

## **ICE CREAM VENDORS LICENSE**

If you would like to apply for an Ice Cream Vendors License, you can fill out the application online, then print and send it with the fee and other applicable documents to Thornton City Clerk's office, 9500 Civic Center Drive, Thornton, CO 80229. If you have questions, please call 303-538-7230.



# ICE CREAM VENDOR APPLICATION

## Checklist

City Clerk's office 303-538-7230  
9500 Civic Center Drive  
Thornton, Colorado 80229-4326

**ALL Documents must be properly executed and correspond with name of applicant exactly.**

**Please type or print legibly in BLACK ink.**

**Clear copies of all other information may be submitted.**

### Documents and Fees to be submitted by Applicant:

	Ice Cream Vendor Application.
	\$100.00 Annual License Fee – includes one driver.
	\$50.00 Fee for each additional driver.
	\$200.00 Cash Deposit for anticipated Sales Tax submitted to Sales Tax Division.
	City Sales Tax Application - submitted to Sales Tax Division 303-538-7400.
	Certificate of insurance as evidence of the commercial, general and automobile liability insurance in the amount of \$150,000 per person and \$600,000 per occurrence signed by an agent of an insurance carrier authorized to conduct business in Colorado which names the City of Thornton as an additional insured (section 42-606)

### Documents to be submitted by each Driver:

	Authorization to Release Information.
	Confidential Background Investigation & Speed Limit Acknowledgement Form.



# ICE CREAM VENDORS APPLICATION

## Chapter 42, Article IX

City Clerk's office 303-538-7230

9500 Civic Center Drive

Thornton, Colorado 80229-4326

Date Application and License Fee submitted (at least 30 days prior):	
Amount Paid (\$100.00 – includes one driver plus \$50.00 each additional driver):	
Date Cash Deposit for Sales Tax Paid:	
City Sales Tax License Number:	

<b>Name of Applicant (Business):</b>	Phone:
Address:	Zip Code:
Applicant is: <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company	

Number of Vehicles to be licensed:	Total Number of Drivers for Business:

**NOTE:** All drivers will need to complete the background investigation form, authorization to release information, and speed limit acknowledgement

Name of Driver:	
Name of Driver:	
Name of Driver:	
Name of Driver:	

<ul style="list-style-type: none"> <li>➤ I understand that pursuant to City Code Section 38-494 only licensed vendors can sell ice cream products on public streets within the City of Thornton.</li> <li>➤ I declare under the penalty of perjury, that this application (including any accompanying statements) has been examined by me and to the best of my knowledge and belief is true, correct and complete. I also declare that I have been given a copy of Chapter 42, Article IX, of the Thornton City Code pertaining to Ice Cream Vendors.</li> <li>➤ I further understand that I am required to file with the City Clerk an amended application statement within ten days of the occurrence of any event which would constitute a change in the information of the original application or any renewal thereof.</li> </ul>
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<b>Signature of Applicant (Owner of Business):</b>	<b>Title:</b>	<b>Date:</b>



**AUTHORIZATION AND CONSENT TO RELEASE INFORMATION**

**Ice Cream Vendor**

City Clerk's office 303-538-7230  
 9500 Civic Center Drive  
 Thornton, Colorado 80229-4326

**APPLICANTS COMPLETE BELOW AND SIGN**

<b>Name of Corporation/Sole Proprietorship/Partnership</b>	
<b>Name of Individual (please print):</b>	
<b>Address of Business:</b>	

➤ I fully understand that an investigation of my background, character and financial responsibility is necessary for the approval of said license. I understand that this investigation may solicit information from and include contact with the references listed on my background investigation report, former employers, business associates, police agencies, financial institutions, credit bureaus, neighbors, friends and relatives. Moreover, I request and authorize those people or organizations selected by the Thornton Police Department to release any and all information of a confidential or privileged nature concerning me. However, upon the express condition, that said release is limited to an investigation conducted pursuant to the aforesaid licensing and operation thereunder, but this authorization shall continue to operate so long as above-named licensee shall hold said license, if granted, and for the term or terms of any renewals or extensions thereof.

➤ I hereby release you, your organization or others from any liability or damage which may be incurred as a result of furnishing information to the City of Thornton ("City") as requested. I further waive any claims that I might have against the City arising from this request for information concerning my background investigation or such information and dissemination of information to the appropriate individuals employed by the City.

➤ I hereby release and agree to hold harmless and indemnify the City against any claims that third parties should make against the City based on the City's request for information on my background or its receipt of such information from other individuals or agencies.

<b>Signature of Driver</b>	<b>Date Signed</b>
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SEAL	Subscribed and sworn to before me by:
	in the County of Adams, State of Colorado, this                      day of                      , 20
	Notary Public:
	My Commission Expires:



**CONFIDENTIAL BACKGROUND INVESTIGATION REPORT  
& SPEED LIMIT ACKNOWLEDGEMENT**

**Ice Cream Vendor**  
 City Clerk's office 303-538-7230  
 9500 Civic Center Drive  
 Thornton, Colorado 80229-4326

REFERRAL TO THORNTON POLICE DEPARTMENT	<b>PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK ATTACH SEPARATE SHEET IF NECESSARY</b>
Name of Corporation/Sole Proprietorship/Partnership:	
Complete Name of Applicant (Driver) (please print):	
Address of Business:	

**BACKGROUND INVESTIGATION ACKNOWLEDGEMENT**

Pursuant to Chapter 42, Article IX of the Thornton City Code, the Thornton Police Department will investigate the background and character of each individual who is a driver for the above listed applicant. The Background Investigation Report provides basic information about the applicant which is necessary for the investigation.

**Every answer you give will be checked for its truthfulness. A deliberate falsehood will jeopardize the application, as such falsehood within itself constitutes evidence regarding the reputation and character of the applicant.**

**THE MOST IMPORTANT CONSIDERATION IN THE ANSWERS  
MADE BY YOU IN THE BACKGROUND INVESTIGATION REPORT IS HONESTY.**

I have read and I do understand the above statement. I further acknowledge that I have obtained and examined a copy of Chapter 42, Article IX of the Thornton City Code of the City of Thornton, Colorado, pertaining to Ice Cream Vendors.

I further certify the facts contained within this Background Investigation Report to Ice Cream Vendors Application are true and correct and I understand that any falsification or misrepresentation will result in a rejection of this application or a revocation of said license.

**SPEED LIMIT ACKNOWLEDGEMENT**

I hereby acknowledge that Section 42-604(9) of the Thornton City Code restricts operation of ice cream trucks to a fifteen mile per hour speed limit while vending. I further acknowledge that a violation of Section 42-604(9) as well as other sections of the Code may result in revocation of this license.

Driver's Signature	Date Signed
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SEAL	Subscribed and sworn to before me by:
	in the County of Adams, State of Colorado, this                      day of                      , 20
	Notary Public:
	My Commission Expires:



# CONFIDENTIAL BACKGROUND INVESTIGATION REPORT & SPEED LIMIT ACKNOWLEDGEMENT Ice Cream Vendor – Page 2

## SECTION I - TO BE COMPLETED BY ALL APPLICANTS – INCLUDING MANAGERS

Home Phone:		Date of Birth:	Place of Birth:
Sex:	Race:	Height:	Weight:
Social Security Number:		Hair Color:	Eye Color:

Home Address:	Zip Code:
How long at current address?	

Driver's License Number:	State Issued:	
Has your driver's license ever been suspended or revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete the following:		
Where:	When:	Reason:

Military Service (branch):	From:	To:	Type of Discharge:

List residences and dates lived there within the past five years and all previous states resided within (including military service):	

Current occupation:	
Employer:	Phone:
Address:	Zip Code:

Starting with current employment, list all for the past 10 years	Name	Address	Position	Dates Employed

If ever discharged from a position, complete the following:	Where:	When:	Reason:

List three References:	Name	Address	Phone	Time Known

List all CONVICTIONS, including traffic:	Violation	When	Where	Final Disposition

## ARTICLE IX. ICE CREAM VENDORS\*

\*Editor's note--Section 1 of Ord. No. 2432, adopted Aug. 26, 1996, has been included herein as §§ 42-601--42-613 at the editor's discretion.

### Sec. 42-601. Purpose.

The purpose of this article is to allow and regulate the sale and vending of prepackaged ice cream or frozen desserts from a motor vehicle on public streets or sidewalks.

(Ord. No. 2432, § 1, 8-26-96)

### Sec. 42-602. Definitions.

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

Applicant means an individual, corporation, partnership, limited partnership, limited liability company or any organization applying for issuance of a license.

Chief of Police means the Chief of Police, or designee, of the City of Thornton Police Department, State of Colorado.

Ice cream truck means any vehicle in which prepackaged ice cream, popsicles or frozen desserts of any kind are carried for purposes of retail sale on the City streets.

License means the authority under this article to operate and vend from an ice cream truck.

Licensee means a person who operates an ice cream truck for vending purposes and who has been issued a license under this article.

Vend or vending means the business of offering prepackaged ice cream, popsicles or frozen desserts for sale from an ice cream truck on the City streets.

(Ord. No. 2432, § 1, 8-26-96)

### Sec. 42-603. Repealed.

### Sec. 42-604. Operating requirements.

Every person vending or operating an ice cream truck shall:

- (1) Obey all traffic laws;
- (2) Deliver products to customers only when the truck is lawfully stopped and the vehicle's hazard lights are in operation;
- (3) Comply with all applicable health and sanitation statutes, rules, regulations, ordinances or other laws;
- (4) Vend only from the side of the truck away from moving traffic and as near as possible to the curb or the side of the street;
- (5) Not vend to anyone standing in the roadway;
- (6) Not back-up any ice cream truck to make or attempt to make a sale;
- (7) Not vend before 10:00 a.m. or after 8:00 p.m.;
- (8) Vend only on residential streets;
- (9) Not drive an ice cream truck above 15 miles per hour while vending;
- (10) Not allow any person to hang on the vehicle or allow any person to ride in or on the vehicle, except a bona fide assistant or assistants.

(Ord. No. 2432, § 1, 8-26-96)

### Sec. 42-605. License required/fees.

It is unlawful for any person to engage in the business of vending prepackaged ice cream or other types of frozen desserts from a motor vehicle in the City of Thornton without first obtaining an annually renewable license from the office of the City Clerk for each ice cream truck business owned and operated by such person according to the provisions of this article. The fee for each license shall be as established from time to time by resolution of the City Council, which license fee shall include the cost for investigation of one driver for each license issued. An additional investigation fee shall also be established, by resolution of City Council, to cover

the costs of investigating each additional driver authorized to operate any ice cream truck under the license issued. The licenses shall be valid from March 1 through August 31 of any calendar year. Each ice cream truck shall be issued a decal as evidence of licensing. A copy of the license must be in each ice cream truck available to display upon request of any official of the City, and the decal must be placed on the lower left hand portion of the ice cream truck's windshield, from the driver's perspective, for each ice cream truck.

(Ord. No. 2432, § 1, 8-26-96; Ord. No. 2493, § 1, 1-26-98)

Sec. 42-606. Insurance required.

Each holder of a license hereunder shall at all times maintain liability insurance in amounts not less than required by the City and evidenced by a certificate, signed by an agent of an insurance carrier authorized to conduct business in Colorado. Such certificate shall verify insurance status and set forth the limits of each policy, policy number and insurer, the effective and expiration date of each policy, and a copy of an endorsement placed on the submitted policy requiring ten days' notice by mail to the City prior to policy cancellation for any reason.

(Ord. No. 2432, § 1, 8-26-96)

Sec. 42-607. Licensing procedure.

(a) No license shall be issued pursuant to the provisions of this article unless the applicant submits to the City Clerk the following:

(1) At least 30 days prior to the commencement of operations a completed application, signed under oath as to the truthfulness of its contents, on a form prepared by the City Clerk. The application form shall include, but not be limited to:

- a. Name, date of birth, address and social security number of the applicant;
- b. Name, age, social security number and date of birth of any individual who is employed as a driver for the business.

(2) The annual license fee and any investigation fee(s) required.

(3) Evidence of a current driver's license for the applicant and any individual who will be employed as a driver.

(4) A cash deposit of \$200.00 shall be required annually for anticipated sales taxes. These funds shall be retained by the City until a sales tax return is submitted by the licensee. If the deposit amount is in excess of the sales tax due, such excess shall be returned to the applicant within 20 days. In the event additional sales taxes are due and owing after a sales tax return is filed, the City may pursue such other action as is appropriate for the collection of such additional sales taxes due and owing. If no sales tax return is filed by the applicant for a period of 20 days after the close of business for the season, the deposit is forfeited by the licensee.

(5) Amended application. The applicant shall file with the City Clerk an amended application statement within ten days of the occurrence of any event which would constitute a change in the information submitted in the original application or any renewal thereof. In addition, the applicant may file an amended application within the same time period upon notification of any disqualifying or potentially disqualifying information as a result of the Police Department's investigation concerning an application or renewal.

(6) Renewals. Renewals of this license shall meet the criteria of a new license.

(7) Application following suspension or revocation of license. Licenses suspended hereunder upon the expiration of the suspension period shall be automatically reinstated if any time remains in the term of the license.

(b) Any initial or amended application or application for renewal shall be filed in duplicate with the City Clerk. One copy shall be referred to the Chief of Police for investigation and one copy retained by the City Clerk.

(1) Upon submission of the application, the Chief of Police shall cause an investigation to be conducted, as may be required, to obtain, confirm and verify information deemed necessary and appropriate in the decision to grant or deny the license, or to constitute cause for its nonrenewal, suspension or revocation as herein provided, including the moral character of the applicant and any employee of the business. Factors to be considered in determining moral character shall include but not be limited to:

- a. The prior conviction in any jurisdiction of a felony, or of a crime which, if committed in Colorado, would constitute a felony;
- b. Conviction of any criminal offense involving sexual crimes committed against children or involving the



exploitation of children through pornographic or obscene materials;

c. Suspension of the applicant's or an employee's driver's license for any reason in the last five years.

(2) The Chief of Police shall complete the investigation within 15 business days of the filing of any application hereunder; however, the Chief of Police may obtain upon written request, filed with the City Clerk and a copy furnished to the applicant, an extension for additional time not exceeding 30 business days, if reasonably required to complete the investigation.

(Ord. No. 2432, § 1, 8-26-96; Ord. No. 2493, § 2, 1-26-98)

Sec. 42-608. Issuance of license; grounds for refusal.

(a) No license shall be issued or renewed until the requirements of Section 42-607 have been met and the applicant is approved by the Chief of Police. Issuance or denial of a license shall occur within ten business days from the date of completion of the investigation by the Chief of Police unless an amended application is submitted, in which case a decision to issue or deny shall be made within 15 business days from the date the amended application is received.

(b) The City Clerk shall not issue or renew the license required by this article upon the return of the investigation report of the Chief of Police if a finding is made that:

(1) Any employee is under the age of 18 years;

(2) The application contains any materially false statement;

(3) The applicant or any individual who is employed as a driver as set forth in the application are not of good moral character;

(4) The applicant or any individual who is employed as a driver does not have a current driver's license.

(Ord. No. 2432, § 1, 8-26-96; Ord. No. 2493, § 3, 1-26-98)

Sec. 42-609. Notice of denial of license.

(a) In the event that the City Clerk denies issuance of a license or denies a request for a renewal of a license hereunder, the City Clerk shall provide the applicant with written notice of such denial, which notice shall contain a copy of the investigation report or reports setting forth the basis of disqualification.

(b) In the event that the applicant wishes to appeal the City Clerk's decision to deny the issuance of the license, the procedures set forth in Section 42-611 shall be followed. The licensee may file with the City Clerk, along with a copy to the City Attorney, a written notice of appeal of the notice of denial or nonrenewal within the ten days following the date of the notice of denial or nonrenewal, stating with particularity the basis of appeal.

(Ord. No. 2432, § 1, 8-26-96)

Sec. 42-610. Revocation of license.

(a) The City Clerk shall revoke any license issued pursuant to this article, though otherwise eligible for such issuance pursuant to Section 42-607 or Section 42-608, upon the written finding of one or more of the following made by the Chief of Police:

(1) The licensee or any individual employed as a driver has been convicted or pled guilty or no contest to a felony, or a crime which, if committed in Colorado, would constitute a felony.

