

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING SECTION 9-2601 OF THE
FRESNO MUNICIPAL CODE, RELATING TO THE USE
AND POSSESSION OF WEAPONS

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

SECTION 1. Section 9-2601 of the Fresno Municipal Code is amended to read:

SECTION 9-2601. USE AND POSSESSION OF WEAPONS.

- (a) No person shall discharge a firearm into or within the city.
- (b) No person shall propel a missile by, or possess a sling shot, slung shot, bow or other instrument commonly used or which is designed for the throwing of any shot, bullet, rock, stone, arrow, or other missile.
- (c) No person shall hunt wildlife with any weapon described in this section.
- (d) No person under the age of eighteen years shall have in his or her possession any firearm within the city limits unless he or she, at all times during the possession, (1) has on his or her person the written consent of his or her parent or legal guardian, or (2) is accompanied by his or her parent or legal guardian, or (3) is participating in and going to and from an organized, lawful recreational or competitive shooting activity or lawful hunting activity. As used in this subdivision (d), "firearm" means any

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Ordinance No.

firearm except (1) any pistol, revolver or firearm capable of being concealed upon the person as described in California Penal Code Section 12001, or (2) a B-B gun, pellet gun or spot-marking gun as described in California Penal Code Section 12001.1, or (3) any other firearm the possession of which by minors is regulated by State law.

(e) This section shall not be deemed to make punishable the act of carrying or discharging a weapon in the lawful discharge of his or her duties by a public officer, or private person duly licensed therefor.

(f) This section shall not apply to the keeping of weapons at a place of business or residence by a person eighteen years of age or older lawfully in possession of the property.

(g) This section shall not apply to the keeping or use of weapons on the premises of any shooting gallery, practice range, skeet field, archery range, or similar place conducted at a fixed location and with regard to which adequate safeguards have been provided to protect persons and property from injury.

(h) This section shall not apply to an organized hunt for the purpose of ridding premises larger than one acre of vermin, when the setting of traps or poison is impractical and the Chief of Police has approved the time, place, and method of the hunt.

(i) No parent, guardian, or any adult person having the control, custody, or charge of any person under the age of eighteen years, shall knowingly permit, allow, or let said person to use or possess a weapon in violation of this section.

[(j) Notwithstanding California Penal Code Section 171b(a)(1), (b)(3), no person, other than sworn law enforcement personnel, shall bring into or possess a concealed weapon as defined in PC Section 171b in City Hall or any City owned or leased building, as may be posted at the entrance(s) of such building. The City shall establish one or more security checkpoints with metal detectors to identify the presence of weapons, and members of the public shall submit to screening of their person and possessions upon entry to City Hall as a condition of entry to City Hall. A person otherwise lawfully in possession of a concealed weapon in violation of this section, upon entering City Hall and being advised at a security checkpoint, shall be given the opportunity to immediately remove the weapon from the building rather than being cited under this Section.

(1) City employees shall not permit guests, other than their immediate family members who they are accompanying, or other persons who do not display a current official City of Fresno identification, to enter City Hall other than through a security checkpoint.

(2) This ordinance shall not prohibit City officials and employees from carrying pepper spray at work and in City buildings, subject to approval of and conditions imposed by their appointing authority, completion of training provided by the Police Department, and provisions of any applicable labor agreement.

(3) The City Manager, in consultation with the Chief of Police and City Attorney, may issue and publish further security regulations to implement this section that are not inconsistent with this section.

(4) Absent specific provisions otherwise, the Chief of Police shall be authorized to take all reasonable and necessary actions to provide for the security of City Hall and other City owned or leased buildings.]

~~(j)~~~~(k)~~ The Chief of Police is authorized to seize and impound any weapon which is kept, possessed or used in violation of this section, or the missile thereof, and to hold the same for a period of thirty days and until thereafter claimed by its owner. Such articles may not be returned to any person under the age of eighteen years but may be returned to his or her guardian or parent.

~~(k)~~~~(l)~~ This section shall not be deemed to make punishable an act or acts which are allowed or prohibited by any law of the State.

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 _____, 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2020
Mayor Approval/No Return: _____, 2020
Mayor Veto: _____, 2020
Council Override Vote: _____, 2020

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy

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

BY: _____
Katie Doerr Date
Chief Assistant