

**TO:** James L. App, City Manager  
**FROM:** Jim Throop, Director of Administrative Service  
**SUBJECT:** Ice Cream Vendor Permits  
**DATE:** May 5, 2015

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**NEEDS:** For the City Council to consider permits for Kona's Ice Truck of SLO North County to conduct business within the City of Paso Robles.

- FACTS:**
1. The City municipal codes, written in 1956 (Ord. 197 N.S. Sec. 130) and 1959 (Ord. 223 N.S. Sec. 39), do not allow for vendors/peddlers within the city boundaries, *except by permit of the City Council.*
  2. The vendors, Kona's Ice, requested a hearing to obtain approval for a permit.
  3. It is advisable to require a background check for any vendors/peddlers who may interact with minors.
  4. In addition, California Vehicle Code section 22456 imposes certain restrictions and requirements upon operators of "ice cream trucks," as defined in that section.
  5. Kona's Ice is requesting a permit to allow for sales in residential neighborhoods as well as for sales to businesses or special events where Kona's Ice has been invited, but only at the business owner's invitation. Such sales to businesses would not occur on public streets.

**ANALYSIS &**

**CONCLUSION:** The City municipal codes, as it pertains to vendors/peddlers, were written in 1956 and 1959. At that time permits and licenses were not allowed for vendors/peddlers, *except by permit of the City Council.*

The City has received a request from a vendor/peddler for permission to conduct business within the City. The vendor, Kona's Ice, has requested and responded to requests for information pertaining to their business.

If granted, this permit would allow the vendor to sell ice cream both within residential areas and to travel to businesses within the City where the vendor has been requested/invited to sell its wares to the requesting business' employees.

It is recommended by staff that, should the Council approve a permit to allow sales to employees at private businesses, the vendor not be permitted to conduct such sales while stopped in any public right-of-way or on public property. The vendor's vehicle must be parked completely on the private property of the business while conducting sales.

The City Council is asked to determine whether permits should be issued to the applicants. Staff recommends that any approval be conditioned upon certain conditions, including: (i) satisfactory background checks performed by the City of Paso Robles' Police Department, (ii) payment of all applicable fees and permits, and (iii) sales generally limited to residential areas and in compliance with the requirements of Vehicle Code section 22456.

**POLICY**

**REFERENCE:** Municipal Code Section 5.04.390; California Vehicle Code section 22456.

**FISCAL**

**IMPACT:** Potential minor increase to revenues due to business licensing and permits.

- OPTIONS:**
- a. Adopt Resolution 15-xxx approving the issuance of a permit to Kona's Ice of SLO North County for sales from mobile ice trucks subject to certain conditions;
  - b. Amend, modify or reject above option.

**Attachments:** Vendor letter, pictures and miscellaneous literature

## City of Paso Robles Mobile Ice Cream Vendor Approval Process

1. Prepare Statement of Intent for City Council review, which should include the following information:
  - a. An explanation of vendor objective. Be sure to include intentions to operate at special events and on the city streets as a mobile vendor in residential areas. City streets in Commercial areas will not be approved.
  - b. General times of operations and days you expect to conduct business.
  - c. Areas you will be operating your vehicle, ideally include a map indicating the residential areas in which you would like to operate.
  - d. A picture of the vehicle.
2. The Finance staff will submit your Statement of Intent at a City Council meeting for approval.
3. Submit a copy of your San Luis Obispo County Health Department Permit to the City Finance Department.
4. Completion and successful clearance from Livescan fingerprinting at the Paso Robles Police Department.
  - Livescan fee is currently \$61.00 (subject to change)
5. Payment of business license fees.
  - Annual business license fee is based upon gross receipts for 12 months.

\*\* All City and State Codes for ice cream vendors and mobile vendors are applicable. \*\*



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(805) 237-6565 Fax

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## school

**Make Any Day a Kona Day!**

Reward the kids & celebrate while raising \$\$! Serve hundreds per hour.

### FLAVORWAVE

## sports

**Bring the Party to the Park!**

All players & fans LOVE Kona Ice. Earn \$\$ for your team.

## daycares

**Schedule Regular Visits!**

Kona Day is the best day of the week.

## work

**Hey, Take a Kona Break!**

Enjoy an island gourmet treat on the job. Call us!

## events

**Everybody LOVES Kona Ice!**

Kona's the MOST POPULAR at any event.

## parties

**Kona LOVES to Party!**

Birthday parties, block parties, team picnics ...

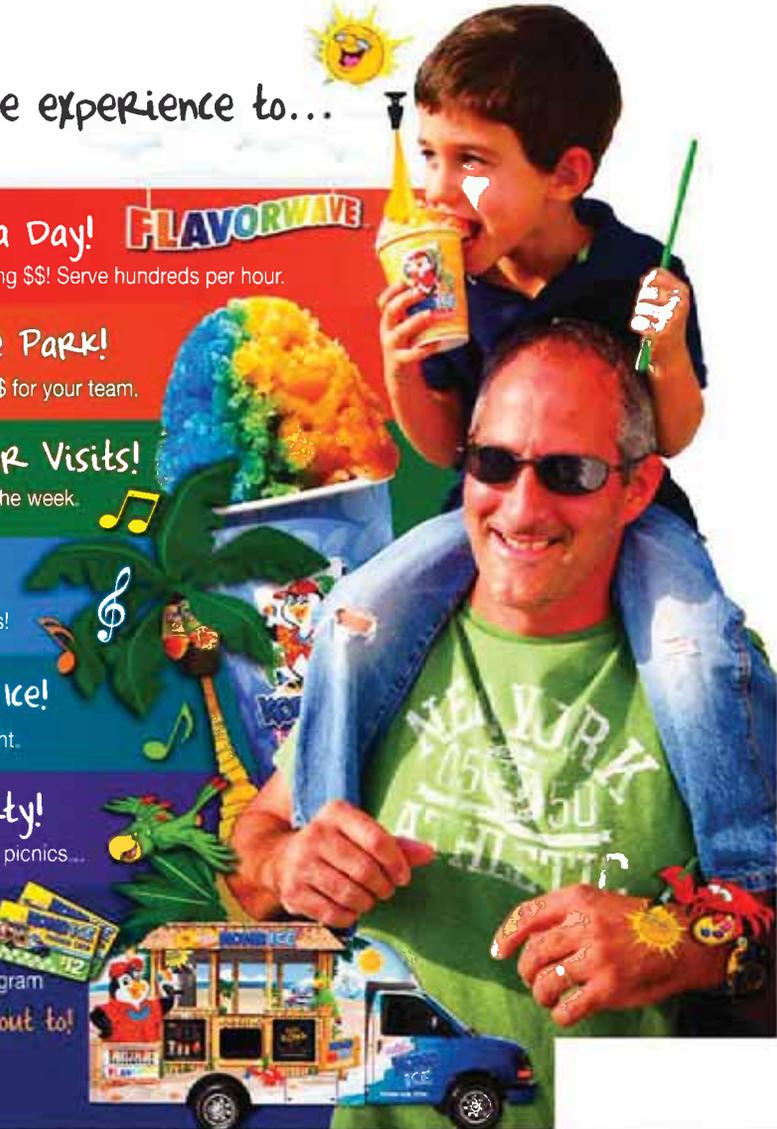
Ask us about super-easy

## fundraising

- % of sales GiveBack at your big event
- Kona prepaid card program

Just show us where to park and who to make the check out to!

[www.kona-ice.com](http://www.kona-ice.com)



Kona Ice of SLO North County  
Tropical Shaved Ice and Ice Cream Vehicle  
Request to Operate as a Mobile Vendor in the City of El Paso de Robles  
Statement of Intent for City Council review

Vendor Objective

Kona Ice of SLO North County respectfully requests City Council approval to operate as a mobile vendor of tropical flavored shaved ice and ice cream products on city streets within residential areas of the City, and by invitation to special events occurring within other zones within the City, subject to the limitations of state law, and any other applicable codes and ordinances.

Kona Ice of SLO North County is a locally owned and operated franchise by Gary Miller, CPA and Laura Miller, M.Ed. This business has been operating in San Luis Obispo County since August 2014 at community events, fundraisers, sporting events, birthday parties and in neighborhoods within the City of Atascadero, and unincorporated areas of Templeton, San Miguel, Los Osos and Cayucos. There are over 600 Kona Ice vehicles across the United States, and over 60 in California. Kona Ice businesses have given over 25 million back to their related communities since inception eight years ago. Our tropical shaved ice flavorings contain 40% less sugar than regular flavorings, and are vitamin C and D enriched. More information on the Kona Ice organization can be obtained at [www.kona-ice.com](http://www.kona-ice.com).

General Times of Operation

In general, Kona Ice operates seven days a week from late morning until sundown in neighborhoods at the discretion of the owner, and operates at events depending on the special event's required hours. Normally, with some exceptions, current neighborhoods being serviced are visited on a weekly basis.

Areas of Operation

Kona Ice's preferred areas of operations would be all non-gated, residential areas in which the public streets are safe for the residents while providing appropriate access for mobile vending. Streets considered steep, narrow or generally unsafe are avoided.

The Kona Entertainment Vehicle

The Kona Entertainment Vehicle ("KEV") is designed in appearance and operation with safety being first priority. The KEV has been approved by the State of California Department of Housing and Community Development. It has colorful animal characters in a tropical setting on the outside of the vehicle; a Front Convex Mirror allowing the driver to see foot traffic immediately in front of the vehicle; adjustable dual Side Mirrors to view different side angles; a Rear Camera for seeing behind the truck; a Strobe Light and Flashers; a Smoke and CO2 Detector; a Fire Extinguisher; and Caution/Watch for Children Indicators. Please see the attached vehicle picture.

RESOLUTION NO. 15-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING THE ISSUANCE OF PERMITS FOR KONA'S ICE OF SLO NORTH COUNTY

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WHEREAS, the Paso Robles Municipal Code does not allow for vendors/peddlers within city boundaries except by permit of the City Council; and

WHEREAS, for any vendor/peddler wanting to do business within the City must appear before the City Council for a permit; and

WHEREAS, California Vehicle Code section 22456 requires vendors selling ice cream and similar products from trucks comply with certain requirements; and

WHEREAS, the vendor Kona's Ice of SLO North County has formally requested a hearing for approval of a permit from the City;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles that a permit be issued to Kona's Ice of SLO North County for Fiscal Year 2015 subject to (i) a background check by the City of Paso Robles Police Department; (ii) payment of all associated fees related to the conduct of business within the City of Paso Robles; and (iii) submission of evidence reasonably satisfactory to City that vendor's vehicle complies with the requirements of Vehicle Code section 22456 and any other requirements of law; and

BE IT HEREBY FURTHER RESOLVED by the City Council of the City of Paso Robles that such permits for Kona's Ice of SLO North County for Fiscal Year 2015 allow the vendor to sell its products within residential areas of the City subject to the limitations contained in California Vehicle Code section 22456 and any other applicable codes and ordinances, and by invitation/request to select businesses and product sales to only the employees of the business, and by invitation to special events occurring within other zones within the City, subject to the limitations of state law.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 5<sup>th</sup> day of May 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Caryn Jackson, Deputy City Clerk