

ORDINANCE NO. 021 - 2023

AN ORDINANCE AMENDING CHAPTER 717 OF THE MAUMEE
CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, Maumee has previously adopted Chapter 717 of the Maumee Codified Ordinances and,

WHEREAS, in order to update the requirements for Ice Cream vendors within the City of Maumee, Chapter 717 of the Codified Ordinances should be amended to include the following revisions and additions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio, that:

SECTION 1. Chapter 717 of the Maumee Codified Ordinances be, and the same hereby are amended as follows:

CHAPTER 717
Ice Cream Vendors

717.01 LICENSE REQUIRED; FEE.

Every person selling or offering for sale at retail, ice cream, ice cream products or frozen beverages from a vehicle shall obtain a license before engaging in such business and shall pay therefor a fee as provided by ordinance of Council the City Administration for each motor vehicle used for such purpose and for any other vehicle **including but not limited to motorized vehicles, trailers, or hand propelled carts** used for such purpose. **The license applicant shall provide the names and identifying information for all employees who will be working in the City of Maumee so that the police can perform a background and license check for those individuals.**

717.02 LIABILITY INSURANCE.

No license shall be issued, and no vehicle shall be operated upon the streets of the City, unless the same is at all times covered by a policy of liability insurance with a reasonable insurance company providing indemnity for personal injury, loss of life and damage to property due to the operation thereof with ~~policy limits of one hundred thousand (\$100,000), three hundred thousand (\$300,000) and fifty thousand (\$50,000) dollars respectively.~~, including without limitation, bodily injury and property damage, in coverage amounts of at least \$1,000,000.00 per occurrence, and naming the City as an additional insured, in a form that provides that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the City.

717.03 SAFETY INSPECTION.

~~No person shall be issued a license under this chapter unless a safety inspection of each vehicle to be used is performed by the Police Department.~~

Any ice cream vendor licensed herein shall have their vehicle safety inspected by the Division of Police prior to soliciting. Along with the usual items viewed for safety, the motorized vehicles shall also be equipped with a sign that protrudes on the traffic side of the street warning motorists when it is stopped and selling frozen confections. The motorized vehicle shall also be equipped with six eight-inch flashing lights that will be activated when vending is taking place. The rear of the truck shall be equipped with a sign saying, "Slow Children" or "Caution Children". Ice cream vendors may only solicit business on the streets of the City during the hours of 11:00 a.m. and 7:00 p.m., and at no time thereafter shall the ringing of any type of bell, the playing of music or sound of chimes be allowed. Any motorized vehicle shall be occupied with two employees at all times. One employee shall

wear an orange or yellow, fluorescent vest and be responsible for crossing children across the street before and after their purchase has been made.

A motorized vehicle may not be used for business until satisfactorily passed by the vehicle safety inspection. If cause is brought forth by any citizen or police officer, it may be reinspected. Furthermore, all ice cream vending trucks shall display the company name prominently on each side and the rear of each truck. Each operator of a motorized vehicle shall have a valid driver's license and insurance which covers that person's operation of the vehicle in the amounts set forth herein or as otherwise established by the City Administration. No person who is a registered sex offender shall be allowed to operate or work in or from a vehicle licensed herein.

717.04 LICENSE REVOCATION.

Violation of the requirements herein shall be cause for revocation of the license and subject such licensee, his agents, servants or employees to punishment as provided in Section 717.99.

717.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

SECTION 2. Any Ordinances, parts of Ordinances or the Chapters of the Maumee Municipal Code in conflict herewith are hereby amended and repealed in part to reflect the foregoing changes;

SECTION 3. This Ordinance is declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the City of Maumee, and more specifically to allow for the immediate update of the requirements for Ice Cream vehicles which will be a benefit for the citizens of Maumee and anyone purchasing ice cream from said vehicles, wherefore this ordinance will go into immediate effect upon its adoption by council.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of council's committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements of the Charter of Maumee, Ohio.

Motion to declare emergency: Puffenberger

Second: Harris

Yeas: 7 Nays: 0

Motion to Pass: Puffenberger

Second: Harris


Yeas: 7 Nays: 0

Passed: July 10, 2023.



Mayor.

ATTEST:



Municipal Clerk.

Approved as to form by:



Law Director

CERTIFICATE OF POSTING

I, Clerk of Council of the Municipality of Maumee, Ohio, do hereby certify that Ordinance/~~Resolution~~ No. 621-2023 was duty posted on 7-11-2023 and remained posted for a period of fifteen days thereafter, in not less than five of the most public places in the municipality as determined by the Council of said Municipality.


Clerk of Council

Date: July 26, 2023