

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTION 9-2518 TO THE FRESNO MUNICIPAL CODE, RELATING TO UNLAWFUL CRIMINAL STREET GANG ACTIVITY.

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

SECTION 1. Section 9-2518 is added to the Fresno Municipal Code to read:

SECTION 9-2518. UNLAWFUL CRIMINAL STREET GANG ACTIVITY.

(a) It shall be unlawful for any person who is a member of a "criminal street gang" as that term is defined in California Penal Code section 186.22, subdivision (f), to do any of the following acts in any public place that is within 1,000 feet from the outer boundary of any public or private elementary, vocational, junior high or high school, or within a public park:

(1) Recruit, induce, solicit, intimidate, or encourage any person to (i) actively participate in any criminal street gang, (ii) participate in any activity designed or intended to further the interests of any criminal street gang, or (iii) participate in any activity or conduct prohibited by this section;

(2) Harass or intimidate any person; and

(3) Buy, sell, possess, or use any illegal drugs or weapons.

(b) As used in this section, “public place” means public right of way, or any location open to the public, whether publicly or privately owned. Public place includes the front yard area, driveway, and walkway of any private residence, business, or apartment house.

(c) As used in this section, “harass” means a knowing and willful course of conduct directed at a specific person that a reasonable person would consider as seriously alarming, seriously annoying, seriously tormenting, or seriously terrorizing the person and that serves no legitimate purpose.

(d) Among the circumstances that may be considered in determining whether a person is in violation of this ordinance based upon the knowledge and personal observations of the arresting officer, is whether the person is a known gang member validated through Fresno Police Department’s 10-point criteria for gang validation.

(e) Violation of this chapter shall be punishable by a fine not to exceed \$500.00, or by imprisonment not to exceed six months, or both.

(f) If any provision or clause of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end of provisions of this chapter are declared to be severable

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.

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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 _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Seth Mehrten Date
Deputy City Attorney

SM:jd [70714jd/sm] Rev. 03-04-16