

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 5.51.060; AND BY ADDING SECTION 5.51.065 ALL RELATING TO THE OPERATION OF ICE CREAM TRUCKS

WHEREAS, ice cream trucks are issued City business licenses pursuant to Long Beach Municipal Code Section 5.51, regulating the conduct of business in the City; and

WHEREAS, ice cream trucks play amplified recorded music in an effort to attract customers, especially children; and

WHEREAS, in certain neighborhoods of the City, music trucks play music at high volumes, and sometimes continuing to play music even while the trucks are stopped to transact sales, resulting in complaints of noise and disruption; and

WHEREAS, in order to permit neighborhoods to enjoy peace and quiet in addition to ice cream and music, reasonable limits to the playing of amplified music are needed;

NOW, THEREFORE, the City Council of the City of Long Beach does hereby ordain as follows:

Section 1. Section 5.51.060 of the Long Beach Municipal Code is amended to read as follows:

5.51.060 Compliance with other laws.

Any person operating an ice cream truck shall at all times comply with applicable Sections of the California Vehicle Code, including without limitation the Nicole Stout Memorial Act or any successor statutes thereto.

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 Ice cream trucks which play amplified music must comply with the  
2 provisions of Long Beach Municipal Code Chapter 8.80.

3  
4 Section 2. Section 5.51.065 is added to the Long Beach Municipal Code  
5 to read as follows:

6 5.51.065 Additional noise restrictions.

7 A. No person shall use, play or employ any sound, outcry,  
8 amplifier, loudspeaker or any other instrument or device for the production  
9 of sound from an ice cream truck when the ice cream truck is stationary.

10 B. The City may set reasonable restrictions in the business  
11 license on the type and use of any amplifier, loudspeaker, or any other  
12 instrument or device for the production of sound employed on an ice cream  
13 truck in order to prevent a disturbance of the peace.

14  
15 Section 3. The City Clerk shall certify to the passage of this ordinance by  
16 the City Council and cause it to be posted in three (3) conspicuous places in the City of  
17 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
18 Mayor.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor