

ORDINANCE NO. 2023-___

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LOS ALTOS PROHIBITING THE POSSESSION OF FIREARMS
IN SENSITIVE PLACES**

WHEREAS, the City Council of the City of Los Altos finds there is a compelling interest in protecting the health and safety of the public; and

WHEREAS, the incidence of firearm-related fatalities and injuries has increased in recent years and the age-adjusted firearm death rate in Santa Clara County was 4.8 people per 100,00 in 2020, the highest rate in the past decade; and

WHEREAS, the State of California experienced 369 mass shootings (defined as an incident that kills or injures four or more people) between 2014 and January 2023, including incidents at the VTA railyard (May 26, 2021) and Gilroy Garlic Festival (July 28, 2019); and

WHEREAS, while the United States Supreme Court has made clear that the Second Amendment to the United States Constitution imposes some restrictions on states' ability to regulate firearms it has recognized that the Second Amendment to the United States Constitution is not a "regulatory straightjacket." N.Y. State Rifle & Pistol Ass'n v. Bruen (2022), 142 S. Ct. 2111, 2133. Indeed, the Second Amendment allows States to adopt a "variety" of gun regulations." N.Y. State Rifle & Pistol Ass'n (2022), 142 S. Ct. 2111, 2162. And when it comes to restrictions on carrying firearms in public, the United States Supreme Court has recognized three times that states may restrict the carrying of firearms in "sensitive places." N.Y. State Rifle & Pistol Ass'n v. Bruen (2022), 142 S. Ct. 2111, 2133; see also McDonald v. City of Chicago (2010) 561 U.S. 742, 786; District of Columbia v. Heller (2008) 554 U.S. 570, 626; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended.

NOW THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Los Altos Municipal Code is hereby amended by adding a new Chapter 7.30 entitled "Possession of Firearms in Sensitive Places" to read as follows:

7.30.010 Definitions

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

- A. "*Firearm*" means any gun, pistol, revolver, rifle or any device that is 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. "Firearm" does not include imitation

firearms, BB guns, or air rifles as defined in Government Code Section 53071.5 or any successor legislation;

- B. “*Sensitive place*” means any of the following places:
- i. City property, meaning real property, including any buildings thereon, owned or leased by city, and in city’s possession. “City property” does not include any 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, expressways, and ways within the city;
 - ii. Any polling place while voting is occurring;
 - iii. Any school. For the purposes of this section, “school” includes all institutions that provide preschool, elementary, secondary, post-secondary, technical, or trade or vocational education, and includes all athletic facilities, offices, cafeteria and eating establishments, health care facilities, research facilities, parking lots, and shared rooms and common areas of dormitories thereof. “School” does not include a private residence at which education is provided for children who are all related to one another by blood, marriage, or adoption.

7.30.020 Prohibition on carrying of firearms in sensitive places

- A. Except as otherwise provided by federal or state law, no person shall carry a firearm in any sensitive place unless they are subject to an exemption under Section 7.30.020. This prohibition applies to persons licensed to carry a concealed firearm.

7.30.030 Exemptions

- A. This section shall not apply to:
- i. A federal, state, or local law enforcement officer when such person is authorized to carry a concealed weapon or a loaded firearm under state law or under 18 U.S.C. Section 926B or any successor legislation;
 - ii. An honorably retired officer or agent of a law enforcement agency, when authorized to carry a concealed or loaded weapon under state law or 18 U.S.C. Section 926C;
 - iii. A security guard or messenger of a financial institution, a guard of a contract carrier operating an armored vehicle, a licensed private investigator, a patrol operator, an alarm company operator, or security guard, when such persons are authorized by applicable state or federal law to carry a firearm and when such persons are engaged in the exercise of their official duties;
 - iv. A person bringing or transporting an unloaded firearm onto city property to exchange, transfer, or relinquish it to law enforcement, in compliance with any city operated, approved, or sponsored program to purchase, exchange, or otherwise obtain voluntary relinquishment of firearms;
 - v. A person lawfully possessing an unloaded firearm in the locked trunk of, or inside a locked container in, a motor vehicle.
 - vi. A hunter with a valid hunting license when going to or returning from a legal hunting expedition; provided, however, that when transiting through any area where firearms are prohibited, any firearm is safely stored in a locked container or

otherwise secured using a firearm safety device as defined by California Penal Code Section 16540 or any successor legislation.

7.30.040 Penalties

A. Any person violating any of the provisions of this section shall be guilty of a misdemeanor punishable as set forth in Chapter 1.20 of the Los Altos Municipal Code.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on _____, 2023 and was thereafter, at a regular meeting held on _____, 2023 passed and adopted by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Sally Meadows, MAYOR

Attest:

Melissa Thurman, MMC
City Clerk