

ORDINANCE NO. 1542

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS
ADDING CHAPTER 5.14 TO THE SAN CARLOS MUNICIPAL CODE TO ADOPT LICENSING
AND SECURITY REQUIREMENTS FOR SHOOTING RANGES; ADDING CHAPTER 8.18 TO
REGULATE THE STORAGE OF FIREARMS IN RESIDENCES; AND AMENDING CHAPTER
9.24 TO PROHIBIT FIREARMS AT PUBLIC GATHERINGS.**

WHEREAS, the City of San Carlos is an urban, densely populated city, with a population of approximately 30,000 residents living in 5.5 square miles; and

WHEREAS, the San Carlos City Council, like Government at all levels, has a substantial interest protecting the people from those who acquire guns lawfully or illegally and then use them to commit crimes resulting in injury or death of their victims or who use them in the commission of other coercive crimes such as robbery, sexual assault or homicide including recent events in Las Vegas, Nevada, and Sutherland Springs, Texas, as well as the many other mass homicides over the past several years; and

WHEREAS, retail establishments and uses that sell ammunition and firearms currently exist in the City, and City staff has received additional inquiries or applications from similar establishments; and

WHEREAS, on November 13, 2017, the City Council received public testimony and voted to adopt Urgency Ordinance No. 1526 pursuant to Government Code section 65858(a), imposing a 45-day moratorium on the establishment of new retail ammunition or firearms establishments. The public testimony, which included lengthy oral and written comments, expressed concerns about the absence of local zoning or absence of local zoning or health and safety regulations pertaining to retail ammunition or firearms establishments; the effect of firearms and ammunition on public safety; and the security of such establishments and whether they have been a target for criminal activity in San Carlos and elsewhere. The City Council subsequently adopted Urgency Ordinance Nos. 1528 and 1536 to extend the moratorium through May 12, 2019, as permitted by law; and

WHEREAS, the City held two public hearings in May 2018 and established an online town hall forum, which was open to May to July of 2018. Approximately 100 people attended one or both town halls, more than 50 people spoke, and several dozen submitted questions and comment cards. The City also received nearly 2,000 responses in the online forum; and

WHEREAS, the Planning Commission conducted study sessions on November 5 and November 19, 2018, to discuss possible regulations for retail establishments selling ammunition or firearms. In addition to requiring that such establishments obtain a land use permit, the Planning Commission discussed requiring a discretionary law enforcement permit to be issued by the San Mateo County Sheriff that would apply to all existing and any new retail firearms or ammunition establishments; and

WHEREAS, on January 14, 2019, the City Council conducted a study session to discuss possible regulations for retail establishments selling ammunition or firearms. In addition to requiring that such establishments obtain a land use permit, the Planning Commission discussed requiring a discretionary law enforcement permit to be issued by the San Mateo County Sheriff that would apply to all existing and any new retail firearms or ammunition

establishments. The City Council also discussed options to adopt additional health and safety requirements regarding firearms to the extent permitted by law; and

WHEREAS, on February 4, 2019, the Planning Commission adopted a resolution recommending an ordinance requiring a Conditional Use Permit for retail establishments selling firearms or ammunition, and expressed support for requiring a law enforcement permit for those establishments, as well as support for consideration of an ordinance requiring a law enforcement permit for indoor shooting ranges; and

WHEREAS, in the United States, firearm injuries accounted for 6.6 percent of premature deaths from 1999-2007. Shootings are a leading cause of injury and deaths in the nation, second only to motor vehicle crashes. On average, there were 30,125 firearm deaths in the United States annually between 2000 and 2007, inclusive. In 2007, 31,224 Americans died in firearm-related homicides, suicides and unintentional shootings – the equivalent of 85 deaths each day and more than three deaths each hour; and

WHEREAS, having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death. A firearm stored loaded or unlocked increases the risk of an accidental shooting and has been associated with higher risks of suicide; and

WHEREAS, every year, firearms cause thousands of unintentional deaths and injuries. Children are particularly at risk of injury or death, or causing injury or death, when they can access firearms within their own homes or at homes they visit. A 2018 study found that an estimated 4.6 million children under the age of 18 are living in households with loaded and unlocked firearms. Many young children, including children as young as three years old, are strong enough to accidentally fire a handgun; and

WHEREAS, using gun locks or lock boxes when storing firearms in the home reduces the risk of firearms injury and death. Keeping a firearm locked when it is not being carried enhances safety by increasing the likelihood that it cannot be immediately accessed or used by others without the owner's knowledge or permission, decreasing the risk that the gun will be used to commit suicide, homicide, or inflict injury, whether intentionally or unintentionally; and

