

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 38 TO CHAPTER 9 AND AMENDING
SECTION 9-2503, OF THE FRESNO MUNICIPAL CODE,
RELATING TO ESTABLISHING ENTERTAINMENT ZONES

WHEREAS, the City of Fresno is committed to supporting a vibrant and economically thriving downtown; and

WHEREAS, there are several City-permitted special events in the downtown area that draw thousands of attendees and contribute to the City of Fresno cultural and economic vitality; and

WHEREAS, current state law prevents breweries, wineries, bars, and restaurants within special event areas from fully participating in these events, which limits their ability to benefit economically from increased attendance; and

WHEREAS, the California State Legislature enacted Senate Bill 969, effective January 1, 2025, authorizing cities to establish designated Entertainment Zones where alcoholic beverages purchased from eligible licensed businesses may be consumed in open containers in approved outdoor areas during City-permitted special events; and

WHEREAS, establishing Entertainment Zones will enhance the success of City-permitted special events, support local business, increase economic activity, and create a community-friendly, lively atmosphere; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

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

1 of 10

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

SECTION 1. Article 38 of Chapter 9 is added to the Fresno Municipal Code to read:

[ARTICLE 38. – ENTERTAINMENT ZONES.]

SECTION 9-3800. – ENTERTAINMENT ZONES ORDINANCE.

SECTION 9-3801. – PURPOSE.

The purpose if this article is to implement California State Senate Bill 969 (2024)

– The Alcoholic Beverage Control Act - through the establishment and regulation of Entertainment Zones to allow the purchase of open container alcoholic beverages from local bars, restaurants, wineries, breweries and on-sale licensees for consumption outside in common spaces such as plazas, public streets, sidewalks, or public rights of-way during certain hours, subject to a Special Event permit issued pursuant to Section 14-2404.

SECTION 9-3802 - DEFINITIONS

- a. "ABC" means the California Department of Alcoholic Beverage Control.
- b. "Alcoholic beverage" has the same meaning as set forth in California Business and Professions Code section 23004.
- c. "Entertainment Zone" has the meaning set forth in California Business and Professions Code Section 23039.5.
- d. "Entertainment Zone event" means an event during which the consumption of one or more types of alcoholic beverages is authorized on public streets, sidewalks, or public rights-of-way within the boundaries of an entertainment zone established in accordance with this chapter.

- e. "Entertainment Zone Lead" means the designated individual responsible for the on-site management and oversight of the Entertainment Zone event.
- f. "Licensee" has the same meaning set forth in California Business and Professions Code section 23009.
- g. "Management plan" means a plan approved by the City Manager or designee for the management and regulation of an Entertainment Zone.
- h. "Open container" means any bottle, can, plastic cup, paper cup, jug, box, or other receptacle that is open or has been opened and contains any alcoholic beverage

SECTION 9-3803. – ENTERTAINMENT ZONE LOCATIONS.

Pursuant to California Business and Professions Code sections 23039.5 and 25690, the city council hereby establishes the following Entertainment Zones, which include adjacent sidewalks, and adjacent premises within the Entertainment Zone area, which include:

- a. ENTERTAINMENT ZONE A
Entertainment Zone A will encompass Fulton Street, between the southern edge of Inyo Street and the northern edge of Mono Street, including all public streets, sidewalks, and public rights-of-way within the boundary.
- b. ENTERTAINMENT ZONE B

Entertainment Zone B will encompass Fulton Street, between the southern edge of Fresno Street and the northern edge of Mono Street. The zone shall also include Mariposa Street, east of Congo Alley to Fulton Street, and Kern Street, east of Homerun Alley to Fulton Street, along with all public streets, sidewalks, and public rights-of-way within the boundary.

c. ENTERTAINMENT ZONE C

Entertainment Zone C will encompass the eastern edge of Fulton Street, between the southern edge of Inyo Street, northern edge of Mono Street, and the eastern edge of H Street, along with all public streets, sidewalks, and public rights-of-way within the boundary. The zone shall also include the alleyway within these same boundaries, as well as the sidewalk along the east side of H Street, between the southern edge of Inyo Street and the northern edge of Mono Street.

SECTION 9-3804. - ENTERTAINMENT ZONES CONTROL.

- a. No person shall conduct an Entertainment Zone event without obtaining a Special Event permit issued in accordance with the provisions of Section 14-2404.
- b. All licensees sponsoring or selling alcoholic beverages within an Entertainment Zone shall comply with all applicable state and local laws and regulations, including, but not limited to, the following:
 - i. All applicable ABC license and permitting requirements.