(2) The licensee or any individual employed as a driver has been convicted of or pled guilty or no contest to a sexual crime committed against children or involving the exploitation of children through pornographic or obscene materials.

(3) The licensee's driver's license or the driver's license of any individual employed as a driver has been suspended for any reason in the last five years.

(4) The application contains any materially false statement.

(5) The licensee has operated in violation of Section 42-603 or 42-604.

(b) The City Clerk shall mail the notice of revocation setting forth the grounds for such revocation and issued pursuant to this section to the address of the licensee. No such order of revocation shall become effective until the expiration of ten days following the date of such notice or the final disposition of any appeal, if filed hereunder. The licensee may file with the City Clerk, along with a copy to the City Attorney, a written notice of appeal of the notice of revocation and the applicable appeal fee within the ten days following the date of the notice of revocation, stating with particularity the basis of appeal.

(c) Any revocation issued hereunder shall be effective for a period of 12 months following the effective date thereof.

(Ord. No. 2432, § 1, 8-26-96)

Sec. 42-611. Appeal procedure.

(a) Upon receipt of an appeal by the City Clerk for either denial or revocation as set forth pursuant to Section 42-609(b) based on a denial to issue a license, or Section 42-610(b) based on revocation of license, the City Manager shall designate a hearing officer to hear and determine the issues presented. The hearing officer, based on the standards of this article, may:

(1) Sustain or reverse the decision of the City to deny issuance, reissuance or reinstatement of a license hereunder;

(2) Sustain, modify or reverse the revocation of a license. In the event that the hearing officer finds that cause for revocation as set forth at Section 42-610 has been established, however, mitigating circumstances are found, the hearing officer may, in lieu of revocation:

a. Order the license suspended for a period not exceeding 90 days;

b. Impose reasonable conditions on the license, or any renewal thereof, to secure compliance with the standards of this article.

(b) Mitigating factors which may be considered shall be:

(1) The absence of any prior violations of this article;

(2) That the violation was not willful and that appropriate steps have been taken to avoid recurrence;

(3) That the violation of the ordinance did not involve a violation of criminal laws of the State or ordinances of the City, and that no serious personal injuries or damages to property have resulted from such violation.

(c) Any appeal presented pursuant to this article shall be conducted in conformance with standards of procedural due process applicable to administrative hearings, including the right to present testimony and to confront witnesses.

(d) The hearing officer shall apply the standard for review whether the City, through the order of revocation, abused its discretion, acted arbitrarily or acted in excess of its authority hereunder. Additionally, the appellant shall have the burden to show by a preponderance of the evidence why the revocation or denial of license, or renewal thereof, was improper under the above standard. It shall also be the burden of the licensee to establish mitigation in contesting any order of revocation.

(e) The hearing officer shall conduct the hearing within 20 days of the filing of the notice of appeal and shall enter written findings of fact and conclusions of law within ten days of the hearing date.

(Ord. No. 2432, § 1, 8-26-96)

Sec. 42-612. Violations and penalties.

(a) Any person who shall violate any of the provisions of this article, including failure to comply with the terms and conditions of the license, shall, upon conviction, be fined in the sum of not more than \$1,000.00 and/or up to one year in jail.

(b) In addition to the administrative remedies and penalties set forth in this article, the City Attorney shall be authorized to initiate an action before any court of competent jurisdiction to seek any appropriate remedy available to secure compliance with this article, including injunctive relief, and to secure costs and damages sustained by the City in enforcing this article.

(Ord. No. 2432, § 1, 8-26-96)

Sec. 42-613. No assumption of liability.

Nothing in this article shall create any duty to any person, firm, or corporation with regard to the enforcement or nonenforcement of the article. No person, firm, or corporation shall have any civil liability remedy against the City, its officers, employees, or agents, for any damages arising out of or in any way connected with the adoption, enforcement, or nonenforcement of this article, and nothing in this article shall be construed to create any liability or to waive any immunities, limitations on liability, or other provisions of the Governmental Immunity Act, § 24-10-101 et seq., C.R.S., or to waive any immunities or limitations on liability otherwise available.

(Ord. No. 2432, § 1, 8-26-96)