

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

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

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
ADDING CHAPTER 10, ARTICLE 24 TO THE FRESNO  
MUNICIPAL CODE, AUTHORIZING LOCAL BUSINESSES  
TO ENFORCE PRIVATE PROPERTY RIGHTS AGAINST  
TRESPASSERS AT PRIVATELY OWNED LOCATIONS  
OPEN TO THE PUBLIC

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

SECTION 1. Article 24 is hereby added to Chapter 10 of the Fresno Municipal Code to read:

ARTICLE 24

TRESPASSING ON BUSINESS PROPERTY

SECTION 10-2401. - REMAINING ON BUSINESS PROPERTY AFTER A  
REQUEST TO LEAVE.

(a) No person shall willfully remain upon any business premises, whether indoors or outdoors, after being notified by the owner, lessee, or other person in charge thereof to leave.

(b) No person, without permission, express or implied, of the owner, lessee, or other person in charge of business premises, shall enter upon such premises after having been notified by the owner, lessee, or other person in charge thereof to keep off or to keep away from the business premises.

1 of 3

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: AMK

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(c) The notification referred to in subsection (a) and (b) of this section may be given orally or in the form of a written notice, posted in any conspicuous place, in either case, the notice shall identify the prohibited area and the time period, if limited, during which such prohibited remains in effect.

#### SECTION 10-2402. - EXCEPTIONS.

This article shall not apply to any of the following instances:

(a) When its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person.

(b) When its application results in, or is coupled with, an act prohibited by section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers.

(c) When public officers or employees are acting within the course and scope of their employment or in the performance of their official duties.

(d) When the application would result in an interference with or an inhibition of any exercise of a constitutionally protected right of freedom of speech or assembly.

#### SECTION 10-2403 – PENALTY.

A violation of this article is a misdemeanor, and upon conviction punishable by a fine of not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment.

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 final passage.

\* \* \* \* \*

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

I, TODD STERMER, 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 \_\_\_\_\_ 2024.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2024  
Mayor Approval/No Return: \_\_\_\_\_, 2024  
Mayor Veto: \_\_\_\_\_, 2024  
Council Override Vote: \_\_\_\_\_, 2024

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: \_\_\_\_\_  
Angela M. Karst Date  
Senior Deputy City Attorney