

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING CHAPTER 15 TO THE FRESNO MUNICIPAL CODE, REPEALING CHAPTER 12, ARTICLES 1-4, 5, 6, 9-14, 17, 18 AND 22, REPEALING CHAPTER 10, ARTICLE 12; AND AMENDING CHAPTER 1, SECTION 1-203, CHAPTER 9, ARTICLES 6, 9-2602 AND 1; CHAPTER 10, ARTICLES 2 AND 3; AND CHAPTER 13, ARTICLE 3. OF THE FRESNO MUNICIPAL CODE, RELATING TO THE CITYWIDE DEVELOPMENT CODE

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

SECTION 1. The Fresno Municipal Code is amended to add a new part, to be numbered and to read as follows:

[Chapter 15: Citywide Development Code, including Revisions]

SECTION 2. The following Articles in Chapter 12, Land Use Planning and Zoning, are repealed in their entirety:

- Article 1 - General Provisions Applicable To Zoning;
- Article 2 - Establishment of Land Use Districts and Regulations Applicable Therein;
- Article 3 - General Conditions Applicable To Zoning;
- Article 4 - Procedures Applicable to Zoning;
- Article 5 - Environmental Quality;
- Article 6 - Local Planning and Procedures;
- Article 9 - Condominium Conversions;
- Article 10 - Subdivision of Real Property;
- Article 11 - Street Name Procedure;
- Article 12 - Parcel Maps;
- Article 13 - Address Numbering Of Property;
- Article 14 - Planned Communities;
- Article 17 - Signs;
- Article 18 - Advertising;
- Article 22 - Outdoor Dining

1 of 6

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

SECTION 3. The following Article in Chapter 10, Regulations Regarding Public Nuisances and Real Property Conduct and Use, is repealed in its entirety:

Article 12 – Vehicle Sales

SECTION 4. The name of Chapter 12 is amended as follows:

Land Use Planning and Zoning [Impact Fees, Historic Resources, and Other Miscellaneous Topics]

SECTION 5. Chapter 1-203, related to Code Numbering, is amended to read as follows:

- (a) In this Code, except for Chapter 12 [and Chapter 15], the following order shall be used for classification of provisions: Chapter, Article, Section, Subsection, Subdivision, and subpart with Chapter covering the broadest category and subpart covering the smallest category.

SECTION 6. Chapter 9-601(c), related to Definitions, is amended as follows:

- (a) A "secondhand dealer" is defined as a person engaged in, conducting, managing or carrying on the business of buying, selling or otherwise dealing in secondhand goods, wares and merchandise, including radios for use in or upon automobiles, except secondhand household furniture and furnishings, as herein defined. [ This definition does not include secondhand or thrift stores as defined in Chapter 15.]

SECTION 7. Article 11 of Chapter 9 related to Mobile Vendors is amended as follows:

**~~SEC. 9-1101. - TITLE.~~**

~~This article shall be known as the "Mobile Vendor Ordinance." (Added Ord. 2003-67, § 29, eff. 8-31-03).~~

**SEC. 9-1102. - DEFINITIONS.**

- ~~(a) "Mobile Vendor" shall mean any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks or merchandise on any street, sidewalk, alley, or other public right-of-way, by means of a stand, wagon, pushcart, handcart, bicycle, motorized cart or other vehicle, or from a basket or other container carried on a person. [Mobile Vendor shall mean any person that~~

sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks, or merchandise by means of a motorized or non-motorized vehicle, such as a wagon, push cart, hand cart, bicycle, motorized cart, food truck, or other itinerant method.] Where one person employs another person to sell food, drinks or merchandise or one person leases or rents equipment or a vehicle to another person to allow them to sell food, drinks or merchandise, both individuals shall be considered Mobile Vendors. Mobile Vendor shall not mean any person operating under a concession agreement or other agreement with the city as a party to the agreement.

## **SEC. 9-1107. - RESTRICTIONS. [REQUIREMENTS]**

[See Chapter 15-2740 for requirements.]

The following ~~restrictions shall apply to anyone engaged in mobile vending within the city:~~

~~(a) **Display of Permit.** No mobile vendor shall sell or vend food, beverages, or merchandise from their vehicle or person in the city without prominently displaying on their person and/or vehicle a city issued sticker or badge designating them as a duly permitted mobile vendor.~~

~~(b) **Noise Regulations.** Mobile vendors shall comply with all local and State regulations regarding noise levels, including the Noise Ordinance of the City of Fresno (Chapter 10, Article 1). In addition, no vendor shall be so loud as to be heard inside the premises of an adjacent building or structure while the entrance door to the premises is closed.~~

~~(c) **Display of Name.** The mobile vendor's name, the business name, address, telephone number, the city permit number, city tax permit, and Fresno County Department of Health number shall be visible on both sides of any vehicle (including, ice cream trucks, bakery wagons, push carts, and bicycles). If the vehicle is a truck, the display shall also be on the rear of the vehicle. The letter size for the name, telephone number and city permit number shall be at least two inches in height and shall be clearly visible at fifty feet.~~

~~(d) **Maintenance.** All vehicles shall be maintained and kept in good operating order and visual appearance, including the removal of graffiti.~~

~~(e) **Cleanup Responsibility.** A mobile vendor shall keep any area they vend at litter free. The mobile vendor shall remove litter caused by his or her product from any public or private property. Mobile vendors shall keep a trash container, whether a bag, can or basket, with them at all times.~~

~~(f) **Stopping or Standing.** Mobile vendors may stand, stop or park only at the request of a bonafide purchaser for the purpose of making a sale, and only so long as it takes to make a sale unless the mobile vendor has obtained the necessary permits to sell from a designated location for certain periods of time and the mobile vendor is in compliance with all terms of his or her permit(s).~~

~~(g) **Location Restrictions Around Schools.** No mobile vendor shall stand, stop or park within one thousand feet of the property line of any public or private school intended to educate individuals eighteen years of age or younger between the hours of 7:00 a.m. and 7:00 p.m. on days when school is in session.~~

~~(h) **No Blocking of Pedestrians.** No mobile vendor shall block or obstruct the free movement of pedestrians or vehicles on any sidewalk, street, alley or other public right of way.~~

~~(i) **Compliance With the Law.** All mobile vendors shall comply with all applicable laws.~~

~~(Added Ord. 2003-67, § 29, eff. 8-31-03; Am. Ord. 2007-95, § 1, eff. 1-20-08).~~

SECTION 8. Chapter 9-2602(e), related to Public Nudity, is amended as follows:

(e) This section shall not apply to existing businesses which have previously been granted a conditional use permit which allows live nude entertainment in accordance with this Code's requirements for adult use businesses. [This section shall also not apply to new adult oriented uses that are regulated and in compliance with Chapter 15-2705.]

SECTION 9. Chapter 10-202, related to Keeping Wild Animals and Bees Prohibited, is repealed in its entirety:

No person shall keep, transport, or allow to be kept or transported in the city any cheetah, jaguar, bear, lion, tiger, leopard, panther, cougar, lynx, wildcat, ocelot, wolf, or other mammal or reptile belonging to a wild and predatory species, or any animal of a species known to be vicious or dangerous; provided, however, that the Council may by resolution grant a permit for the keeping or transporting in the city of any wild animal or animals, or reptile, solely for exhibition or experimental purposes under such conditions as may be imposed and for such period of time as may be allowed. No person shall keep bees within the city, except in connection with bona fide schools, colleges, universities, research organizations and laboratories engaged in the field of scientific research and

education, or as specifically permitted in a district established by the zoning ordinance. (Orig. Ord. 3755; Am. Ord. 5005, 1957; Am. Ord. 5780, 1960; Rep. and Added Ord. 6769, 1966, based on former Secs. 8-207, 8-209.1).

SECTION 10. Chapter 10-324, related to Number of Animals Permitted, is repealed in its entirety:

No person shall keep, harbor, or maintain, or cause or allow to be kept, harbored, or maintained, a total number of more than four dogs or four cats or a combination of dogs and cats totaling more than four such animals over four months of age or more than fifty permitted animals (other than fish) on any premises other than in a commercial establishment or kennel operating in accordance with a valid city business license, or in a zoo. (Repealed Ord. 5757, 1960; Added Ord. 72-147, 1973; Am. Ord. 91-35, § 2, eff. 5-24-91).

CHAPTER 13. Chapter 13-304, related to Tree Beautification, is amended as follows:

**New Development. Number and Size of Parkway Trees.** The Director shall cause to be planted, in parkways, or public tree easements, at ~~approximately~~ not more than ~~sixty~~ [forty]-foot intervals, at least one tree taken from a minimum of a five-gallon container for each lot or parcel. If the property owner desires more trees than the Master Tree Plan indicates that he is entitled to, or larger trees, or a combination of both, the Director may cause the planting of such tree or trees provided that such property owner pays the additional cost in advance and such trees, considering the criteria specified in subsection (b) of this section, are acceptable to the Director.

SECTION 5. 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, 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 \_\_\_\_\_, 2015.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2015  
Mayor Approval/No Return: \_\_\_\_\_, 2015  
Mayor Veto: \_\_\_\_\_, 2015  
Council Override Vote: \_\_\_\_\_, 2015

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

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

BY: \_\_\_\_\_  
Talia Kolluri-Barbick [Date]  
Senior Deputy City Attorney

Attachment: Exhibit A – Citywide Development Code and Revisions

TKB:jd [69584jd/tkb] 11-5-15