

CHAPTER 737
Frozen Dessert Peddlers

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CROSS REFERENCES

- Definitions - see Ohio R.C. 3717.51
- State license required - see Ohio R.C. 3717.52
- Labeling and misrepresentation - see Ohio R.C. 3717.54
- Peddlers, solicitors and canvassers - see BUS. REG. Ch. 721

737.01 DEFINITIONS.

As used in this chapter:

- (a) "Frozen desserts" includes ice cream, frozen custard, water ices, sherbet, imitation ice cream and any and all other similar frozen desserts.
- (b) "Peddler" and "to peddle" mean the sale by a person moving from place to place while making, or attempting to make, the sale of frozen desserts from a vehicle or container. Each such movement, after having made a sale, shall be in a forward direction a distance of not less than twenty-five feet, and such moves shall be made at intervals of not more than five minutes, unless the peddler is actively and continuously engaged in the making of sales for a longer period of time. (Ord. 74-65. Passed 6-18-74.)

737.02 ENFORCEMENT.

The enforcement of any of the provisions of this chapter shall be the responsibility of the Director of Public Safety and/or the Police Division or any duly authorized agent or employee of either.

(Ord. 74-65. Passed 6-18-74.)

737.03 REQUIREMENTS OF PEDDLERS.

All persons employed as peddlers shall:

- (a) Be at least eighteen years of age;
 - (b) Be regular employees of the person selling the frozen desserts;
 - (c) Wear clean, washable outer garments or uniforms disclosing the name of his employer thereon;
 - (d) Maintain themselves in a clean and personable condition and free from contagious disease;
 - (e) Keep and maintain a food establishment permit issued through the Health District authorities;
 - (f) Make application for a permit from the Safety Director and display an approved permit in each vehicle;
 - (g) Make payment of one hundred dollars (\$100.00) per vehicle on an annual basis from January 1 through December 31, effective January 1, 1988;
 - (h) Carry a minimum of three hundred thousand dollars (\$300,000) bodily injury and property damage insurance. The peddler shall exhibit to the City evidence that such insurance is in effect.
- (Ord. 87-44. Passed 6-2-87.)

737.04 VEHICLE REQUIREMENTS.

(a) All vehicles used to transport or to contain frozen desserts shall display on at least two sides thereof, in letters not less than two inches high, the name of the product or products, the manufacturer thereof and the name of the employer.

(b) Such vehicles shall be of commercial metal construction, properly insulated and at all times kept and maintained in good repair and well painted, and in a clean and sanitary condition within and out.

(Ord. 74-65. Passed 6-18-74.)

737.05 PROHIBITED PLACES OF SALE.

No peddler of frozen desserts shall sell, attempt to sell or offer for sale any of his wares, nor cry his wares or ring chimes or bells:

(a) Within 100 feet of any street intersection;

(b) Within 1,000 feet of any schoolyard, play school ground or public playground during the hours when a regular or summer or play school is in session or for a period of one-half hour after the closing hour of such regular, summer or play school;

(c) Within 1,000 feet of any church or place of worship during the period when any service is being held therein; or

(d) Before 1:00 p.m. or after 7:00 p.m. on Sundays and before 10:00 a.m. or after 5:00 p.m. on other days.

(Ord. 87-44. Passed 6-2-87.)

737.06 NUISANCE CONDITIONS.

The following actions by a vendor of frozen desserts in the City are hereby declared to be nuisances and are prohibited, but this enumeration shall not be deemed to be exclusive:

(a) Frequent and repeated canvassing or soliciting for the sale of frozen desserts in any area or upon any street by representatives of the same organization;

(b) Failure to keep and maintain the vehicles and the containers used for the sale of frozen desserts in this City in a clean and sanitary condition at all times;

(c) The sale of frozen desserts by a peddler who has a communicable disease;

(d) The sale of frozen desserts to any person under the age of twelve years who has crossed the street to the peddler's vehicle unless under the supervision of a police officer, a parent or an adult in charge of such minor;

(e) The failure to maintain a lookout for children under twelve years on the opposite side of the street from the place where the vendor's vehicle stops, and to instruct them against crossing without supervision in order to purchase a frozen dessert;

(f) The failure to supervise any person under twelve years of age who has crossed the street to purchase a frozen dessert when such person thereafter attempts to recross the street; and

(g) The departure of the vendor's vehicle from the place where a sale is made before any person under twelve years of age who has made a purchase or who has attempted to make a purchase has reached a place of safety.

(Ord. 74-65. Passed 6-18-74.)

737.07 CRYING OF WARES.

No peddler of frozen desserts shall cry his wares in a loud voice or use any noise-producing device other than a soft chime, the limit of audibility of which shall be 100 feet from the source of such sounds, nor shall any peddler commit any breach of the peace in crying his wares or soliciting the sale of his products. (Ord. 74-65. Passed 6-18-74.)

737.99 PENALTY.

Whoever violates or fails to comply with any provision of this chapter is guilty of a misdemeanor of the third degree. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.