WHEREAS, both gun regulation and gun rights advocates, including the National Rifle Association, endorse the use of locking devices when storing guns to ensure that unauthorized or untrained persons cannot use the gun to inflict injury or death; and

WHEREAS, requiring stored, unsupervised firearms to be secured with gun locks or in a locked container does not substantially burden the right or ability to use firearms for self-defense in the home. The proposed locking requirements apply to firearms that are not being legally carried. Legal firearm owners and adults over 18 may carry loaded and unlocked firearms in their home at any time. The safe storage requirements also permit legal owners to store their firearms fully loaded if they wish; and

WHEREAS, firearm security does not preclude quick access. Portable lockboxes with simplex or biometric locks can store loaded handguns such that they are always within easy reach on counters, tables or nightstands. Such safely stored handguns may be more quickly and easily retrieved for use in self-defense than unlocked handguns hidden away in seldom-used or remote locations; and

WHEREAS, the presence of concealed firearms in crowds of people at large public gatherings has the potential to present public safety risks associated with the accidental or intentional discharge of a weapon; and

WHEREAS, the U.S. Supreme Court emphasized in *District of Columbia v. Heller*, its 2008 decision which characterized the Second Amendment as recognizing an individual right to keep and bear arms, that “laws forbidding the carrying of firearms in sensitive places such as schools and government buildings” are valid public safety regulations under the Second Amendment; and

WHEREAS, in recent years, public, densely populated spaces have been targeted by shooters with the apparent goal of causing mass physical and emotional harm, particularly apparent with the recent and horrific mass shootings on the Las Vegas strip and at a nightclub in Orlando; and

WHEREAS, a July 2015 Congressional Research Service Report found that between 1999 and 2013, offenders committed 66 mass shootings in public places, killing 446 victims and injuring 329 victims. The report defined a mass shooting as one where four or more victims are killed at a single event; and

WHEREAS, studies show that in general guns do not protect those who possess them from gun violence. A 2009 study published in the American Journal of Public Health found that individuals possessing a gun were 4.46 times more likely than individuals not possessing a gun to be shot when assaulted by another individual possessing a gun; and

WHEREAS, City residents must have a reasonable expectation of safety while at public gatherings. Perceptions of safety are important to encouraging civic engagement and participation. The presence of firearms at public gatherings can therefore depress involvement in civic life; and

WHEREAS, the presence of firearms at public gatherings where expressive activity is taking place is likely to intimidate some participants and chill or suppress speech, and cause some interested persons not to attend such gatherings. According to news reports, the presence of firearms at the recent white supremacist rallies in Charlottesville, Virginia, intimidated some people who disagreed with the message of the rally participants into silence. While the threat of such chilling is reduced when the open carrying of firearms is prohibited, nonetheless the knowledge that demonstrators may be carrying concealed firearms can operate to deter and silence speech; and

WHEREAS, prohibiting the possession of firearms at certain outdoor public gatherings in the city will promote the public health and safety by reducing the presence of firearms and the potential for gunshot fatalities and injuries. The prohibition will also promote public participation at events involving expressive activities, because it will reduce the likelihood of people being intimidated by the presence of concealed firearms; and

WHEREAS, the City Council finds and declares that the purposes of this Ordinance are to preserve the peace and protect the public health, safety and general welfare of the residents of the City by reducing firearms-related injuries, deaths, and crime; and

NOW, THEREFORE BE IT HEREBY ORDAINED by the City Council of the City of San Carlos as follows:

SECTION 1. The San Carlos Municipal Code is hereby amended by enacting and adopting a new Chapter 5.14, to read as follows:

**“Chapter 5.14
Indoor Shooting Ranges**

Sections:

- 5.14.010 Purpose of chapter.
- 5.14.020 Definitions.
- 5.14.030 Law enforcement permit—Required.
- 5.14.040 Law enforcement permit—Application.
- 5.14.050 Law enforcement permit—Application fee.
- 5.14.060 Investigation of Applicant by Sheriff.
- 5.14.070 Grounds for permit denial or revocation.
- 5.14.080 On-site security requirements.
- 5.14.090 Liability insurance.
- 5.14.100 Restricted admittance of minors or other prohibited purchasers.
- 5.14.110 Inventory reports.
- 5.14.120 Display of law enforcement permit.
- 5.14.130 Issuance of law enforcement permit—Duration.
- 5.14.140 Nonassignability.
- 5.14.150 Compliance by existing business.
- 5.14.160 Law enforcement inspections.
- 5.14.170 Posted warnings.
- 5.14.180 Violations.
- 5.14.190 Report of permit revocation to federal and state authorities.
- 5.14.200 Hearing for permit denial or revocation.

5.14.010 Purpose of chapter.

It is the purpose and intent of this chapter to establish a local program for the license and regulation of indoor shooting ranges. Such facilities, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. The provisions of this chapter are not intended to contradict or duplicate any applicable state or federal law.

5.14.020 Definitions.

For the purpose of this chapter, unless the context clearly requires a different meaning, the following words, terms and phrases have the meanings given to them in this section:

“Applicant” means any person, corporation, partnership, club, or other entity who applies for a law enforcement permit, or the renewal of such a permit, to operate a shooting range.

“Building Official” means the Building Official of the City of San Carlos or his or her designee.

“Firing point/position” means the location from which an individual fires at an associated target down range.

“Indoor shooting range” means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range’s approved use.

“Range safety officer” means a person or persons appointed by the operator of a shooting range to oversee the safe discharge of firearms in accordance with any conditions of permit approval and the indoor shooting range’s safety and management plan. Range safety officers shall be certified by the National Rifle Association Range Safety Officer Program or equivalent training program (such as law enforcement programs).

"Sheriff" means the San Mateo County Sheriff or the Sheriff’s designated representative acting as Chief of Police for the City of San Carlos.

“Shooting range” or “range” means a place designed and operated for the safe discharge of firearms for individuals wishing to practice, improve upon, or compete as to their shooting skills”

"Permittee" means any person, corporation, partnership, club or other entity engaged in the ownership or operation of an indoor shooting range.

5.14.030 Law enforcement permit--Required.

It is unlawful for any person, corporation, partnership, club or other entity to own or operate a shooting range within the city without a law enforcement permit, as required by this chapter, and a land use permit, as required by Chapter 18.23. This chapter does not apply to any governmental facilities which provide training for police and other law enforcement entities. If the shooting range will include ancillary retail space for the sale, transfer, exchange, rental, or vending of firearms or ammunition, the applicant shall comply with the requirements of Chapter 5.13, in addition to the requirements herein. The applicant may submit a single law enforcement permit application for consideration under both chapters. No law enforcement permit will be issued under this chapter for an establishment that is not an indoor shooting range.

5.14.040 Law enforcement permit--Application.

An applicant for a permit or renewal of a permit under this chapter shall file with the Sheriff an application in writing, signed under penalty of perjury, on a form prescribed by the City. The applicant shall provide all relevant information requested to demonstrate compliance with this chapter, including:

- A. The applicant's name, including any aliases or prior names, age and address;
- B. The applicant's federal firearms license and California firearms dealer numbers, if any;
- C. A photocopy of the applicant’s driver’s license, passport, or other government-issued identification card bearing a photograph of the applicant;

- D. The address of the proposed location for which the permit is sought, together with the indoor shooting range name, and the name of any corporation, partnership or other entity that has any ownership in, or control over, the range;
- E. The names, ages and addresses of the applicant's employees, agents, and/or supervisors, if any, who will have access to or control of any firearms to be rented or sold, and to any employees who will act as a range safety officer;
- F. A certificate of eligibility from the California Department of Justice under Penal Code section 26710 for the applicant and for each individual identified in subsection (E), demonstrating that the person is not prohibited by state or federal law from possessing firearms or ammunition;
- G. Proof of a possessory interest in the property at which the indoor shooting range will be conducted, as owner, lessee or other legal occupant, and, if the applicant is not the owner of record of the real property upon which the indoor shooting is to be located and conducted, the written consent of the owner of record;
- H. A site plan showing that the indoor shooting range is properly designed, constructed, and equipped for the safe discharge of firearms within the facility, to the satisfaction of the Building Official. The site plan shall include, at a minimum:
 - 1. The complete layout of the indoor shooting range, including the locations of firing points/positions, target areas, shot fall zones, impact areas including any backstops, berms, and containment structures, and any other significant elements of the shooting range;
 - 2. A depiction of adjacent streets, access roads, and parking areas for the indoor shooting range;
 - 3. Features demonstrating that the indoor shooting range is designed to reduce sound impacts on neighboring communities, to the maximum extent feasible; and
 - 4. Any other information necessary to illustrate applicant's compliance with the security provisions outlined in this chapter, and in section 5.13.080 if applicable;
- I. A safety and management plan with detailed standard operating procedures for range safety and conformance with environmental laws. The plan must be in full compliance with the National Shooting Sports Foundation 5-Star Assessment, the NRA Range Source Book: A Guide to Planning and Construction, and/or a guidebook or rating system deemed comparable by the Sheriff and the Building Official. The safety and management plan shall include, at a minimum, the following:
 - 1. Firearms handling and range safety rules, specifically defining the safety requirements to be utilized by users of the shooting range;
 - 2. Protocols for the safe display and storage of firearms and ammunition, if applicable;
 - 3. Protocols to ensure open lines of communication exist between the indoor shooting range and the San Mateo County Sheriff's Office;

