



**Date:** July 12, 2005  
**To:** Honorable Mayor and Councilmembers  
**From:** Councilmember Bonnie Lowenthal, First District *BL*  
Councilmember Rae Gabelich, Eighth District *RG*  
**Subject:** Sale of Illegal Items from Ice Cream Trucks

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**Background**

During the 1930's through 1950's, many homes had a lack of adequate refrigeration which made ice cream unavailable at home to many children. This gave rise to ice cream trucks that circulated throughout neighborhoods offering ice cream treats to those who heard the trucks' merry music. Today, however, many ice cream trucks offer more than ice cream, if they offer it at all. In many neighborhoods ice cream trucks have become the purveyors of illicit items, including toy replica guns (both handguns and assault weapons), poisonous lead bearing candies, illegal fireworks, as well as cigarettes. This further degrades the quality of life in many family-oriented communities.

The City of Long Beach has for many years taken actions to regulate and control the illicit and offensive behavior of individuals creating dangerous or nuisance activities in our neighborhoods. Long Beach Police officers can and do confiscate materials from these trucks and cite or arrest offenders when officers witness the sale of illegal items to minors from the ice cream trucks. However, the sale of illegal items has become so prolific in our neighborhoods that children are now buying replica toy guns off of ice cream trucks and bringing them to school in their backpacks. This and other similar situations require more stringent regulation of ice cream trucks.

Also, some ice cream trucks stop in the middle of the street to sell their items, potentially creating a traffic and safety hazard for both cars and children who purchase from ice cream trucks.

**Recommendation**

We therefore request the City Attorney be requested to prepare and present an ordinance for the Council's consideration that would make it a misdemeanor for ice cream vendors to sell from their trucks toys; cigarettes and tobacco products; fireworks; adult materials; and other non ice cream related goods and merchandise from ice cream vending trucks and also include a provision permitting a 30 day impoundment of such vehicles in the case of multiple instances of misconduct.

We also request that the City Attorney report if the City can require ice cream trucks to pull to the curb to dispense ice cream.