

Fresno officials look to ban pot use at city parks, facilities

By George
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Fresno City Hall in downtown Fresno, photographed Friday, Jan. 31, 2014.

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The Fresno City Council will try again to decide if it wants to stop people from smoking weed at City Hall.

The council today is scheduled to debate a bill that would prohibit the use of a controlled substance at many of the city's facilities.

At the extreme, this means no heroin, cocaine or methamphetamine -- all illegal drugs. In practical terms, this means no marijuana, whether in a brownie or a joint. And the main place this would make a difference is city parks.

"I've crafted this so that everyone's rights are protected," said Council Member Lee Brand, the bill's author. "It's a small step that will give everyone an opportunity to go to a public space and have it smoke-free."

Police Chief Jerry Dyer said the ordinance is another move in the city's effort to improve the quality of life for everyone.

"If we don't have an ordinance like this, it won't be long before families stop using our parks and facilities," Dyer said.

The proposed three-page law says its purpose is to "protect the public health, safety and welfare." Among its key points:

- Use of a controlled substance as identified in state and federal law is prohibited in any city park, building (and adjacent grounds), parking lot, garage or sports, entertainment or convention facility.
- The exception is use of a controlled substance by someone with a written prescription from a licensed physician. Dyer said this would mean no medical marijuana.
- Police officers or designated employees of the parks and planning departments can issue administrative or criminal citations to violators.
- Violators must immediately leave city property and could face a fine or other penalty.
- Anyone getting a third violation at a park within 12 months will be banned from all city parks for a year.

Brand said the bill's inspiration was a recent event at Woodward Park in north Fresno. He said some in the crowd were smoking marijuana, generating complaints from many of his constituents.

Brand brought the bill to the council on Aug. 21, but decided at the last minute it needed tweaking. For example, Brand said, the first draft prohibited the use of a controlled substance on common public areas such as sidewalks as well as major facilities. On second thought, he said, the sidewalk provision was unenforceable.

Brand and Dyer said the proposed bill eliminates loopholes in the city's current drug-enforcement law.

"According to the city attorney, this takes all the ambiguity out of it," Brand said.

City officials have struggled for years with marijuana policy. They acknowledge the public's increasing acceptance of medical marijuana and softening attitude toward recreational use. Many city officials also see a strong correlation between extensive marijuana use and a disordered society.

City Hall may hope the proposed law better positions Fresno to deal with an uncertain future.

Dyer said his reading indicates baleful consequences in Colorado and Washington from liberalization of marijuana laws in those two states. He said it seems more and more Californians are leaning toward some degree of marijuana legalization in this state.

"I dread the day when that happens," Dyer said. "It is absolutely the wrong approach."

The council today will tackle the introduction of Brand's bill. If the introduction is approved, the council at a later date will vote on whether to adopt the bill. If adopted, the bill will go to Mayor Ashley Swearingin for her signature or veto.

IF YOU GO:

What: Fresno City Council debates proposed bill to ban pot smoking on city-owned property.

Where: Council chamber, Fresno City Hall, 2600 Fresno Street

When: Council meeting starts at 8:30 a.m. today. This item does not have a specific starting time.

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