

ORDINANCE NO. 5977

AN ORDINANCE TO CHANGE THE PROCESS FOR CITY AUTHORIZATION OF ICE CREAM VENDING FROM VEHICLES ON CITY STREETS FROM A CONTRACT TO A MOBILE ICE CREAM VENDOR LICENSE BY AMENDING SECTION 5.48.010 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, Rapid City Municipal Code § 5.48.010 currently allows the sale of ice cream and sundries for immediate consumption from a cart, wagon, automobile, truck or other vehicle in the streets or thoroughfares of the City of Rapid City (“City”), provided the person or entity doing so has entered into a contract with the City; and

WHEREAS, the Common Council of the City of Rapid City has deemed it is in the best interest of the City to regulate ice cream vending from vehicles on City streets by issuing licenses, rather than entering into contracts with mobile ice cream vendors; and

WHEREAS, in order to facilitate this end, the Common Council of the City of Rapid City has approved the adoption of an ordinance to establish a mobile ice cream vendor license in the City, by adding Chapter 5.50 to the Rapid City Municipal Code; and

WHEREAS, the establishment of a mobile ice cream vendor license necessitates that Rapid City Municipal Code § 5.48.010 be amended in order to authorize mobile ice cream vending within the City via a license rather than a contract.

NOW, THEREFORE, BE IT ORDAINED, by the City of Rapid City that § 5.48.010 of the Rapid City Municipal Code is hereby amended to read as follows:

5.48.010 Peddling from vehicles on streets.

No person shall sell or offer for sale any goods or merchandise from a cart, wagon, automobile, truck or other vehicle in the streets or thoroughfares of the city. This section does not apply to the delivery of farm or garden products, where the order for same has been placed in advance, nor does it apply to drayage or the delivery of goods sold in the regular course of an established business, nor does it apply to the sale or delivery of ice cream and sundries for immediate consumption by mobile ice cream vendor licensees. ~~Nothing in this section shall prohibit the city from entering into a contract for the sale of ice cream and sundries for immediate consumption on the terms and conditions agreed to by the Common Council.~~

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective: