossing" signal arm required by this Title, lights and signal arm shall not be used when the truck is in motion nor at any time the truck is stopped for a purpose other than vending.

An ice cream truck operator shall not back the truck during or immediately following any vending activities or when there is a child within fifty (50) feet behind the vehicle.

Sound amplification, if used, shall be restricted to the playing of nonvocal music, shall not be used while the vehicle is stopped or parked, shall not be audible at a distance exceeding five hundred (500) feet, and shall not be used within five hundred (500) feet of hospitals, schools, or churches or other houses of worship.

SECTION 2: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid licenses that are severable from the invalid licenses shall remain in full force and effect.

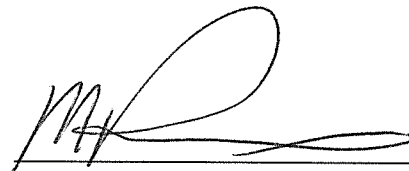
SECTION 3: Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4: Effective Date. This Ordinance shall be in full force and effect from after its passage and approval.

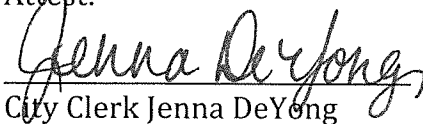
This Ordinance shall be in full force and effect from and after its passage and approval and filing with the Clerk of the City of Granite City, Illinois

PASSED AND APPROVED by the City Council City of Granite City, Illinois this 6th day of December, 2022.

Approved:


Mayor M. Parkinson

Attest:


City Clerk Jenna DeYong