

ORDINANCE NO. C-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADDING CHAPTER 5.51 TO THE LONG BEACH MUNICIPAL CODE RELATING TO THE OPERATION OF ICE CREAM TRUCKS

The City Council of the City of Long Beach ordains as follows:

Section 1. The Long Beach Municipal Code is amended by adding Chapter 5.51 as follows:

CHAPTER 5.51
ICE CREAM TRUCKS

5.51.010 Definitions.

The following words, as used in this Chapter, shall have the signification attached to them in this Section, unless otherwise clearly apparent from the context:

A. "Dispense or dispensing" means selling, peddling, hawking, displaying for sale, soliciting the sale of, offering or exposing for sale or giving away.

B. "Ice cream truck" means a motor vehicle engaged in the curbside vending or sale of frozen refrigerated desserts, confections or novelties commonly known as ice cream, prepackaged candies, prepackaged snack foods or soft drinks, primarily intended for sale to children under 12 years of age.

C. "School" means any elementary school, middle school, junior high school, high school, senior school or continuation school, or any

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branch thereof.

D. "Street" means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

5.51.020 Sales From Ice Cream Truck.

No person shall dispense any item, other than food, from an ice cream truck on a street.

5.51.030 Hours of Sales.

No person shall dispense any item, including food, from an ice cream truck on a street during the following hours: From 8:30 p.m. to 7:30 a.m. during the months of April through October and from 5:30 p.m. to 7:30 a.m. during the months of November through March.

5.51.040 Sales Near Schools.

No person shall dispense any item, at any time, including food, from an ice cream truck within 500 feet of the property line of a school between the hours of 7:30 a.m. and 4:00 p.m. on regular school days.

5.51.050 Minors in Ice Cream Truck.

No person shall permit a person under sixteen (16) years of age to ride in or on an ice cream truck unless the person in control of the ice cream truck is the parent or guardian of the minor.

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

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1 Nicole Stout Memorial Act or any successor statutes thereto.

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3 5.51.070 Penalties.

4 Any person who violates any provision of this Chapter is guilty of an
5 offense punishable under the provisions of Title 1, Chapter 1.32 of this
6 Code. Violations set forth in this Chapter are cumulative to, and in
7 addition to, any other violations of state or local law. For a second or
8 subsequent violation of subsection 5.51.020, the court shall, in addition to
9 any other penalties, order that the ice cream truck involved in the second
10 or subsequent violation be impounded for thirty (30) days if at the time of
11 the second or subsequent violation, the vehicle was registered to the
12 violator.

13
14 Sec. 2. The City Clerk shall certify to the passage of this ordinance by the
15 City Council and cause it to be posted in three conspicuous places in the City of Long
16 Beach, and it shall take effect on the thirty-first day after it is approved by the 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 _____, 2005, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor

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RFA:cj 8/10/05
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