

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

ORDINANCE NO. ORD-13-0011

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 Chapter 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.

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.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of August 13, 2013, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, O'Donnell, Schipske, Andrews, Johnson, Austin, Neal.

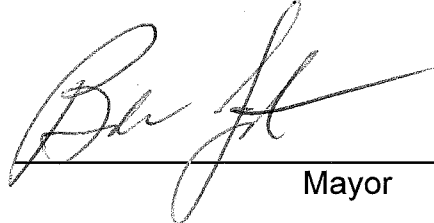
Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.



City Clerk

Approved: 8/22/13
(Date)



Mayor

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Megan Wiegelman being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 23rd day of August, 2013, I posted three true and correct copies of Ordinance No. ORD-13-0011 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies in the entrance lobby of the 14th Floor of City Hall.



A handwritten signature in cursive script, appearing to read 'Megan Wiegelman', is written over a horizontal line.

Subscribed and sworn to before me
this 23rd day of August, 2013.



A handwritten signature in cursive script is written over a horizontal line.

CITY CLERK