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August 6, 2013

ORD-27
PRINCIPAL DEPUTIES

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Amy R. Webber
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HONORABLE MAYOR AND CITY COUNCIL City of Long Beach California

RECOMMENDATION:

Recommendation to declare ordinance 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, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on July 9, 2013, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, Acting City Attorney

Ву

AMY/R. WEBBER
Deputy City Attorney

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REDLINE

5.51.060 Compliance with other laws.

Any person operating an ice cream truck shall at all times comply with other applicable sections of this Code and applicable sSections of the California Vehicle Code, including, without limitation, the Nicole Stout Memorial Act or any successor statutes thereto. <u>Ice cream trucks which play amplified music must comply with the provisions of the Long Beach Municipal Code Chapter 8.80.</u>

5.51.065 Additional noise restrictions.

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

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

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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.

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Section 5.51.065 is added to the Long Beach Municipal Code No person shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for the production of sound from an ice cream truck when the ice cream truck is stationary. The City may set reasonable restrictions in the business license on the type and use of any amplifier, loudspeaker, or any other instrument or device for the production of sound employed on an ice cream The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the 28 $/\!/\!/$

Ice cream trucks which play amplified music must comply with the

provisions of Long Beach Municipal Code Chapter 8.80.

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I he	ereby certify that the for	egoing ordinance was adopted by the 0	City
Council of the City of Long Beach at its meeting of			_, 20,
by the following v	vote:		
Ayes:	Councilmembers:		
Noes:	Councilmembers:		
Absent:	Councilmembers:		
Approved:	(Date)	City Clerk Mayor	