

## **Chapter 9.25 FIREARMS AND AMMUNITION ON CITY PROPERTY**

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### **9.25.010 Intent and legislative purpose.**

A. This chapter's purpose is to:

1. Protect public safety by protecting vulnerable populations—a high number of people who congregate at sensitive places such as city buildings, city playgrounds, city community centers, and other city public facilities;
2. Enable the public to visit the city's properties, buildings, and facilities ("city properties") without fear of endangerment from gun violence or accidental injuries; and
3. Prevent city properties from being used to subsidize activities that can endanger public safety and health.

B. To achieve these important and substantial governmental interests, the city council seeks to ensure that city properties:

1. Do not create any risk that the public and the city employees at those locations will suffer harm from gun violence or accidental injuries;
2. Do not draw individuals with firearms to sensitive public places;
3. Do not contribute to the continued, excessive proliferation of weapons and acquisition of firearms far beyond the numbers necessary to meet individuals' use of firearms for self-defense or sporting purposes;

4. Are not used to facilitate the unlawful purchase of firearms by “straw” purchasers who act as fronts for ineligible purchasers of firearms;
5. Are operated in a manner that protects members of the public from the risk of grave bodily harm or death from gun violence, and accidental injury;
6. Are not used to increase the numbers of people who gain access to firearms to commit violent and unlawful acts, and to harm themselves or others, whether intentionally or by accident; and
7. Are not used to subsidize activities that can endanger public safety and health. (Ord. 5794, § 1, 3-19-2013)

## **9.25.020 Findings.**

The city council finds, determines, and declares that:

- A. The national and statewide statistical information available from numerous sources overwhelmingly demonstrates that the incidence of gunshot fatalities and injuries has reached alarming, and thus, unacceptable proportions, as the following examples show.
- B. According to the United States Centers for Disease Control, in 2010 in the United States, guns took the lives of thirty-one thousand seventy-six (31,076) people in homicides, suicides, and unintentional shootings. This is the equivalent of more than eighty-five (85) deaths each day and more than three (3) deaths each hour. In the same year, seventy-three thousand five hundred five (73,505) Americans were treated in hospital emergency departments for non-fatal gunshot wounds. In 2010, guns were used in eleven thousand seventy-eight (11,078) homicides in the United States, comprising almost thirty-five (35) percent of all gun deaths, and sixty-eight (68) percent of the sixteen thousand two hundred fifty-nine (16,259) homicides committed in the United States.
- C. The United States Department of Justice, Bureau of Justice Statistics, under the category of Firearms and Crime Statistics, reports that in 2010, four hundred fifteen thousand three (415,003) victims of violent crimes stated that they faced an offender with a firearm. In 2011, four hundred sixty-seven thousand three hundred twenty-one (467,321) victims of violent crimes stated that they faced an offender with a firearm.
- D. The Johns Hopkins Center for Gun Policy and Research reports that young people in the United States are at risk for being both victims and perpetrators of firearm-related violence. In 2007, more than four thousand nine hundred (4,900) firearm-related homicide victims were age twenty-four (24) and younger. In this same age group, almost two thousand (2,000) adolescents and young adults committed suicide with a firearm.
- E. The Johns Hopkins Center for Gun Policy and Research also reports that firearms are the most common weapon used in intimate partner homicides.
- F. According to Death Statistics prepared by the California Department of Health, Center for Health Statistics, over the last decade (2000-2010), a total of eleven thousand six hundred seventy-five (11,675) Los Angeles County residents lost their lives due to firearm-related injuries. In 2010, two hundred eighty-one (281) suicides and five hundred two (502) homicides were due to firearms.

G. A notable increase in random acts of mayhem and violence using firearms has occurred throughout the United States, California, and Southern California:

1. On April 2, 2012, seven (7) people were killed and three (3) people injured in a mass shooting at Oikos University in Oakland, California.

2. On July 20, 2012, twelve (12) people were killed and fifty-eight (58) people were wounded at a mass shooting in a movie theater in Aurora, Colorado.

3. On December 14, 2012, twenty-seven (27) people, including twenty (20) children, were killed with a firearm during a mass shooting at Sandy Hook Elementary School in Newtown, Connecticut. The perpetrator used a collection of firearms lawfully acquired by his mother to shoot her and the other victims.

4. On January 29, 2013, an innocent teenage bystander—who had sung in a choir at President Obama's inauguration nine (9) days earlier—was shot and killed in a Chicago park in broad daylight by a youth who was aiming at someone else. These shootings of innocent bystanders are common throughout the nation and subject ordinary citizens and their families to serious risk of death and serious injury when using public facilities.

5. On February 3, 2013, a former officer of the Los Angeles Police Department (LAPD) went on a systematic revenge rampage shooting, killing relatives of members of that police department. The shooter had a vendetta against the LAPD. Scarce police resources had to be devoted to protecting members of the LAPD who themselves were thereby diverted from performing critically important public safety duties. The pursuit of the suspect and the protection of the members of the public, as the shooter fled through multiple counties, consumed additional resources of police agencies throughout the region and terrorized numerous citizens, police officers, and their families.

6. On February 19, 2013, a 20 year-old part-time community college student in Tustin, California, shot to death a young woman in his Orange County home, and then he went on an early morning shooting spree, killing four (4) people and wounding others.

7. On February 26, 2013, two (2) police officers in Santa Cruz, California, were shot and killed while investigating a complaint of sexual assault. The perpetrator had lived and worked in several different California towns before locating to Santa Cruz a short time before the attack. The incident could have occurred in any of these towns, making it clear that no community is insulated from random firearms violence—which exacts a deadly and unpredictable toll not only on citizen victims, but also on the police officers charged with protecting them.

8. On February 26, 2013, one teenager fatally shot another teenage high school student on the grounds of an elementary school near San Leandro, California, when the victim allegedly refused to make good on a five-dollar (\$5.00) bet.

H. Whenever guns and ammunition are present, even when they are being handled by knowledgeable and conscientious individuals, a danger of accidental shootings—causing injury or death—arises. According to the United States Centers for Disease Control, in 2010, unintentional firearm injuries caused the deaths of six hundred six (606) people. From 2005-2010, almost three thousand eight hundred (3,800) people in the U.S. died from unintentional shootings. Over one thousand three hundred (1,300) victims of unintentional shootings for the period 2005-2010 were under twenty-five (25) years of age. These recent incidents illustrate the problem's severity:

1. On January 19, 2013, at a "Gun Appreciation Day" gun show in Medina, Ohio, a 62 year-old man was shot in the arm when a firearms dealer accidentally discharged a gun he had purchased from an attendee. On the same day, at the Indy 1500 Gun and Knife Show in Indianapolis, Indiana, a man accidentally shot his hand as he unloaded a firearm. Also on the same day, at the Dixie Gun and Knife Show in Raleigh, NC, three (3) people were injured when a 12-gauge shotgun filled with "bird shot" accidentally discharged.

2. On February 27, 2013, a public school employee in Van, Texas, was accidentally shot and wounded during a school district sponsored handgun safety class.

I. While government at all levels has a substantial interest in protecting the public from firearm related harm and death, local governments have the predominant obligation to do so. The city council, therefore, has a particular concern and responsibility to ensure that it protects public health and safety, especially of the public when on city properties.

J. The city owns and operates many different public facilities which are sensitive places widely patronized by the public, including seniors and children. In addition to buildings housing its officials and employees where the public must come to conduct business with the city, the city operates numerous public facilities that provide public services at those locations. The city has forty-seven (47) parks and recreation facilities which include four (4) community centers (two (2) senior centers and two (2) centers for all ages), one (1) golf course, three (3) soccer fields, and sixteen (16) ball fields. In addition, the city operates eight (8) public libraries, a youth center, and an emergency shelter. Locations such as these are where a large number of youth and adults congregate, making them appealing for someone intending to inflict a high number of casualties. The city also owns and operates nine (9) fire stations and numerous Glendale Water and Power facilities. The city has a critically important interest in protecting these users of its public facilities, and its employees, from gun violence and injuries.

