



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Amendment to Glendale Municipal Code Section 9.25.050 Pertaining to Exemptions to the City's Ban on the Possession of Firearms and Ammunition on City Property

1. Introduction of Ordinance Amending Glendale Municipal Code Section 9.25.050

COUNCIL ACTION

Item Type: Action Item

Approved for November 14, 2023 **calendar**

EXECUTIVE SUMMARY

A proposed ordinance amending Glendale Municipal Code ("GMC") Section 9.25.050 is submitted for Council consideration. GMC Section 9.25.040 bans the possession of firearms and ammunition on all City property. Section 9.25.050 contains certain exemptions to the ban. The proposed ordinance will add an additional exemption to permit individuals with concealed carry permits to possess firearms and ammunition on specified City property, including open spaces parks, the Civic Auditorium, parking lots and, in limited situations, playgrounds.

RECOMMENDATION

That the Council introduce and subsequently adopt an ordinance amending Section 9.25.050 of the Glendale Municipal Code pertaining to the exceptions to the ban on possession of firearms and ammunition on City property.

ANALYSIS

On March 19, 2013, the Council adopted Ordinance No. 5794 adopting Chapter 9.25 of the Glendale Municipal Code (“GMC”), 1995, Relating to the Possession and Sale of Firearms and Ammunition on City Property. In substance, Section 9.25.050 bans the possession and sale of firearms and ammunition on all City property, including but not limited to parks, playgrounds, open space, plazas, community centers, the Civic Auditorium, the Civic Center complex, City libraries, parking lots and parking structures. Section 9.25.050 contains certain exemptions on the possession of firearms on City property such as by peace officers or retired police officer when authorized to carry a concealed weapon or loaded firearm in accordance with state or federal law, authorized military and law enforcement personnel, and authorized security guards of banks and armored vehicles.

On October 12, 2022, the California Rifle & Pistol Association (“CRPA”) filed suit in federal district court challenging Chapter 9.25 on the grounds that the ban on the possession of firearms and ammunition on City property violates the Second Amendment of the United States Constitution, under standards enunciated by the U.S. Supreme Court in the recent case of New York State Rifle & Pistol Association, Inc. v. Bruen, et al. (2022) 142 S. Ct. 2111 (“Bruen”). In Bruen, the Supreme Court struck down a New York law requiring “good cause” for the issuance of a concealed carry weapon (CCW) permit. In doing so, the Court revised the way courts are to review firearm regulations. Under Bruen, courts determine whether the plain text of the Second Amendment protects the activities a law regulates. If it does, then “the government must affirmatively prove that its firearms regulation is part of the Nation’s historical tradition to set boundaries on gun use.” This means then that if a statute or ordinance is determined to burden an individual’s Second Amendment rights, the government’s burden is to demonstrate that there is a similar historical analogue supporting such a burden that represents a national tradition of firearm restriction.

While the Court found that regulations prohibiting the possession of firearms in “sensitive places” are rooted in the Nation’s history, not all places of public congregation have a historical analogue. Some places – such as schools, government buildings where government business is conducted, e.g. City Hall, legislative assemblies, polling places and courthouses have historical analogues justifying the possession of firearms at such locations. Consideration of other public properties requires a historical analysis to determine whether such locations have a historical analogue in our Nation’s history as “sensitive places” such that they may be restricted.

CRPA’s litigation challenges the City’s ban of possession on all City property, contending it is overbroad and that not all City properties qualify as “sensitive places.” After litigation over a preliminary injunction motion and settlement negotiations, the City has agreed to

resolve this litigation by amending GMC Section 9.25.050 to revise the list of exemptions where possession of firearms and ammunition on City property may occur, subject to Council's approval of the proposed ordinance. The proposed ordinance would add subdivision M to Section 9.25.050 to provide that the ban on the possession on the ban on firearms and ammunition on City properties does not apply to the following:

“M. Individuals with validly issued concealed carry weapon (“CCW”) permits as it pertains to possession on City-owned open spaces, parks, the Glendale Civic Auditorium, parking lots and playgrounds, but, as it pertains to playgrounds, only when the CCW permit holder is in the company of their minor children, or other children they are there to care for or supervise, at the playground. “Playground”, as used herein, shall mean, refer and relate to City property where a child play structure is present. Individuals with CCW permits not caring for or supervising children shall not be permitted to possess firearms or ammunition in a playground or within a fifty (50) foot radius surrounding a playground, however to the extent that the fifty (50) foot radius renders a surrounding park inaccessible, Section 9.25.040 shall not apply for the limited purpose of allowing such CCW permit holders access to the surrounding park. Nothing in this subdivision (M) shall be construed to authorize or permit conduct that violates any state law regarding the possession of firearms in or on local government property that is legally in effect.”

Possession of firearms and ammunition on all other City properties and facilities would remain prohibited under the proposed ordinance including the Civic Center campus, libraries, police and fire stations and facilities, public transit facilities, and community and recreation centers such as the Adult Recreation Center and Pacific Community Center. Where a park contains a community or recreation center, possession by a licensed CCW holder will be permitted on the park but not inside the community or recreation center building. In addition, the proposed ordinance will not affect the ban on the sale of firearms and ammunition on City-owned property.

STAKEHOLDERS/OUTREACH

N/A.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA/NEPA)

This matter is exempt from CEQA review under State CEQA Guidelines sections 15061(b)(3) (“it can be seen with certainty that the activity in question will have a significant effect on the environment”) and Section 15301 (operation of existing public or private structures and facilities”). This amendment to the GMC is a minor amendment to

the list of exemptions to the ban of firearms on City-owned properties.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES TO STAFF RECOMMENDATION

1. The Council can introduce and subsequently adopt the proposed ordinance.
2. The Council can choose not to introduce and adopt the ordinance. If the ordinance is not adopted, the above-referenced litigation will continue.
3. The Council can select another alternative not identified by staff.

ADMINISTRATIVE ACTION

Submitted by:

Michael J. Garcia, City Attorney

Prepared by:

Michael J. Garcia, City Attorney

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

Exhibit 1: Glendale Municipal Code, Chapter 9.25