

# STAFF REPORT

## City of Lancaster

NB 1
9/28/10
MVB

Date: September 28, 2010

To: Mayor Parris and City Council Members

From: David R. McEwen, City Attorney

Subject: **Urgency Ordinance 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**

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### **Recommendation:**

Adopt Urgency **Ordinance No. 953** (the “Ordinance”), 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.

### **Fiscal Impact:**

Unknown.

### **Background:**

This ordinance was prepared to further ensure public safety by prohibiting specified activities by members of criminal street gangs in attending events held or sponsored by the City and/or events held on public property, including property or facilities owned by the City.

Currently, Section 9.18.010 of the Lancaster Municipal Code prohibits members of a “criminal street gang” (as such term is defined in Section 186.22(f) of the California Penal Code) from loitering or idling in a “public place” with the intent to either (i) 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, or (ii) conceal ongoing commerce in illegal drugs or other unlawful activity.

Ordinance No. 953 will broaden and expand the scope of Section 9.18.010 by also prohibiting members of a criminal street gang from attending or being physically present at any “city event” with the intent to either (i) 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, or (ii) conceal ongoing commerce in illegal drugs or other unlawful activity.

This ordinance will define the term “city event” as 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.

Because a significant risk to public peace, health and safety exists when members of a criminal street gang attend a city event with the intent described above, this ordinance is an urgency measure and would be effective immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

**Attachment:**

Urgency Ordinance No. 953