4. A detailed description of the types and uses of firearms and ammunition used or proposed to be used at the indoor shooting range;
 5. Protocols to ensure that firearms and ammunition deemed unsafe will not be discharged within the indoor shooting range;
 6. Protocols to prevent suicides within the indoor shooting range;
 7. Protocols to prevent the theft of rented firearms;
 8. An evacuation plan;
 9. A plan to reduce exposure to hazardous waste, provide clean air, and decrease noise for all employees and customers in accordance with Preventing Occupational Exposure to Lead and Noise at Indoor Shooting Ranges, published by the Centers for Disease Control and Prevention; and
 10. A hazardous waste diversion and disposal plan in accordance with California Department of Toxic Substances Control regulatory standards. The removal of lead, and any waste materials and liquids that are contaminated with lead, must be addressed in this plan. This plan shall also include the recycling of spent lead bullets consistent with applicable state and federal law;
- J. Proof of compliance with all applicable federal, state and local licensing and other business laws;
- K. Information relating to every license or permit to sell, lease, transfer, purchase, or possess firearms or ammunition which was sought by the applicant, or by any individual identified in subsection (E), from any jurisdiction in the United States, including, but not limited to, the date of each application and whether it resulted in the issuance of a license, and the date and circumstances of any revocation or suspension;
- L. The applicant's agreement to indemnify, defend and hold harmless the City, its officers, elected officials, agents and employees from and against all claims, losses, costs, damages and liabilities of any kind pursuant to the operation of the indoor shooting range, including attorneys' fees, arising in any manner out of the negligence or intentional or willful misconduct of: (a) the applicant; (b) the applicant's officers, employees, agents and/or supervisors; or (c) if the business is a corporation, partnership or other entity, the officers, directors or partners; and
- M. The date, location and nature of all criminal convictions of the applicant, if any, in any jurisdiction in the United States.

5.14.050 Law enforcement permit--Application fee.

Each application for a law enforcement permit shall be accompanied by a nonrefundable fee for administering this chapter as established by City Council resolution.

5.14.060 Investigation of applicant by Sheriff.

- A. The Sheriff shall conduct an investigation of the applicant and the applicant's employees, agents, and/or supervisors, if any, to determine, for the protection of the public health and safety, whether the law enforcement permit may be issued or renewed.
- B. With the application for a new law enforcement permit or renewal thereof, the applicant shall submit to the Sheriff:
 - 1. A complete set of the applicant's fingerprints and a signed authorization for release of records pertinent to the investigation;
 - 2. The names, ages and addresses of all individuals identified in section 5.14.040(E); and
 - 3. A complete set of fingerprints and a signed authorization for release of records pertinent to the investigation for each individual identified in section 5.14.040(E).
- C. Prior to issuance or renewal of the permit, the Sheriff shall inspect the premises to ensure compliance with this chapter.
- D. The Sheriff may grant or renew a law enforcement permit if the applicant or permittee is in compliance with this chapter and all other applicable federal, state and local laws.

5.14.070 Grounds for permit denial or revocation.

- A. The Sheriff shall deny the issuance or renewal of a law enforcement permit, or shall revoke an existing permit, if the operation of the indoor shooting range would not or does not comply with federal, state or local law, or if any of the following conditions exist:
 - 1. The applicant, or any individual identified in section 5.14.040(E), is under 21 years of age;
 - 2. If the applicant intends to rent or sell firearms at the indoor shooting range and the applicant is not licensed as a dealer in firearms under all applicable federal, state and local laws;
 - 3. The applicant does not obtain an approved land use permit for the proposed location;
 - 4. The applicant has failed to fully comply with the application requirements, such as by refusing or failing to provide all of the requested information or refusing to agree to indemnify, defend and hold harmless the City of San Carlos, its elected and appointed officials, officers and employees, against claims arising from operation of the indoor shooting range;
 - 5. The applicant has made a false or misleading statement of a material fact or omission of a material fact in the application for a law enforcement permit, or in any other documents submitted to the Sheriff pursuant to this chapter. If a permit is denied on this ground, the applicant is prohibited from reapplying for a permit for a period of five years;

