

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 firearm except (1) any pistol, revolver or firearm capable of being concealed upon the person as described in California Penal Code Section

1 of 6

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: _____

Ordinance No.

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 shall bring into or possess a weapon, including 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, except as follows:

- (1) Sworn law enforcement personnel on duty;
- (2) Sworn law enforcement off duty, upon showing law enforcement identification upon entry;
- (3) Armed security under contract with the city;
- (4) Retired City of Fresno police department officers authorized to carry weapons pursuant to 18 U.S.C. 926C, upon showing proper identification upon entry; ~~and~~
- (5) The Fresno Police Independent Reviewer, if authorized to carry weapons pursuant to 18 U.S.C. 926C-~~f~~; and
- (6) City of Fresno Charter Officials with a Carry Concealed Weapon (CCW) permit.

(k) The city shall establish one or more points of entry to City Hall with a security checkpoint, including metal detector, to identify the presence of weapons or other prohibited items; all persons shall submit to screening of their person and possessions upon entry to City Hall as a condition of entry to City Hall, except as follows:

- (1) Those identified as exceptions to subsection (j) above; and

(2) City of Fresno charter officials, and anyone accompanying the Charter official into the building.

(l) City of Fresno charter officials shall have electronic key card access to areas of City Hall as provided in a Council resolution.

(m) In furtherance of City Hall security, that area of the City Hall parking lot providing for parking for charter officials shall be fenced and gated, and admission to that area shall be limited to charter officials and their vehicles, along with anyone accompanying the charter official-~~;~~ this provision shall be effective upon authorization by resolution and funding by the City Council;

(n) A person otherwise lawfully in possession of a concealed weapon in violation of subsection (j) 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.

(o) 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, and provisions of any applicable labor agreement.

(p) The Council, by resolution, may provide for and publish further security regulations and/or exceptions to implement this section.

(q) 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.

(r) 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