

ORDINANCE NO. 176830

An ordinance adding Section 42.00.1 of the Los Angeles Municipal Code to regulate sales from ice cream trucks.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Section 42.00.1 is added to the Los Angeles Municipal Code as follows:

**SEC. 42.00.1. SALES FROM ICE CREAM TRUCKS.**

(a) **Definitions.**

“**Ice cream truck**” shall mean 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.

“**Dispense or dispensing**” shall mean peddling, hawking, displaying for sale, soliciting the sale of, offering or exposing for sale, selling or giving away.

“**School**” shall mean any elementary school, middle school, junior high school, four-year high school, senior high school, continuation high school, or any branch thereof.

“**Street**” shall mean all that area dedicated to public use for public street purposes and shall include, but not be limited to roadways, parkways, alleys and sidewalks.

(b) **Sales from Ice cream Truck.** No person shall dispense any item, other than food, from an ice cream truck on a street.

(c) **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.

(d) **Sales near Schools.** No person shall dispense any item, at any time, including food, from an ice cream truck parked or stopped within 500 feet of the property line of a school between 7:30 a.m. and 4:00 p.m. on regular school days.

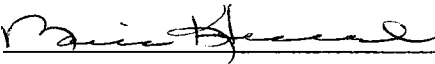
(e) **Minors in Vehicle.** No person shall permit a person under sixteen (16) years of age to ride in or on an ice cream truck unless the person in control of the ice cream truck is the parent or guardian of the minor.

(f) **Penalties.** A violation of any of the provisions of this section is a misdemeanor. Violations set forth in this section are cumulative to, and in addition to, any other violations of state or local law. For a second or subsequent violation of subsection (b), the court shall, in addition to any other penalties, order that the ice cream truck involved in the second or subsequent violation be impounded for 30 days if at the time of the second or subsequent violation, the vehicle was registered to the violator.

Section 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUN 29 2005.

FRANK MARTINEZ, City Clerk

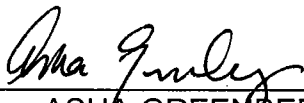
By   
Deputy

Approved JUL 13 2005

  
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By   
ASHA GREENBERG  
Deputy City Attorney

Date June 27, 2005

File No. 05-0379

**DECLARATION OF POSTING ORDINANCE**

I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 176830 - Adding 42.00.1 of the Los Angeles Municipal Code to regulate sales from ice cream trucks - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on June 29, 2005, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on July 18, 2005, I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) One copy on the bulletin board at the Main Street entrance to Los Angeles City Hall; 2) one copy on the bulletin board at the ground level Los Angeles Street entrance to the Los Angeles Police Department; and 3) one copy on the bulletin board at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on July 18, 2005 and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 18th day of July 2005 at Los Angeles, California.

  
\_\_\_\_\_  
Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: Aug. 27, 2005 Council File No. 05-0379