6. The applicant, or any individual identified in section 5.14.040(E), has had a license or permit to sell, lease, transfer, purchase or possess firearms or ammunition from any jurisdiction in the United States revoked, suspended or denied for good cause within the immediately preceding five years;
7. The applicant, or any individual identified in section 5.14.040(E), has been convicted of:
 - a. An offense which disqualifies that person from owning or possessing a firearm under federal or California law, including, but not limited to, the offenses listed in Penal Code sections 29800-29875 and 29900-29905;
 - b. An offense relating to the manufacture, sale, possession or use of a firearm or dangerous or deadly weapon or ammunition therefor;
 - c. An offense involving the use of force or violence upon the person of another;
 - d. An offense involving theft, fraud, dishonesty or deceit; or
 - e. An offense involving the manufacture, sale, possession or use of a controlled substance as defined by the state Health and Safety Code;
8. The applicant is within a class of persons defined in Welfare and Institutions Code sections 8100 or 8103; or
9. The applicant is currently, or has been within the past five years, an unlawful user of or addicted to a controlled substance as defined by the Health and Safety Code.

B. The law enforcement permit of any person or entity found to be in violation of any of the provisions of this chapter may be revoked.

5.14.080 On-site security requirements.

Indoor shooting ranges shall demonstrate compliance with the following on-site security requirements upon application for a law enforcement permit, and shall remain in compliance with the following requirements for the duration of the permit:

- A. If the indoor shooting range includes an ancillary retail space for the sale, transfer, exchange, rental or vending of firearms or ammunition, the range shall comply with the on-site security requirements in Section 5.13.080, except that requirements regarding the storage of firearms and ammunition while a permittee is open for business shall not apply to firearms or ammunition in the possession or being used by a customer of the indoor shooting range;
- B. The indoor shooting range shall be monitored by a video surveillance system that meets the following requirements:
 1. The system shall include cameras, monitors, digital video recorders, and cabling, if necessary;

2. The interior and exterior of the indoor shooting range location shall be monitored. The number and location of the cameras are subject to the approval of the Sheriff. At a minimum, the cameras shall be sufficient in number and location to monitor the critical areas of the premises, including, but not limited to, all places where firearms or ammunition are stored, handled, sold, rented, transferred, or carried, including, but not limited to: shooting booths or firing points/positions; the target line; spaces related to the use, cleaning, and storage of firearms; entryways; and parking lots;
 3. The video surveillance system shall operate continuously, without interruption, whenever the indoor shooting range is open to the public;
 4. When recording, the video surveillance system shall record continuously and store color images of the monitored area at a frequency of not less than 15 frames per second. The system must produce retrievable and identifiable images and video recordings on media approved by the Sheriff that can be enlarged through projection or other means, and can be made a permanent record for use in a criminal investigation. The system must be capable of delineating on playback the activity and physical features of persons or areas within the premises;
 5. The stored images shall be maintained on the shooting range premises for a period not less than 30 days from the date of recordation and shall be made available for inspection by federal, state or local law enforcement upon request; and
 6. The video surveillance system must be maintained in proper working order at all times. If the system becomes inoperable, it must be repaired or replaced within 14 calendar days. The permittee must inspect the system at least weekly to ensure that it is operational and images are being recorded and retained as required;
- C. The indoor shooting range shall be secured by an alarm system that is installed and maintained by an alarm company operator licensed pursuant to the Alarm Company Act, Business & Professions Code section 7590 et seq. The alarm system must be monitored by a central station listed by Underwriters Laboratories, Inc., and covered by an active Underwriters Laboratories, Inc. alarm system certificate with a #3 extent of protection. The Sheriff may waive this requirement if, in his or her sole discretion, the premises is otherwise sufficiently secure to meet the public safety objectives of this chapter;
- D. The Sheriff may impose security requirements in addition to those listed in this section prior to issuance of the law enforcement permit. Failure to fully comply with the requirements of this section shall be sufficient cause for denial or revocation of the law enforcement permit by the Sheriff.

5.14.090 Liability insurance.

- A. No law enforcement permit shall be issued or reissued unless there is in effect a policy of insurance in a form approved by the City and executed by an insurance company approved by the City, insuring the applicant against liability for damage to property and for injury to or death of any person as a result of the operation of the shooting range or

any other operations of the business. The policy shall also name the City and its officials, officers, employees and agents as additional insureds. The limits of liability shall not be less than \$1,000,000 for each incident of damage to property or incident of injury or death to a person; provided, however, that increased limits of liability may be required by the City Attorney if deemed necessary;

- B. The policy of insurance shall contain an endorsement providing that the policy shall not be canceled until written notice has been given to the City Manager at least 30 days prior to the time the cancellation becomes effective;
- C. Upon expiration of the policy of insurance, and if no additional insurance is obtained, the law enforcement permit is considered revoked without further notice; and
- D. The insurance liability limits required in this section may be increased based on the Consumer Price Index in the San Francisco Bay Area region since adoption of this chapter, every three years, as determined by the City.

5.14.100 Indoor Shooting Range Operating Requirements.

- A. Indoor shooting range operating hours shall be limited to 8:00 a.m. to 8:00 p.m., seven days a week.
- B. A minimum of one range safety officer shall be on duty during all operating hours, and shall be responsible for:
 - 1. Inspection of all firearms and ammunition for proper function and operation;
 - 2. Enforcement of the safety rules and regulations of the indoor shooting range; and
 - 3. Ensuring that all firearms and ammunition at the indoor shooting range remain securely stored at all times, and in compliance with all applicable laws and regulations.
- C. The firearms handling and range safety rules shall be prominently posted in a general area of the shooting range and made available to all customers.
- D. Any weapon that is not a legal firearm, or any firearm or ammunition that is deemed not safe by the range safety officer, shall not be discharged within the indoor shooting range.
- E. No person, employee, member, or customer of an indoor shooting range shall be allowed to enter or leave the premises with a loaded firearm, unless permitted or exempted by state or federal law.
- F. No alcohol or illegal drugs shall be sold or consumed on the property of the indoor shooting range. Individuals deemed by any employee of the indoor shooting range to be under the influence of drugs and/or alcohol and as such to present a safety concern, shall be prohibited from utilizing the indoor shooting range.
- G. Individuals believed by any employee of the indoor shooting range to pose a threat to themselves or others, shall be prohibited from utilizing the indoor shooting range. The San Mateo County Sheriff's Office shall be contacted immediately if the range safety

officer, or any other indoor shooting range employee, reasonably believes that a person on the premises may be a threat to themselves or others.

- H. Individuals under 18 years of age will be allowed to utilize the indoor shooting range, provided:
 - 1. They are at least eight years of age; and
 - 2. They are accompanied by a parent or legal guardian, or are under adult supervision and a signed release and waiver of liability by the parent or guardian is provided.
- I. The sale and rental of firearms, ammunition, and associated accessories onsite are permitted, subject to applicable state and federal laws. All such uses shall be clearly documented and considered as part of the law enforcement permit application.

5.14.110 Display of law enforcement permit.

The law enforcement permit, or a certified copy of it, shall be displayed prominently in a general area of the indoor shooting range where it can easily be seen by those entering the premises.

5.14.120 Issuance of law enforcement permit--Duration.

- A. A law enforcement permit expires one year after the date of issuance.
- B. A permit may be renewed for additional one-year periods if the permittee submits a timely application for renewal, accompanied by a nonrefundable renewal fee established by City Council resolution. Renewal of the permit is contingent upon the permittee's compliance with the terms and conditions of the original application and permit, as detailed in this chapter. Sheriff's department personnel shall inspect the permitted indoor shooting range for compliance with this chapter prior to renewal of the permit. The renewal application and the renewal fee must be received by the Sheriff no later than 45 days before the expiration of the current permit.
- C. A decision regarding issuance, renewal, or revocation of the law enforcement permit may be appealed in the manner provided in section 5.13.200.

5.14.130 Nonassignability.

A law enforcement permit issued under this chapter is not assignable. Any attempt to assign a law enforcement permit shall result in revocation of the permit.

5.14.140 Compliance by existing range.

A person engaged in the operation of an indoor shooting range on the effective date of this chapter shall, within 90 days of the effective date, comply with this chapter.

