

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, ADDING ARTICLE 6 OF CHAPTER 5
TO THE FRESNO MUNICIPAL CODE RELATING TO
CONTROLLED SUBSTANCE USE.

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

SECTION 1. Article 6 of Chapter 5 is added to the Fresno Municipal Code to read:

ARTICLE 6

CONTROLLED SUBSTANCE USE

Section	5-601	Title.
	5-602	Purpose and Intent.
	5-603	Definitions.
	5-604	Areas Where Use of Controlled Substances is Prohibited.
	5-605	Enforcement.
	5-606	Severability.

SECTION 5-601. TITLE. This article shall be known as the City of Fresno
Controlled Substance Use Ordinance.

SECTION 5-602. PURPOSE AND INTENT. The purpose of this article is
to prohibit the use of controlled substances in certain public facilities to protect
the public health, safety, and welfare. Without this prohibition, use of controlled
substances in certain public facilities will occur without the City's ability to control
the negative effects to the health, safety, and welfare of the citizens of the City.

Date Adopted:
Date Approved
Effective Date:

City Attorney Approval: MRD

Ordinance No. _____

This article is not intended to conflict with federal or state law but to be consistent with the California Uniform Controlled Substances Act (California Health and Safety Code Section 11000 et seq.) and other state and federal laws.

SECTION 5-603. DEFINITIONS.

(a) "Controlled substance" means a drug, substance, or immediate precursor listed in any schedule in California Health and Safety Code Sections 11054, 11055, 11056, 11057, or 11058, as may be amended.

(b) "Director" shall mean the Director of Parks After School, Recreation Community Services Department or the Director of the Planning and Development Department, and their designees.

(c) "Police Officer" shall mean any sworn officer of the Fresno Police Department.

(d) "Use" means a person smoking, inhaling, ingesting, or injecting any controlled substance.

SECTION 5-604. AREAS WHERE USE OF CONTROLLED SUBSTANCES IS PROHIBITED. Use of a controlled substance, except by written prescription by a licensed physician, is prohibited in any City of Fresno owned: park, building and its immediately adjacent grounds, parking lot, garage, or sports, entertainment, or convention facility.

SECTION 5-605. ENFORCEMENT. Police Officers and the Director shall have the authority to administer and enforce the provisions of this article. Police Officers and the Director shall have the authority to issue criminal citations

pursuant to Section 1-305 of this Code, as may be amended, or an administrative citation carrying a civil penalty pursuant to Section 1-308 of this Code, as may be amended. Any person in violation of this article shall be required to immediately exit the City property where use of controlled substances is prohibited. In addition to any other fine or penalty, upon the third violation involving use of a controlled substance in a City park in a twelve month period, the violator shall be prohibited from entering any City park for an additional twelve month period. The City Attorney shall have the authority to seek a civil injunction to enforce the terms of this article.

SECTION 5-606. SEVERABILITY. If any subsection, sentence, clause or phrase of this article is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The Council of the City of Fresno hereby declares that it would have passed this article and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more of the subsections, sentences, clauses, or phrases may be held invalid or unconstitutional.

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, 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 _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Mary Raterman-Doidge Date
Deputy

MRD:prn:elb [64658prn/ord] 08-19-14