

Sunday, May 27, 2001

TODAY'S ENQUIRER

- Front Page
- ▶ Local News
- Sports
- Business
- Editorials
- Tempo
- Home Style
- Travel
- Health
- Technology
- Weather
- Back Issues
- Search
- Subscribe

SPORTS

- Bearcats
- Bengals
- High School
- Reds
- Xavier

VIEWPOINTS

- Jim Borgman
- Columnists
- Readers' views

ENTERTAINMENT

- Movies
- Dining
- Horoscopes
- Lottery Results
- Local Events
- Video Games

CINCINNATI.COM

- Giveaways
- Maps/Directions
- Send an E-Postcard
- Coupons
- Visitor's Guide

CLASSIFIEDS

- Jobs
- Cars
- Homes
- Obituaries
- General
- Place an ad

Ice-cream truck operators under scrutiny

Background checks, curfews proposed

By Howard Wilkinson
The Cincinnati Enquirer

The operators of ice cream trucks that cruise Cincinnati neighborhoods this summer could soon be under some strict regulations as to when they can operate and how much noise they can make.

And, if a Cincinnati city ordinance proposed by Councilman Chris Monzel is passed by council, all ice cream truck drivers will have to have extensive background checks of criminal and driving records.

"These are businesses that are out at night selling to children and we need to make sure they are safe," said Mr. Monzel.

But the proposed ordinance is likely to draw opposition from the businesses that send the trucks selling ice cream and snacks into Cincinnati neighborhoods.

Tom Simonds, owner of Captain Tom's Ice Cream, which operates 50 trucks out of Lockland, said he plans to be at a public hearing on the ordinance at 3 p.m. Tuesday before council's law and public safety committee to object.

He was not aware of the proposed ordinance, which he said could be "devastating" to his business, until contacted by a news reporter.

"The first time we usually hear about these things is when a driver comes back with a citation," Mr. Simonds said.

Floyd Kilpatrick, one of Mr. Simonds' drivers, was shot and killed while operating a truck in March in the English Woods section of North Fairmount. The shooting occurred at 9:30 p.m. - well after dark.

Mr. Monzel said that if his ordinance had been in place, with its ban on "mobile food vendors" from sunset to 10 a.m., that shooting might not have taken place.

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"After the shooting, we started getting more complaints from neighborhood councils about the trucks operating at night and decided there was something we could do about it," Mr. Monzel said.

The councilman said the point was brought home to him one night in February when he said he was taking out his garbage at his Winton Place home about 11:30 p.m. and heard a nearby ice cream truck playing recorded music.

In addition to the sunset ban, Mr. Monzel's ordinance would:

- Require applicants for mobile food vendor licenses be fingerprinted and undergo a police background check.
- Prevent any "habitual sex offender," people with alcohol or drug-related convictions or "poor driving records" from receiving a license.
- Prevent trucks from blocking intersections or staying in one location more than 30 minutes;
- Prevent truck operators from playing recorded music between 10 a.m. and 3 p.m. Monday through Fridays or within one block of a church any time on Sundays.

"All other food vendors are regulated; I see no reason why people who operate ice cream trucks shouldn't be," Mr. Monzel said.

Mr. Simonds, who said about half of his 50 trucks operate in the city limits, said he does background checks on potential drivers through the Lockland police.

The fingerprinting and background checks, Mr. Simonds said, "would take weeks" and hamper his ability to keep his trucks on the streets in his high-turnover business.

"I can't understand the idea of banning us after dark," Mr. Simonds said. "We have a rule with our drivers that the trucks have to be back in our lot by 10 p.m. This is just a needless hassle."

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