

**Chapter 5.48 OUTDOOR DINING
WITHIN A PUBLIC RIGHT-OF-WAY**

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5.48.010 Purpose.

The purpose of this Chapter is to permit limited outdoor dining at qualifying commercial establishments and to establish minimum standards for outdoor dining activities that are permitted or conditionally permitted within a public right-of-way in the City. Separately, this Chapter authorizes the City Council to establish by resolution certain standards and requirements to minimize the impacts of outdoor dining activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

5.48.020 Applicability.

Each activity covered by this Chapter shall comply with the requirements of this Chapter, any resolution adopted pursuant hereto, and any and all other applicable provisions of this title.

5.48.030 Outdoor Dining.

Eating establishments located on Main Street between Acacia Avenue and Nourse Avenue may locate and operate outdoor dining areas only upon issuance of an annual Outdoor Dining Permit by the Planning Director. The specific application requirements for Outdoor Dining Permits shall be as determined by the Planning Director. The City Council shall establish, by resolution, the application fee and submittal requirements, as well as design and construction regulations for issuance of Outdoor Dining Permits.

A. Permitted Area of Use. Outdoor dining areas shall be limited to eating establishments located on Main Street between Acacia Avenue and Nourse Avenue and shall be confined to the parking spaces located directly in front of the eating establishment.

B. Permitted Periods of Use. Use of a permitted outdoor dining area shall be limited to the months of April, May, June, July, August, September and October of any given year.

C. Hours of Operation. Hours of operation shall be limited to the hours of operation of the associated eating establishment. However, no outdoor dining area shall be used after 10:00 p.m.

D. Permits and Licenses. In addition to the annual outdoor dining permit and annual business license, the applicant shall also obtain approval from the San Joaquin County Environmental Health Division and the California Department of Public Health. As applicable, a current and valid liquor license issued by the California Department of Alcoholic Beverages Control is also required.

E. Permit Not Deed or Easement. Permission to encroach upon a portion of a public right-of-way with tables and chairs granted through issuance of an Outdoor Dining Permit under this Chapter shall not constitute a deed or grant of an easement by the City.

F. Minimum Clearance. The outdoor dining area may be located no further than the extent of the parking spaces located directly in front of the eating establishment and shall not impede the use of adjacent parking stalls or the traveled right-of-way. Additionally, a minimum of four feet of unobstructed sidewalk must remain available for pedestrians. For purposes of the minimum clear path, traffic signs, trees, tree grates and all similar

obstacles shall constitute obstructions within the sidewalk area.

1. No Obstructions. Minimum width of access opening shall be forty-four inches. No outdoor dining area shall obstruct any points of building ingress and/or egress.

2. Vertical Clearance. Vertical clearance of seven feet shall be maintained.

3. a. Application Fee. The application shall be accompanied by a non-refundable application fee, as identified in the City of Ripon Planning Department Fee Schedule, and indexed annually by the Consumer Price Index.

G. Operation.

1. Noise Limits. No entertainment or use, operation, or playing of any musical instrument, loudspeaker, sound amplifier, or other machine for the production or reproduction of sound is permitted in the outdoor dining area.

2. No Outdoor Cooking or Open Flames. No electrical appliances, heating or cooking of food or open flames shall be allowed in the outdoor dining area. Use of portable heating devices may be permitted with approval from the Fire Marshal.

3. No Storage. No structure or enclosure to accommodate the serving or clean-up stations, storage of trash or garbage shall be erected or placed on, adjacent to, or separate from an outdoor dining area on the public sidewalk or right-of-way.

4. No Overnight Use. All chairs shall be removed from the outdoor dining area at the end of each business day. No storage in the public right-of-way shall be permitted.

H. Maintenance.

1. The permittee and the property owner shall maintain the outdoor dining area and the adjoining street, curb, gutter and sidewalk in a neat, clean and orderly condition at all times, regardless of the source of the refuse and litter.

2. Activities involving the outdoor dining area shall be conducted in a manner that does not interfere with pedestrians, parking or traffic.

3. If necessary, the permittee or the property owner shall clean the surface of the outdoor dining area and sidewalk by washing or buffing to remove any stains, marks, or discoloration and in accordance with prevailing stormwater and water quality regulations.

4. Furniture and appurtenances shall be kept clean and in good condition. Umbrellas shall be kept secure in windy conditions, and fire-treated.

I. Alcoholic Beverage Restrictions.

The service of alcoholic beverages in an outdoor dining area shall be limited to a "bona fide public eating place" as defined by the California Business and Professions Code. Bona fide public eating places are licensed premises that are maintained in accordance with applicable laws and regulations and used for the regular service of meals to patrons. For any use involving alcoholic beverages in an outdoor dining area, the following standards shall apply:

1. The outdoor dining area operation must be duly licensed by the State Department of Alcoholic Beverage Control. The requirements and restrictions for the service of alcoholic beverages shall not be less than those required by the State Department of Alcoholic Beverage Control.

2. Permissible alcoholic beverages in an outdoor dining area may include spirits currently allowed for the establishment as duly licensed by the State Department of Alcoholic Beverage Control.

3. For any use involving alcoholic beverages in an outdoor dining area, a security plan, and any additional information as the Planning Director or his/her designee may reasonably require to evaluate the application, shall be submitted

to the Planning Director for review and approval by the Police Department.

4. Upon consultation with the Police Department, the Planning Director has discretion to deny any application involving alcoholic beverages in an outdoor dining area for good cause, including but not limited to his/her finding that approval of the application would be detrimental to the health, safety and welfare of the city or any residents in the affected area.

5.48.040 Suspension/Revocation.

An Outdoor Dining Permit shall be subject to suspension or revocation by the Planning Director. A permit may be suspended or revoked if any of the permit requirements or terms and conditions contained in this Chapter are violated. A permit may be suspended or revoked if necessary to preserve and protect the health and welfare of the public.

5.48.050 Penalty.

Any person violating any provision of this Chapter shall be guilty of an infraction, and may be prosecuted pursuant to the infraction provisions set forth in the Ripon Municipal Code Chapter 1.08. In the alternative, the Administrative Adjudication provisions of the Ripon Municipal Code Chapter 1.12 may be utilized.