

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY ADDING PROVISIONS TO SECTION 4-32 (FIREARMS AND WEAPONS) OF ARTICLE V (FIREARMS AND EXPLOSIVES) OF CHAPTER IV (OFFENSES AND PUBLIC SAFETY), REQUIRING SAFE STORAGE OF FIREARMS AND ENHANCING ENFORCEMENT PROVISIONS

WHEREAS, gun violence and gun injuries have a significant adverse effect on public health and safety; and

WHEREAS, stolen firearms contribute to higher rates of crime and gun violence; and

WHEREAS, unsecured firearms raise the risk of injuries from wrongful firearm discharges, including suicides and accidental discharge; and

WHEREAS, trigger locks and lockboxes for the home storage of firearms reduces the chance of stolen firearms and wrongful discharge of firearms; and

WHEREAS, improperly secured firearms contribute to a higher risk of stolen firearms and wrongful discharge of firearms; and

WHEREAS, trigger locks and lockboxes do not prevent firearms from being easily accessed in case of emergency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALAMEDA DOES ORDAIN AS FOLLOWS:

Section 1. Section 4-32 (FIREARMS AND WEAPONS) of Article V (FIREARMS AND EXPLOSIVE) of Chapter IV (OFFENSES AND PUBLIC SAFETY) of the Alameda Municipal Code is amended, as follows (in redline; otherwise no change):

4-32 - FIREARMS AND WEAPONS.

4-32.1 – Definitions.

Firearm means any device, designed to be used as a weapon 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.

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

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, as amended from time to time or is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.

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 California Penal Code Section 23635, as may be amended from time to time.

4-32.24 - Use of Firearm in City Without Permission; Hunting.

Unless otherwise lawful, including for purposes of self-defense in accordance with the law, nNo person shall fire, discharge, or cause to be fired or discharged, any firearm within in the limits of the City; any firearms, without first obtaining permission of the City Manager to do so; provided that during open season under State law, persons hunting game for their personal or family use and not for the market shall be permitted to discharge shotguns in the Bay of San Francisco, and if permitted by State law, as follows: In the vicinity of Bay Farm Island and San Leandro Bay, five hundred (500) yards off shore line of the City; from San Leandro Bay to Webster Street, one thousand (1,000) yards off shore line of the City; west of Webster Street, five hundred (500) yards off shore line of the City.

4-32.3 – Safe Storage of Firearms in a Residence.

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

This provision shall not apply when the firearm is carried on the person of an individual in accordance with all applicable laws.

4-32.4 – Exception for Reporting Theft or Loss.

A person who owns or possesses a Firearm who reports to the Alameda Police Department that a Firearm was stolen or lost within 24 hours of the time they knew or reasonably should have known that the firearm had been stolen or lost shall not be criminally prosecuted for violation of 4-32.3.

4-32.52 - Spring Guns and SlingsProjectile Weapons Prohibited.

No person shall discharge upon any public street or place in the City any gun, by means of which any missile is projected by a spring, bow, or compressed air, or use

slingshots, slings, bows, or any other implement whereby stones, beans, shot, pebbles, or other substance are projected.

~~No person shall, in the City, hurl, or throw any stone or other missile by means of any sling.~~

~~4-32.53—Sling Shots.~~

~~It shall be unlawful for any person to make use of or to wear or carry about his/her person or to have in his/her possession any sling shot, rubber sling or other instrument or contrivance by means of which shots or other missiles of any kind or description are, or are made to be, hurled or projected.~~

4-32.6 – Penalties for Violations.

Notwithstanding Section 1-5 and subject to Subsection 4-32.4, violations of this section shall carry the following penalties:

- a. Any person violating any provision of this section may be subject to administrative citations. The fine for such violations shall be two hundred fifty (\$250.00) dollars for the first offense, a fine of five hundred (\$500.00) dollars for a second offense within a one (1) year period and a fine of one thousand (\$1,000.00) for a third offense within a one (1) year period.
- b. Any person violating any provision of this section shall be guilty of an infraction which shall be punishable by a fine not exceeding two hundred fifty (\$250.00) dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand (\$1,000.00) dollars per violation, or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

Section 2. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance, for any reason, is held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 3: IMPLIED REPEAL

Any provision of the Alameda Municipal Code inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

Section 4: CEQA DETERMINATION

The City Council finds and determines that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the following, each a separate and independent basis: CEQA Guidelines, Section 15378 (not a project) and Section 15061(b)(3) (no significant environmental impact).

Section 5: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____ 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSECTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____ 2020.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda