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# San Francisco Chronicle

## San Jose Regulates Pushcarts / Background checks for ice cream vendors; [FINAL Edition]

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### Abstract (Document Summary)

Starting today, the multitude of ice cream pushcarts patrolling San Jose's streets will be under special scrutiny as police begin enforcing a new law requiring criminal background checks for mobile vendors.

Prodded by a 1995 rape allegedly committed by a pushcart ice cream vendor, the San Jose City Council unanimously approved a package of tougher licensing requirements last month. The issue gained momentum two weeks ago when another young San Jose girl was allegedly abducted and sexually assaulted by a pushcart vendor.

The requirements have long applied to drivers of ice cream trucks in San Jose. The new law applies to any street vendor, said Assistant City Attorney Bill Hughes, though it will primarily affect the city's burgeoning fleet of Mexican-style pushcart "paleteros," as ice cream vendors are called.

### Full Text (556 words)

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### FORMER ICE CREAM VENDOR

Starting today, the multitude of ice cream pushcarts patrolling San Jose's streets will be under special scrutiny as police begin enforcing a new law requiring criminal background checks for mobile vendors.

Prodded by a 1995 rape allegedly committed by a pushcart ice cream vendor, the San Jose City Council unanimously approved a package of tougher licensing requirements last month. The issue gained momentum two weeks ago when another young San Jose girl was allegedly abducted and sexually assaulted by a pushcart vendor.

The previously unregulated peddlers are now required to be fingerprinted and photographed, and they must submit annually to an extensive background check by city police. If their records turn up clean, vendors will be issued a \$21 photo ID to be worn in plain view at all times.

The requirements have long applied to drivers of ice cream trucks in San Jose. The new law applies to any street vendor, said Assistant City Attorney Bill Hughes, though it will primarily affect the city's burgeoning fleet of Mexican-style pushcart "paleteros," as ice cream vendors are called.

The first month of enforcement will serve as a warning period. Letters will be sent today to wholesalers that supply the hundreds of ice

cream pushcarts plying city streets, according to Police Department spokesman Louis Quezada.

So far, only six vendors have applied for licenses, although the city believes there are hundreds of sellers, Quezada said. Many vendors will probably not qualify for a vendor's license because applicants must be legal residents of the United States, city officials noted.

After the grace period expires, vendors without a valid license and current health department certificates could face a misdemeanor charge and a fine of up to \$1,000. The penalties will also apply to companies that rent pushcarts to independent contractors. Repeat offenders could have their pushcarts confiscated, Quezada said.

Nik Bhaht, owner of a company that supplies ice cream trucks, said the new law is a good idea and should have been done earlier.

"Having standards is a good thing," said Bhaht, who put himself through college by driving an ice cream truck. "A lot of people have been doing this work for years without having any problems at all, and then a couple of unfortunate incidents can make us all look bad."

Javier Lopez Torres, manager of Delicias de Michoacan, a company that supplies and rents about 15 pushcarts, said the law will drive out many vendors who are not here legally.

"(The police) will have the most problems with the clandestine operators," Lopez Torres said. "The people who keep the pushcarts at home. We've been in San Jose for 10 years, and my business has never had a problem."

City police are asking residents to help by refusing to buy from vendors who do not display a current photo ID and notifying police when unlicensed vendors are in their neighborhoods.

"We are doing our best to legitimize this type of business, so people can be comfortable that at least this person has gone through a criminal background check," Quezada said.

Pushcarts have been banned in the nearby cities of Santa Clara, Campbell and Los Gatos. Milpitas imposes strict conditions. San Jose police initially supported a total ban, but relented because of concern that it would put hundreds of marginally employed people out of work.

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