



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Brand SECONDED BY Borgeas

BILL NO. B-4

ORDINANCE NO. 2009-4

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA AMENDING
SUBSECTION 12-105-C-6 OF THE FRESNO MUNICIPAL CODE,
RELATED TO THE DEFINITION OF A DRIVE-THROUGH CAR WASH

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

SECTION 1. Subsection 6 of Section 12-105-C of the Fresno Municipal Code is amended to read:

6. CAR WASH. A car wash facility shall comply with the City of Fresno Noise Ordinance, and shall undergo a design review of architecture, style and appearance to insure similarity and compatibility with surrounding residential, commercial and industrial development. The following definitions of a car wash shall be applicable:
 - a. DRIVE-THROUGH shall mean any occupancy that provides for washing of automobiles through a low noise fully automated car wash facility without vacuum cleaners unless located within a completely enclosed noise attenuated room, and where the customer drives the vehicle into the facility and remains in the car during the wash process. ~~A drive-through car wash shall only be permitted in conjunction with and subordinate to an automobile service station. It shall not be permitted as a sole or primary use of property in any zone district.~~
 - b. MECHANICAL shall mean any occupancy that provides for the washing of automobiles through the use of mechanical equipment such as, but not limited to, conveyor chains, blowers, steam guns, roller brushes, and high pressure vacuum units or similar equipment. The customer exits the vehicle and waits for the attendants to complete the washing, cleaning and drying of the vehicle. This car

Adopted 2/10/09
Approved 2/19/09
Effective 3/22/09



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wash has a waiting area for the customer and a designated finishing and/or detailing area to complete the car care service.

- c. SELF-SERVICE shall mean any occupancy that provides for automobile washing to be done by the customer. There are no employees other than service people who check and maintain equipment, open and close the facility, and provide general supervision of the use of the facility. Equipment shall be limited to a water softener, water heater, soap mixing tank, low pressure vacuum units, and a one horsepower electric motor and pump for each stall or similar equipment which shall produce only a low volume of sound.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 10th day of February, 2009, by the following vote.

AYES: Borgeas, Brand, Perea, Caprioglio
NOES: Dages
ABSENT: Sterling, Xiong
ABSTAIN: None

Mayor Approval: February 19, 2009
Mayor Approval/No Return: N/A, 2009
Mayor Veto: N/A, 2009
Council Override Veto: N/A, 2009

REBECCA E. KLISCH
City Clerk

By Rebecca Klisch

APPROVED AS TO FORM

JAMES C. SANCHEZ
CITY ATTORNEY

By [Signature] 1/21/09
Kathryn C. Phelan
Deputy



February 10, 2009

Council Adoption: 2/10/09
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

FROM: REBECCA E. KLISCH, CMC
City Clerk

REK 2009 FEB 19 AM 8:40
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 2/10/09, Council adopted the attached Ordinance No. 2009-4 entitled **Adopting TA-08-02 re: definition of drive through car wash**, Item No. !-I, by the following vote:

Ayes : Brand, Borgeas, Caprioglio, Perea
Noes : Dages
Absent : Xiong, Sterling
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before February 20, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin
ASHLEY SWEARENGIN, Mayor

Date: 2/17/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :