

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTIONS 10-1703(a), 10-1707, 10-2101, 10-
2204 and 10-2205 OF THE FRESNO MUNICIPAL CODE,
RELATING TO THE PROHIBITION OF CAMPING IN
PUBLIC PLACES

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

SECTION 1. Section 10-1703(a) of the Fresno Municipal Code is amended to read as follows:

(a) A violation of this article is a misdemeanor, and upon conviction, confinement of up to of up to one year in jail and/or fines up to \$1,000 per violation, or as set forth in the Master Fee Schedule, plus payment for the actual costs of transporting and storing property of the violator. In addition to the remedies set forth in Penal Code section 370, et seq., the City Attorney may institute civil actions to abate a public nuisance under this article.

SECTION 2. Section 10-1707 of the Fresno Municipal Code shall be removed in its entirety.

SECTION 3. Section 10-2101 of the Fresno Municipal Code is amended to read as follows:

ARTICLE 21

PUBLIC WELFARE

SECTION 10-2101. SITTING, LYING, SLEEPING OR CAMPING ON A PUBLIC PLACE INCLUDING BUT NOT LIMITED TO SIDEWALKS, STREETS, ALLEYS, SENSITIVE AREAS OR WITHIN DOORWAYS PROHIBITED.

1 of 6

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: AMK

Ordinance No.

(a) No person may sit, lie, sleep or camp on a public place at any time. "Camp" shall be defined to include, but not be limited to; sitting, lying, storing or placing a tent on a public place. "Public Place" shall be defined to include, but not be limited to, sidewalks, streets, alleyways, or other public space.

(b) No person may sit, lie, sleep or camp in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.

(c) No person may sit, lie, sleep or camp on a property designated as a sensitive use. For a property to be designated as a "sensitive use," the property must be a School, Childcare Facilities, Public Park, Public Library, City Facility, Governmental Facility located in the City of Fresno, Warming and Cooling Centers, and City-Permitted Shelters for the Unhoused.

(d) In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

(e) 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 in the Fresno County Jail for a period of not more than one year or by both such fine and imprisonment. In addition to the remedies set forth in Penal Code section 370, et seq., the City Attorney may institute civil actions to abate a public nuisance under this article.

Any individual charged with violation of this article, in lieu of being

taken to jail may, at the election of the citing police officer and with the consent of the individual, be taken to a facility providing social services related to mental health, housing, and/or substance abuse treatment.

As an alternative to a fine or jail sentence, the City would encourage the Court to grant diversion or probation with a condition the offender complete a rehabilitation program.

(f) The City shall adhere to State law as it pertains to mobile and sidewalk vendors.

SECTION 4. Section 10-2204 of the Fresno Municipal Code is amended to read as follows:

SECTION 10-2204. NOTICE.

(a) Pre-Removal Notice. Pre-removal notice shall be deemed provided if a written notice is provided to the Person who is Storing or claims ownership of the Personal Property or is posted conspicuously on or near the Personal Property and the actual removal commences no more than 24 hours after the pre-removal notice is posted. The written notice shall contain the following:

(1) A general description of the Personal Property to be removed.

(2) The location from which the Personal Property will be removed.

(3) The date and time the notice was posted.

(4) A statement that the Personal Property has be stored in violation of Section 10-2203.

(5) A statement that the Personal Property may be impounded if not removed from Public Areas within 24 hours.

(6) A statement that moving Personal Property to another location in a Public Area shall not be considered removal of Personal Property from a Public Area.

(7) The address where the removed Public Property will be located, including a telephone number and the internet website of the City through which a Person may receive information as to impounded Personal Property as well as information as to voluntary storage location(s).

(8) A statement that impounded Personal Property may be discarded if not claimed within 60 days after impoundment.

(b) Post-Removal Notice. Upon removal of Stored Personal Property, written notice shall be conspicuously posted in the area from which the Personal Property was removed. The written notice shall contain the following:

(1) A general description of the Personal Property removed.

(2) The date and approximate time the Personal Property was removed.

(3) A statement that the Personal Property has been stored in violation of Section 10-2203.

(4) The address where the removed Personal Property will be located including a telephone number and internet website of the City through which a Person may receive information as to impound Personal Property.

(5) A statement that impounded Personal Property may be discarded if not claimed within 60 days after impoundment.

(c) Personal Property shall be defined as, set forth in Section 10-2202(i) of the Fresno Municipal Code.

SECTION 5. Section 10-2205 of the Fresno Municipal Code is amended to read as follows:

SECTION 10-2205. STORAGE AND DISPOSAL.

(a) Except as specified herein, the City shall move Personal Property to a place of storage.

(b) Except as specified herein, the City shall store impounded Personal Property for 60 days, after which time, if not claimed, may be discarded. The City shall not be required to undertake any search for, or return, any impounded Personal Property store for longer than 60 days.

(c) The City shall maintain a record of the date any impounded Personal Property was discarded.

SECTION 6. 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.

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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
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Senior Deputy City Attorney