



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-40

ROBERT E. SHANNON
City Attorney

HEATHER A. MAHOOD
Chief Assistant City Attorney

MICHAEL J. MAIS
Assistant City Attorney

August 16, 2005

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance regulating 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.

DISCUSSION

Pursuant to your request of July 12, 2005, this office has prepared and submits the above-described ordinance for your consideration. The ordinance prohibits ice cream trucks from selling any items other than confections and restricts the time and place during which ice cream trucks may operate. The ordinance provides the City with the ability to impound ice cream trucks used in repeat violations of the ordinance.

The California Vehicle Code currently requires ice cream trucks to pull over to the curb under certain circumstances prior to making sales. The specificity with which current California law regulates where an ice cream truck may dispense ice cream preempts the City's ability to impose additional restrictions. Therefore, the attached ordinance does not require ice cream trucks to pull over to the curb prior to making sales.

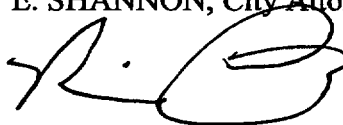
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

ROBERT E. SHANNON, City Attorney

By


RICHARD F. ANTHONY
Deputy City Attorney

RFA:cj
Enclosure
05-03644