



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Christopher M. Moore

**SUBJECT: ICE CREAM VENDOR FEE
PROGRAM AND ACTIVITY LEVEL**

DATE: May 25, 2011

Approved

Seema Abu

Date

5/26/11

The purpose of this Information Memo is to respond to the City Council inquiry regarding the Ice Cream Vendor Fee program and activity level.

Under SJMC 6.39, an ice cream truck vendor is required to have a permit issued by the Chief of Police. The ice cream truck is also required to have an inspection and be certified by the Chief of Police under SJMC 6.39.280. The purpose of the ordinance is to protect the public safety, health and welfare. Fees and charges are established based on full cost recovery. Costs include staff time to process the application, conduct fingerprinting, interview and backgrounds, and issue the permits. Ice cream truck vendors and street peddlers that sell ice cream frequently interact with children, so the screening process is intended to screen out persons who are likely to take advantage of or prey upon children, such as persons convicted for various sex crimes, crimes involving dishonesty or fraud, and crimes involving drug dealing.

Some of the regulations for ice cream truck vendors involve noise control (hours of operation, congestion regulations, etc.) so the operation of the trucks do not create a disturbance of the peace in the neighborhoods in which they operate. Other provisions create controls on parking in order to minimize vehicular and pedestrian congestion in the streets, protect pedestrians who patronize the trucks as well as to protect other motorists. The vehicle inspection requirements set minimum standards of safety and cleanliness that protect the public health and safety. The business operator is also required to have appropriate signage on the truck to warn other motorists that there may be children crossing near the vehicle. Another regulation, cross-referenced from the Peddler Ordinance requires vendors to maintain distance restrictions from schools, in order to minimize the disruption of schools and to protect the safety of children.

The Proposed Fees and Charges include the following fees for ice cream businesses and peddlers:

Ice Cream Vendors:

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| Ice Cream Business – New permit | \$246 per permit plus fingerprint fees |
| Ice Cream Business – Renewal fee | \$180 annual renewal |
| Ice Cream Employee License – New Permit | \$246 per permit plus fingerprint fees |

TO: Honorable Mayor and City Council
RE: Ice Cream Vendor Fee Program and Activity Level
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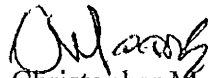
Ice Cream Employee License – Renewal Fee	\$180 annual renewal
Ice Cream Truck Inspection	\$ 98 per 2 years

Peddler:

Approved Location Permit – Annual Renewal	\$164 annually
Approved Location Permit – New Permit	\$462 initial permit
Employee License Fee	\$164 annually
Issue ID Card	\$ 49 annually
Peddler Mobile Permit – Annual Renewal	\$164 annually
Peddler Mobile Permit – New Permit	\$164 initial permit

The estimated cost to administer the Ice Cream Vendor fee program in FY2011-2012 is \$10,174. The estimated cost to administer the Peddler fee program in FY2011-2012 is \$50,855. Fees have been established to recover 100% of the cost of the program.

The Police Department has issued approximately 30 permits for mobile vendors selling ice cream and approximately 53 permits for ice cream trucks. The permits must be renewed annually and truck inspections must be renewed every two years.


Christopher M. Moore
Chief of Police

CMM/LP