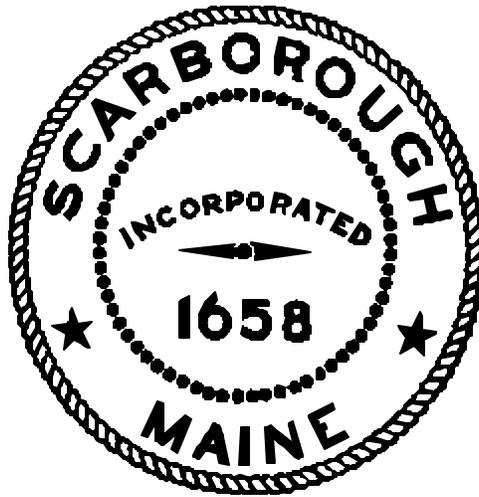


CHAPTER 1013

TOWN OF SCARBOROUGH

ICE CREAM TRUCK ORDINANCE



Adopted June 4, 1997
Amended July 18, 2001

**CHAPTER 1013
TOWN OF SCARBOROUGH
ORDINANCE REGULATING ICE CREAM TRUCKS**

DEFINITION

1. Ice cream truck means a motor vehicle utilized as the point of retail sales of pre -wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen dessert products.

LICENSING PROCEDURES

1. No person shall operate an ice cream truck in Scarborough without the license required by this ordinance. A separate license is required for each ice cream truck.
2. Applications for licenses under this ordinance shall be submitted to the Town Clerk on forms provided by the Town of Scarborough Schedule of License, Permit and Application Fees established by order of the Town Council.
3. New licenses shall be issued by the Town Council after a public hearing. Renewal licenses may be issued by the Clerk.
4. Licenses issued under this ordinance shall be valid for no more than one year and shall expire on March 31 of each calendar year unless an application for renewal has been filed prior to March 31, in which case an existing license shall remain in effect until the Clerk has acted on the renewal application.
5. Licenses issued under this ordinance may be suspended or revoked by the Town Council after notice and hearing for violations of any of the provisions of this ordinance.

REGULATIONS APPLICABLE TO ICE CREAM TRUCKS

1. Permitted Sales Location. Sales from ice cream trucks shall occur only on public ways with a speed limit of 25 miles per hour or less located within residential districts under the Scarborough Zoning Ordinance or on private ways with the consent of the owner or owners of the private way.
2. Prohibited Locations. No ice cream truck shall make any sales within 500 feet of a restaurant, retail store selling prepackaged food items or a fixed place of business having a victualer's license issued by the Town of Scarborough.

No ice cream truck shall make any sales within 500 feet of any public school. (amended 7/18/01).

No ice cream truck shall make any sales within 1500 feet of the mean high water mark of coastal waters at Higgins Beach. (amended 7/18/01).

No ice cream truck shall stop at any time for the purpose of making sales in any area where parking is prohibited by the Town of Scarborough Traffic Ordinance or in any area posted as a no parking zone by the Scarborough Police Department.

3. Length of Stop. No ice cream truck shall stop for the purpose of making sales for more than 15 minutes in a single location.
4. Manner of Stops. Ice cream trucks shall pull as far as practicable to the side of the right of way when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. In no event shall an ice cream truck stopped for the purpose of making sales prevent the passage of other motor vehicles on the right of way.
5. Rubbish Receptacle Required. Each ice cream truck shall provide a rubbish receptacle for use of its customers. Prior to leaving each stop, the operator of the ice cream truck shall remove any litter left at the stop by customers.
6. Hours of Operation. Ice cream trucks may stop for the purpose of making sales only between the hours of 11:00 a.m. and 8:00 p.m.
7. Insurance Required. Each ice cream truck shall be insured under a policy of public liability insurance in an amount of not less than \$300,000 with the Town of Scarborough names as an additional insured on the policy.
8. Limits on Products Sold. Only pre-wrapped or pre-packaged food items may be sold from an ice cream truck. Non-frozen items such as pre-packaged soft drinks, candy, chewing gum and snack food may be sold from an ice cream truck provided the principal product sold is ice cream and/or similar frozen dessert products.

EXEMPTION FROM ZONING ORDINANCE

1. An ice cream truck licensed under this ordinance and operated in compliance with this ordinance shall not be considered a land use subject to regulation under the Scarborough Zoning Ordinance.

VIOLATION, ENFORCEMENT AND PENALTIES

1. Any person who violates any provision of this ordinance commits a civil violation punishable by a civil penalty of up to \$100.00 per violation. Each day a violation occurs or exists constitutes a separate violation.

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2. This ordinance shall be enforced by the Town of Scarborough Police Department.