

BILL NO. _____

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE OF THE CITY OF
FRESNO, CALIFORNIA, AMENDING SECTION 2-515 OF
THE FRESNO MUNICIPAL CODE, RELATING TO
OUTDOOR DINING DURING THE COVID-19
EMERGENCY

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-515 of the Fresno Municipal Code is amended to read:

SECTION 2-515. OUTDOOR DINING DURING COVID-19 EMERGENCY.

Notwithstanding the provisions of FMC 15-2744, for so long as restaurants are prohibited from operating at full capacity due to an emergency order related to the COVID-19 pandemic, the following shall apply:

(a) Outdoor dining is permitted in common areas of shopping centers and parking lots, with permission of the property owner, and on City property, with permission of the City Manager. Outdoor dining may include consumption of alcohol so long as it is combined with consumption of food, all in compliance with California Alcoholic Beverage Control requirements.

(b) Proper social distancing shall be maintained with dining areas demarcated with tape or barriers. Excess seating shall be removed when feasible, or blocked off if the seating or tables are permanently affixed. For parking lots, every other parking stall may be used, and those stalls between stalls used for tables shall remain

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

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vacant, but no disabled person parking stalls may be used. Businesses shall also follow any additional State and County requirements in effect at the time.

(c) All employees must wear masks and wash hands frequently.

(d) This section is subject to further regulations issued by the City Manager, with approval by the Police Chief and City Attorney.

(e) Facilities that establish temporary outdoor dining facilities pursuant to the requirements of this ordinance, shall not be in violation of FMC sections 15-2744, 15-2403-B, 15-2407, 15-2408, 15-2409, 15-2411, or 15-2414 until this ordinance expires, is repealed, or is otherwise rendered ineffective. Temporary outdoor dining facilities established pursuant to this ordinance shall not be deemed a nuisance under FMC Section 15-6304, and shall not be subject to enforcement pursuant to Chapter 15, Article 63 of the Fresno Municipal Code until this ordinance expires, is repealed, or is otherwise rendered ineffective.

(f) ~~This section shall expire and be repealed one year from the effective date unless extended by the City Council.~~ [Facilities that establish temporary outdoor dining facilities pursuant to the requirements of this ordinance, shall be permitted to provide limited outdoor entertainment, which does not disrupt neighboring businesses or residences, in accordance with the following limitations:

(1) A facility providing outdoor entertainment shall not increase capacity beyond the facility's normal seating capacity.

(2) Entertainment may only be provided on Thursdays, Fridays, Saturdays, Sundays, and holidays.

(3) Live music shall be limited to a maximum two-piece band.

(4) Entertainment shall comply with the music standards as set forth in FMC section 15-2744.

(g) This section shall expire and be repealed one year from the effective date unless extended by the City Council.]

SECTION 2. This Ordinance is necessary for the immediate preservation of the public health, peace, property, and safety. Pursuant to Sections 603 and 610 of the Charter of the City of Fresno, this Ordinance shall take effect immediately upon passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, CRM MMC
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Tracy N. Parvanian Date
Senior Deputy City Attorney