5.14.150 Law enforcement inspections.

Permittees shall have their indoor shooting range open for inspection by federal, state and local law enforcement during all hours of operation. The Sheriff shall conduct periodic inspections of the permittee's indoor shooting range without notice to assess the permittee's compliance with

this chapter. The inspections shall be of the parts of the indoor shooting range that are open to the public for use, and that are used to store, rent or sell firearms, ammunition, records, and/or documents. The Sheriff shall conduct no more than two inspections of a single indoor shooting range during any six-month period, except that the Sheriff may conduct follow-up inspections that exceed two in a six-month period if he or she has good cause to believe that a permittee is violating this chapter. Permittees shall maintain all records, documents, firearms and ammunition in a manner and place accessible for inspection by federal, state and local law enforcement.

5.14.160 Violations.

- A. The Sheriff may revoke the permit of any permittee found to be in violation of any of the provisions of this chapter.
- B. In addition to any other penalty or remedy, the City Attorney may commence a civil action to seek enforcement of these provisions.

5.14.170 Report of permit revocation to federal and state authorities.

In addition to any other penalty or remedy, the City Attorney shall report any person or entity whose law enforcement permit is revoked pursuant to this chapter to the Bureau of Firearms of the California Department of Justice and the Bureau of Alcohol, Tobacco, Firearms & Explosives within the U.S. Department of Justice.

5.14.180 Hearing for permit denial or revocation.

- A. Within 10 days of the Sheriff mailing a written denial of an application or mailing a written revocation of a permit, the applicant may appeal by requesting a hearing before the Sheriff. The request must be made in writing, setting forth the specific grounds for appeal. If the applicant submits a timely request for an appeal, the Sheriff shall within 30 days of receipt of the request set a time and place for the hearing.
- B. The Sheriff shall provide a written decision regarding the appeal within 14 calendar days of the hearing. An applicant may appeal the decision of the Sheriff to the City Council pursuant to Chapter 1.25 of this Code.”

SECTION 2. The San Carlos Municipal Code is hereby amended by enacting and adopting a new Chapter 8.18, to read as follows:

**“Chapter 8.18
Residential Storage of Firearms**

Sections:

- 8.18.010 Definitions.
- 8.18.020 Prohibition.
- 8.18.030 Exceptions.
- 8.18.040 Lost or Stolen Firearms.
- 8.18.050 Penalty.

8.18.010 Definitions.

For the purpose of this chapter, unless the context clearly requires a different meaning, the following words, terms and phrases have the meanings given to them in this section:

"Firearm" means any gun, pistol, revolver, rifle, or any other device designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. The term "firearm" does not include imitation firearms as defined by California Penal Code Section 16700, or BB devices or air rifles as defined in California Penal Code Section 16250.

"Locked container" means a locked container as defined in California Penal Code Section 16850, as amended from time to time and that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.

"Residence" means any structure intended or used for human habitation, including but not limited to houses, condominiums, rooms, second dwelling units, motels, hotels, single-room occupancies, time shares and recreational and other vehicles where human habitation occurs.

"Trigger lock" means a trigger lock that is listed on the California Department of Justice's roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the device under Penal Code Section 23635.

8.18.020 Prohibition.

No person shall keep a firearm within any residence unless the firearm is stored in a locked container or disabled with a trigger lock.

8.18.030 Exceptions.

This Section 8.18.020 shall not apply in the following circumstances:

- A. The firearm is carried on the person of an individual, or is within the immediate control of an individual, in accordance with all applicable laws; or
- B. The firearm is under the control of a person who is a peace officer under Penal Code Section 830 *et seq.*

8.18.040 Lost or stolen firearms.

In order to encourage reports to law enforcement agencies of lost or stolen firearms, a person who files a report with a law enforcement officer shall not be subject to prosecution for violation of this Chapter 8.18.

8.18.050 Penalty.

Every violation of this Chapter 8.18 shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 or by imprisonment in the County Jail not to exceed six months, or both."

SECTION 3. Chapter 9.24 of the San Carlos Municipal Code is hereby amended to read in its entirety as follows:

**“Chapter 9.24
Weapons**

Sections:

- 9.24.010 Definitions.
- 9.24.020 Discharge of firearms prohibited.
- 9.24.030 Discharge of firearms prohibited--Exceptions.
- 9.24.040 Firearms prohibited at public gatherings.
- 9.24.050 Firearms prohibited at public gatherings--Exceptions.
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- 9.24.070 Penalty.
- 9.24.080 Undertaking for the general welfare.

9.24.010 Definitions.

For the purpose of this chapter, unless the context clearly requires a different meaning, the following words, terms and phrases have the following meanings:

“Demonstration” shall mean a group of persons advocating for or against a political or other cause by conveying a message to the public through expressive conduct, such as carrying or wearing signs, singing or speaking.