- ii. All other laws governing the sale and consumption of alcoholic beverages and all permits and licenses issued pursuant thereto.
 - iii. Any applicable Administrative Regulations issued by the City pursuant to this Chapter.
 - iv. Any applicable Special Events permit conditions.
- c. Open alcoholic beverages may be consumed on any public street, avenue, sidewalk, stairway, alley, or thoroughfare within an active Entertainment Zone, subject to any other restrictions imposed by State or local law.
- d. All open alcoholic beverages shall be purchased only from a premises located within the active Entertainment Zone that is authorized under California Business and Professions Code Section 23357, 23358, or 23396, to permit consumers to leave the premises with open containers of alcoholic beverages for consumption off the premises.
- e. No alcoholic beverages purchased at a participating licensed premises may leave the premises in an open glass or metal container.
- f. Delivery of alcoholic beverages to consumers within the Entertainment Zone by a participating licensee or third-party delivery service is prohibited unless the delivery is to a residential building or private business that is not a licensee.

- g. Licensees participating in Entertainment Zones must execute an Indemnity agreement, in a form approved by the City Attorney.
- h. Requires any person seeking a Special Event permit for an Entertainment Zone to maintain insurance at coverage limits and with conditions thereon determined necessary and appropriate from time to time by the City Manager.
- i. All activities conducted pursuant to any Special Event Permit applicable to Entertainment Zones shall remain fully subject to the City's noise regulations unless exempted by approval of City Manager or its designee:
 - i. Compliance with all standards set forth in Section 14 2409(l), with any applicable ordinance, regulation, or law; and
 - ii. If an activity proposed under a Special Event Permit applicable to Entertainment Zones may or will result in a noise level that exceeds the thresholds established in Chapter 10, Article 1 of the Municipal Code, the applicant shall obtain a Noise Permit pursuant to Section 10-110.
 - iii. No exemption from the City's noise ordinances shall be granted under Entertainment Zones unless the City Manager or its designee has determined that the exemption is consistent with the California

Environmental Quality Act (CEQA), including any required environmental review or documentation.

- iv. Failure to obtain any required Noise Permit or to comply with Section 14-2409 shall render the Special Event Permit applicable to Entertainment Zones invalid with respect to the non-compliant activity and may constitute grounds for suspension or revocation of the permit.

SECTION 9-3805. - ENTERTAINMENT ZONES HOURS.

Outdoor consumption of alcoholic beverages may only occur during an Entertainment Zone Event between the hours of 10:00 a.m. and 11:59 p.m., inclusive, subject to any additional limitations imposed by any ABC permit or license, Business and Professions Code section 25691, or by the Special Events permit issued under section 14-2404.

SECTION 9-3806. - IMPLEMENTATION.

- a. Upon the establishment or modification of an Entertainment Zone, the Entertainment Zone lead shall submit a proposed Management Plan to the City Manager or designee for review and approval. Upon issuance or revision of a Management Plan, the City Manager or designee shall transmit a copy to ABC.
- b. Any holder of an ABC license or permit that wishes to allow customers to leave the premises with open containers of alcoholic beverages for consumption off the premises within the

Entertainment Zone shall provide to the City Manager or designee a copy of the notice provided to ABC under Section 23357, 23358, or 23396 of the California Business and Professions Code, as applicable, at the same time such notice is provided to ABC.

- c. Upon the establishment or modification of an Entertainment Zone, the Entertainment Zone lead shall submit a proposed Security Plan to the City for review and approval by the Chief of Police or designee.
- d. The City Manager is authorized to promulgate rules and regulations under this Chapter.

SECTION 9-3807. - ADMINISTRATIVE REGULATIONS.

The City Manager may adopt administrative regulations to implement the provisions of this Chapter, including, but not limited to, application procedures, permit conditions and requirements, and health and safety measures. The City Manager may revise these regulations from time to time as it is deemed appropriate. The Entertainment Zone Management Plan shall be considered enforceable administrative regulation.

SECTION 9-3809. - PERIODIC REVIEW.

- a. The City Manager shall conduct a Pilot Program to implement this Article for a duration not to exceed one year or June 18, 2027, whichever is lesser. At the end of the Pilot Program, this Article shall cease to have any force or effect, unless extended by Council through an amendment or repeal of this section effective on or before May 18, 2027.

- b. If this Article is extended beyond the duration of the Pilot Program referenced above, then every two years, the City Manager shall review the operation of the Entertainment Zone to ensure that the Zone is being maintained in a manner that protects the health and safety of the general public. This review shall be conducted in consultation with the Police Department and Code Enforcement. The City Manager shall present the findings to the city council and any reports produced during the review shall be made available to ABC upon request.]

SECTION 2. Section 9-2503(a) is Amended to read:

SECTION 9-2503

- a. No person shall drink any beer, wine or other intoxicating beverage on any street, sidewalk, pedestrian mall, alley, highway, playground, parking lot open to the general public or other lot open to the general public[, unless expressly authorized through a Special Event Permit].

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

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

I, AMY K. ALLER, Interim 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 _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2026
Mayor Approval/No Return: _____, 2026
Mayor Veto: _____, 2026
Council Override Vote: _____, 2026

AMY K. ALLER
Interim City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Talia Kolluri
Assistant City Attorney