

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTIONS 10-2101 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 10-2101 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.

(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, [sleeping, and/or] storing or placing a tent [and/or other material intended, or which may be used for shelter or bedding] on a public place. "Public Place" shall be defined to include, but not be limited to, sidewalks, streets, alleyways, [locations where the City has an easement,] 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.

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

(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) No person shall loiter or stand in or upon any public highway, alley, sidewalk or crosswalk or sensitive use or other public way or any entrance to a public place open for pedestrian travel or otherwise occupy any portion thereof in such a manner as to obstruct or interfere with the free passage of pedestrians.]

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

(e[f]) 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~~ [In addition to any other remedy provided by law, the City Attorney may institute a civil action to abate the public nuisance or enjoin a person who has been previously convicted or cited for violating 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~~may encourage the Court to grant diversion or probation with a condition the offender complete a rehabilitation program.

[(g) The City Attorney is authorized to enforce any order or injunction issued by a court that is intended to protect the public health and safety, enforce City codes, or safeguard the rights of residents.

(1) Any person who willfully violates a court-issued order or injunction is guilty of a misdemeanor. Upon conviction, such person shall be punishable by:

(i) A fine not exceeding \$1,000, or

(ii) Imprisonment in the County jail for a term not exceeding six (6) months, or

(iii) Both such fine and imprisonment.

(iv) Each day that a violation continues shall constitute a separate and distinct offense.

(2) Prosecution under this Article shall be independent of and may be pursued in addition to any remedies available under state law, including but not limited to the California Penal Code Section 166.]

pertains to mobile and sidewalk vendors.

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