“Firearm” means any gun, pistol, revolver, rifle, or any other device designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. The term “firearm” does not include imitation firearms as defined by California Penal Code Section 16700, or BB devices or air rifles as defined in California Penal Code Section 16250.

“Locked container” means a locked container as defined in Penal Code Section 16850, as may be amended from time to time, that is listed on the on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.

“Public gathering” shall mean: (a) an event that requires a special event permit, encroachment permit, or other temporary use permit and involves 20 or more persons; (b) a demonstration held in the right-of-way involving 20 or more persons within an area circumscribed by a 500-foot radius; or (c) a demonstration on publicly-owned land within the geographic boundaries of the City involving 20 or more persons within an area circumscribed by a 500-foot radius.

“Right-of-way” means any area across, along, on, over, upon, or within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, streets and ways within the city.

9.24.020 Discharge of firearms prohibited.

Except as provided in Section 9.24.030, it shall be unlawful for any person at any time to fire or discharge, or cause to be fired or discharged, any firearm within the City limits.

9.24.030 Discharge of firearms prohibited--Exceptions.

Section 9.24.020 shall not apply to the following:

- A. Sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, or any person summoned by such officer to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; or
- B. Persons in lawful possession of a handgun who discharge said handgun in necessary and lawful defense of self or others while on private property; or
- C. Persons in lawful possession of a firearm who are expressly and specifically authorized by federal or state law to discharge said firearm under the circumstances present at the time of discharge; or
- D. Persons in lawful possession of a firearm who are discharging said firearm at a legally permitted shooting range.

9.24.040 Firearms prohibited at public gatherings.

Except as provided in Section 9.24.050, no person shall possess a firearm at any public gathering.

9.24.050 Firearms prohibited at public gatherings--Exceptions.

Section 9.24.040 shall not apply to the following:

- A. A peace officer, retired peace officer, or person assisting a peace officer, when authorized to carry a concealed weapon under California Penal Code Section 25450 et seq. or a loaded firearm under California Penal Code Section 25900 et seq., and/or under 18 U.S.C. 926B or 926C;
- B. Members of the armed forces when on duty, and members of other organizations when authorized to carry a concealed weapon under California Penal Code Section 25620 or a loaded firearm under California Penal Code Section 26000;
- C. Military or civil organizations carrying unloaded weapons while parading or when authorized to carry a concealed weapon under California Penal Code Section 25625;
- D. Patrol special police officers, animal control officers, zookeepers and harbor police officers, when authorized to carry a loaded firearm under California Penal Code Section 26025; and
- E. A guard or messenger of a common carrier, bank, or other financial institution; a guard of a contract carrier operating an armored vehicle; a licensed private investigator, patrol operator, or alarm company operator; a uniformed security guard or night watch person

employed by a public agency; a uniformed security guard or uniformed alarm agent; a uniformed employee of a private patrol operator or private investigator, when any of the above are authorized to carry a loaded firearm under California Penal Code Section 26030.

9.24.060 Firearms prohibited at public gatherings--Permit Conditions.

For any public gathering that requires a permit issued by the City, the City official, department, board, commission, committee, or other authority responsible for issuing such permit shall include as a condition of the permit that firearms be prohibited at the public gathering, subject to the exceptions stated in Section 9.24.050. This Chapter 9.24 shall not preclude the City from exercising its discretion to impose a similar condition on a permit that does not meet the definition of a public gathering.

9.24.070 Penalty.

Any person who violates this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 or by imprisonment in the County Jail not to exceed six months, or both.

9.24.080 Undertaking for the general welfare.

In enacting and implementing this Chapter 9.24, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SECTION 4. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines. The activity will not result in direct or reasonably foreseeable indirect physical change in the environment, and is not a project as defined in Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. Severability. If any section, subsection, sentence or clause of this Ordinance is for any reason declared unconstitutional or invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance notwithstanding the unconstitutionality, invalidity or unenforceability of any one or more of its sections, subsections, sentences or clauses.

SECTION 6. Publication and Effective Date. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.


Introduced the 11th day of March, 2019. Passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 25th day of March, 2019, by the following vote:

AYES, COUNCILMEMBERS: COLLINS, MCDOWELL, PARMER-LOHAN, OLBERT

NOES, COUNCILMEMBERS: NONE

ABSENT, COUNCILMEMBERS: RAK


CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos