

ORDINANCE NO. 953

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTION 9.18.010 OF THE LANCASTER MUNICIPAL CODE RELATING TO LOITERING AND ATTENDANCE AT CITY EVENTS BY MEMBERS OF A CRIMINAL STREET GANG

WHEREAS, Chapter 9.18 of the Lancaster Municipal Code currently regulates and prohibits loitering by persons who are members of a “criminal street gang” as defined in Section 186.22(f) of the California Penal Code; and

WHEREAS, in the past, members of such criminal street gangs have attended various events held or sponsored by the City of Lancaster (the “City”) and/or events held in or on public property, including property owned by the City; and

WHEREAS, attendance by members of criminal street gangs at the types of events referred to in the immediately preceding paragraph creates a significant risk to the public peace, health and safety because when members of rival criminal street gangs attend such events there exists a high risk of violence; and

WHEREAS, the City endeavors to create and maintain a safe environment at its events, events that it sponsors and events held in or on public property, including property owned by the City; and

WHEREAS, the City Council of the City has determined that it is in the public interest to amend Section 9.18.010 of the Lancaster Municipal Code in order to protect the public health, safety and general welfare by prohibiting members of criminal street gangs from attending events held by the City, sponsored by the City and/or events held in or on public property, including property owned by the City; and

WHEREAS, this ordinance must take effect immediately as an urgency ordinance to preserve the public peace, health and safety.

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The foregoing recitals and findings are incorporated herein and constitute a substantive part of this Ordinance.

Section 2. Section 9.18.010 of the Lancaster Municipal Code is hereby amended to read as follows:

“9.18.010 Prohibited acts.

A. It is 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(f) or who is in the company of or acting in concert with a member of a “criminal street gang” to loiter or idle in a “public place” as defined in Section 9.18.010(B), or to attend or be physically present at any “city event” as defined in Section 9.18.010(C), under any of the following circumstances:

1. With the intent to publicize a criminal street gang's dominance over certain territory in order to intimidate nonmembers of the gang from entering, remaining in, or using the public place or adjacent area;

2. With the intent to conceal ongoing commerce in illegal drugs or other unlawful activity.

B. For purposes of this chapter, a “public place” means the public way and any other location open to the public, whether publicly or privately owned, including, but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment house, office building, transport facility, shop, privately owned place of business, to which the public is invited, including any place of amusement, entertainment, or eating place. Any “public place” also includes the front yard area, driveway and walkway of any private residence, business, or apartment house.

C. For purposes of this chapter, a “city event” means either (or both) of the following: (i) an event held or sponsored by the city; and/or (ii) an event conducted or held by any person, entity, business or group that is held in any public park or facility or on any public property.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. This ordinance is hereby declared an urgency measure pursuant to Section 36937(b) of the California Government Code and shall be effective immediately upon adoption by a four-fifth (4/5th) vote of the City Council.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing urgency ordinance was regularly introduced and adopted at a regular meeting of the City Council on the _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 953, for which the original is on file in my office.

WITNESS MY HAND AND SEAL OF THE CITY OF LANCASTER, on this _____
Day of the _____, _____.

(seal)