K. The city also owns and operates the Glendale Civic which is used for many different civic events attended by the public. A thrice-yearly gun show there draws more than a thousand (1,000) people from the Southern California area. The civic auditorium not only is right across the street from another sensitive place— Glendale Community College which has sixteen thousand (16,000) students—but also is within one thousand (1,000) feet of College View School, a public school providing K-12 instruction to students with special needs operated by the Glendale Unified School District. The gun show attracts attendees who are allowed under state law to bring their own weapons to the gun show as long as the weapons are checked at the entrance. ([Penal Code](#) section 27340(b).) The city's property could thus draw individuals who are more prone to have and use firearms, and thereby expose young, vulnerable K-12 and community college students to increased danger.

L. In addition, the city has been promoting and marketing a variety of other uses of the civic auditorium that are likely to be incompatible with its use for the gun shows—which occupy the civic auditorium’s upper floor and lower floor, virtually the entire facility.

M. The city council has authority over the management and control of city properties, and it may regulate, by ordinance, the manner in which the city’s properties are accessed and used by members of the public to ensure that city properties are not used in a way to create an additional risk of serious harm from firearms violence or accidental injury.

N. As of February, 2013, eighteen (18) federal firearms license holders are in the city, including one (1) pawnbroker, two (2) manufacturers, and fifteen (15) firearms dealers. Further, an additional nineteen (19) persons have federal firearms licenses, issued for collectors of curios and relics. These collectors are permitted to sell firearms. In total, thirty-seven (37) federal firearms license holders are in the city. Glendale has four (4) retail firearm stores.

O. Glendale has three (3) neighboring cities, all situated next to Glendale’s corporate limits:

1. In the City of Pasadena, as of February, 2013, there are five (5) federal firearms licenses issued to two (2) retail firearms dealers and three (3) pawnbrokers dealing in firearms. Pasadena has five (5) retail firearm stores.

2. In the City of Burbank, as of February, 2013, there are thirteen (13) federal firearms licenses issued to eleven (11) firearms dealers and two (2) to manufacturers. Burbank has five (5) retail firearm stores.

3. In the City of Los Angeles, as of March, 2013, there are eighteen (18) retail firearm stores.

P. In Los Angeles County, three hundred sixty-one (361) federal firearms licenses have been issued, in addition to eight hundred fifty-seven (857) federal firearms licenses that have been issued to collectors of curios and relics.

Q. Accordingly, given the number of federal firearm license holders authorized to sell firearms and ammunition in neighboring cities and in Los Angeles County, residents of Glendale have a wealth of opportunities to view and purchase firearms for self-defense or for sporting purposes, and the city’s preclusion of such opportunities at a thrice-yearly gun show conducted at the city’s civic auditorium has a de minimis effect on the ability to purchase firearms for those purposes. Many of the dealers at the Glendale Civic Auditorium gun show are from the Southern California region already.

R. Prohibiting the possession or sale of firearms, or ammunition, or both, on city properties will have the following beneficial effects, among others:

1. It will enhance public health and safety by contributing to the reduction in the presence of firearms and the potential for gunshot fatalities and injuries on city property;

2. It will increase the confidence of members of the public that they are not at risk of injury from firearms when they seek to use city properties; and

3. It will help to ensure the safety of the general public and specifically children, who are among the most vulnerable in our society.

S. The California Supreme Court has ruled that state law does not preempt local laws banning the possession and sale of firearms and ammunition on local government's property. In *Nordyke v. King* (2002) 27 Cal.4th 875, the Supreme Court upheld an Alameda County ordinance banning the possession of firearms and ammunition on county owned property and in *Great Western Shows, Inc. v. County of Los Angeles* (2002) 27 Cal.4th 853, the Supreme Court upheld a Los Angeles County ordinance prohibiting all sales of firearms and ammunition on county property. These rulings uphold the city council's legal ability to ban the possession and sale of firearms and ammunition on city properties.

T. Prohibiting the sale or possession of firearms and ammunition on city properties does not burden the rights of persons to engage in self-defense or sporting activities and does not prevent persons from purchasing firearms at retail outlets in the city and throughout the region.

U. For the foregoing reasons, the city council, in its proprietary capacity, wishes to keep city properties free from firearms and ammunition, including the purchase and sale of guns and ammunition, with the exceptions set forth in sections [9.25.050](#) and [9.25.060](#) of this chapter. (Ord. 5794, § 1, 3-19-2013)

## **9.25.030 Definitions.**

For the purpose of this chapter, the following words and phrases have the meanings ascribed to them, unless otherwise noted:

“Ammunition” means any ammunition as defined in California [Penal Code](#) section 16150, or any successor legislation.

“City property”:

1. Means real property, including any buildings thereon, owned, leased, or subleased by the City of Glendale (“city”) and in the city’s possession—or in the possession of a public or private entity, corporation, or person under contract with the city to perform a public purpose—including, but not limited to, the following property: parks, playgrounds, open space, plazas, community centers, facilities (including the Glendale Civic Auditorium, the city’s civic center complex, and city libraries), parking lots, and parking structures.

2. Does not include the public right-of-way owned by the city, including any area across, along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads, sidewalks, streets, and ways within the city.

“Firearm”:

1. Means any gun, pistol, revolver, rifle, or any 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.

2. Includes:

- a. A firearm, as defined in California [Penal Code](#) Section 16520 or any successor legislation.
- b. A BB device, as defined in California [Penal Code](#) Section 16250 or any successor legislation.
- c. An imitation firearm, as defined in California [Penal Code](#) Section 16700(a) or any successor legislation.

“Sale” or “sell”:

1. Means any transaction, with or without the exchange of consideration, which:
  - a. Transfers ownership, title, possession, or control of a firearm, or ammunition, or both; or
  - b. Gives, loans, leases, or delivers a firearm, or ammunition, or both.
2. Includes the act of placing an order for any of the aforementioned transfers.

“Unloaded”:

1. Means:
  - a. No ammunition is in the firearm’s chamber or cylinder; and
  - b. No ammunition, clip, tube, speed loader, or magazine that is compatible with the firearm and that contains ammunition is on the person who is carrying the firearm.
2. Does not include a muzzle-loading firearm that is capped or primed and has a powder charge and ball, shot, or projectile in the barrel or cylinder. (Ord. 5794, § 1, 3-19-2013)

### **9.25.040 Prohibited acts—Ban on possession and sale of firearms.**

No person shall:

- A. Bring onto or possess on city property:
  1. A firearm, loaded or unloaded.
  2. Ammunition for a firearm.
- B. Sell on city property:
  1. A firearm, loaded or unloaded.
  2. Ammunition for a firearm. (Ord. 5794, § 1, 3-19-2013)

### **9.25.050 Exceptions—Ban on possession.**

Section [9.25.040](#) does 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 or a loaded firearm under California law or under 18 U.S.C. § 926B or § 926C, or any successor legislation.
- B. A member of the armed forces when on duty.
- C. Any person bringing a firearm onto city property in order to exchange or transfer or relinquish it to the Glendale Police Department, in compliance with any Glendale Police Department operated or sponsored program to purchase, exchange, or otherwise obtain voluntary relinquishment of firearms from the public.
- D. A military or veteran's organization carrying unloaded weapons while parading.
- E. Individuals delivering firearms and ammunition as authorized by California or federal law, to or from the Glendale Police Department.
- F. A guard or messenger of a common carrier, bank, or financial institution, or an armored vehicle guard when authorized by applicable California or federal law to carry the firearm and when engaged in the exercise of official duties on city property.
- G. A person who is lawfully at and using the city's target range in accordance with its rules and applicable law.
- H. An honorably retired federal officer or agent of a federal law enforcement agency, when authorized to carry a concealed or loaded weapon under California or federal law.
- I. A patrol special police officer, animal control officer, or zookeeper when authorized by applicable California or federal law to carry a loaded firearm and when engaged in the exercise of official duties on city property.
- J. A security officer appointed by a sheriff or police chief for the protection of government property under applicable California or federal law.
- K. An officer authorized to transport prisoners under applicable California or federal law.
- L. An authorized participant in a motion picture, television, film or video production, or musical or theatrical production when the participant lawfully uses an unloaded firearm as part of that production. (Ord. 5794, § 1, 3-19-2013)

## **9.25.060 Exceptions—Ban on sale.**

Section 9.25.040 does not apply to the purchase or sale of a firearm, or ammunition, or both, by a federal, state, or local law enforcement agency or by any other federal, state, or local governmental entity. (Ord. 5794, § 1, 3-19-2013)

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## Contact:

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