



CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 7, 2016 LEGISLATIVE

SUBJECT: PROPOSED ORDINANCE AMENDING CHAPTER 11.16 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO FIREARMS AND FIREARM SAFETY REGULATIONS.

FROM: David H. Ready, City Manager

BY: Chief of Staff/City Clerk

SUMMARY

The City Council will consider the introduction of an ordinance relating to firearms and firearm safety regulations.

RECOMMENDATION:

Waive reading of the ordinance text and introduce by title only for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 11.16 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO FIREARMS."

STAFF ANALYSIS:


At the meeting of July 6, 2016, the City Council discussed a proposed ordinance for the regulation of firearms and firearm safety regulations. The City Council directed the City Attorney to amend the ordinance to remove certain provisions recently adopted by State law.

The City Attorney has revised the proposed ordinance and Staff is recommending the City Council introduce the proposed ordinance for first reading.

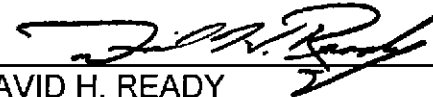
Additionally, City Staff is committed to work with the Palm Springs Police Department, firearm and ammunition dealers, the School District, and others to educate the public regarding the requirements of the ordinance.

FISCAL IMPACT:

Minimal fiscal impact for the public education activities.



JAMES THOMPSON
Chief of Staff/City Clerk



DAVID H. READY
City Manager

Attachments:
Proposed Ordinance
Staff Report July 6, 2016

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, AMENDING CHAPTER 11.16 OF THE
PALM SPRINGS MUNICIPAL CODE, RELATING TO
FIREARMS.**

City Attorney's Summary

This Ordinance amends the City's existing provisions of the Palm Springs Municipal Code relating to weapons by imposing certain requirements related to firearms including: 1) reporting to police, within 48 hours, known loss or theft of a firearm; 2) storing firearms in residences in a locked container or disabling them with a trigger lock when not in the owner's immediate possession; and 3) requiring concealed weapon licensees to safely store firearms when left in automobiles.

Section 1: Chapter 11.16 of the Palm Springs Municipal Code, previously entitled "Weapons," is amended in its entirety to read:

Chapter 11.16 Firearms

11.16.005 Definitions

"Concealed carry licensee" means a person licensed or otherwise authorized to carry a concealable firearm pursuant to California Penal Code Section 26150 *et seq.*

"Firearm" means any device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of any explosion or other form of combustion.

"Locked Container" means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device as defined by California Penal Code Section 16850. For purposes of this Chapter, it also includes a lock box that is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this Chapter, it does not include a bag or other container made of fabric or other penetrable material, such as a regular purse, backpack, or gym bag.

"Residence" means any structure intended or used for human habitation, including but not limited to, houses, condominiums, rooms, motels, and time-shares. For purposes of this ordinance, it also includes a garage which is enclosed within or located adjacent to such a structure and which is not open to the public.

11.16.010 Shooting Without Permit.

It is unlawful for any person except a "peace officer" as defined in Sections 830 *et seq.*, of the Penal Code of California, as may be amended from time to time, in the performance of duties or a person acting in self-defense or in defense of others, within the city of Palm Springs, to discharge any cannon, firearm, air-gun, or any instrument of any kind, character, or description which throws or projects bullets or missiles of any kind, to any distance, by means of explosion, combustion, release of compressed air or gas, or otherwise, without first having obtained a permit to do so granted by the Chief of Police; or to make or use, any slingshot in any manner causing danger to or annoyance of any person or injury to property.

11.16.020 Shooting permit—Application—Granting—Denial.

Application for such permission shall be made in writing to the Chief of Police who shall grant such permission only if the Chief of Police determines that a substantial public interest or a compelling private need will be served thereby, and also that the shooting, if permitted cannot foreseeably result in any injury, disturbance, annoyance or hazard to any person or result in any damage to property other than that of the permittee, and further that it will in no way unnecessarily jeopardize or seriously menace the public peace, health or safety. In any case where the Chief of Police grants a permit, the Chief of Police may attach whatever conditions and terms as in his or her opinion are necessary or appropriate in order to carry out the objectives stated in this Section. No permittee exercising the privilege granted by any such permit, shall fail, refuse, or neglect to strictly comply with all conditions and terms the Chief of Police may have attached thereto.

11.16.030 Shooting Permit—Exemptions.

Sections 11.16.010 and 11.16.020 shall not apply to any peace officer, either federal, state, county, or municipal, acting in line of duty, or engaged in target practice at any range regularly established for such officers, nor to the operators or patrons of any shooting gallery, skeet club or target range holding a permit from the city building inspector and city business license for the conduct thereof.

11.16.040 Duty to Report Theft or Loss of Firearms.

Any person who owns or possesses a firearm (as defined in Penal Code Section 16520 or as amended) shall report the theft or loss of the firearm to the Police Department of the City of Palm Springs within forty-eight (48) hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, whenever: (1) the person resides in the city of Palm Springs; or (2) the theft or loss of the firearm occurs in the City of Palm Springs.

11.16.045 Safe Storage of Firearms.

Except when carried on his or her person, or in his or her immediate control and possession, no person shall keep a firearm (as defined in Penal Code Section 16520 or as amended) in any residence owned or controlled by that person unless the firearm is stored in a locked container, or the firearm is disabled with a trigger lock that is listed on the California Department of Justice's list of approved firearms safety devices.

11.16.050 Safe Storage of Firearms in an Unattended Automobile Required

It is unlawful for persons, including those licensed or otherwise authorized to carry a concealable firearm pursuant to California Penal Code Section 26150 *et seq.*, to leave a concealable firearm or ammunition in an unattended automobile within the City of Palm Springs in a public right of way unless the firearm or ammunition is stored in a locked container.

11.16.060 Penalties and Remedies

(a) A violation of any provision of this Chapter shall be subject to enforcement through criminal prosecution and/or civil remedies as provided herein.

(1) A person who violates this Chapter shall be guilty of a misdemeanor punishable pursuant to the provisions of Section 1.01.160 of this Code and each day or portion thereof that a person maintains and/or continues such violation to continue shall constitute a separate and subsequent offense as provided in Section 1.01.150 of this Code.

(2) The City may assess civil penalties in the amount of one thousand dollars (\$1,000.00) per violation and each day or portion thereof that a person maintains and/or continues such violation to continue shall constitute a separate and subsequent offense as provided in Section 1.01.150 of this Code.

(b) Remedies under this Chapter are cumulative and not exclusive. They are in addition to and do not supersede or limit other administrative, civil, and/or criminal remedies provided under state or federal law, or other provisions of the Palm Springs Municipal Code. The City may seek an order for the award of attorney's fees.

Section 2. In the event that any California statute adopted or referred to in this Chapter is amended or succeeded by another enactment of the California Legislature, such amendments shall be deemed automatically adopted as part of this Chapter as if fully set forth herein unless the City Council amends this Chapter to provide otherwise.

Section 3. If any provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction within the State of California, such decision shall not affect the validity of the remaining provisions. The City Council declares that it would

have adopted the remaining provisions irrespective of the provisions, sections, sentences, clauses, or words declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS __ DAY OF _____, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Urgency Ordinance No. _____ is a full, true and correct copy, and was introduced and adopted at a regular meeting of the Palm Springs City Council on the ___ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California