

ORDINANCE NO. 1620

AN ORDINANCE OF THE CITY OF SAN CARLOS AMENDING MUNICIPAL CODE SECTION 9.24.010 – DEFINITIONS, TO EXPAND THE DEFINITION OF FIREARM TO INCLUDE AIR RIFLES, BB GUNS AND OTHER SPECIFIED WEAPONS; AND AMENDING SECTION 9.24.030 – DISCHARGE OF FIREARMS PROHIBITED – EXCEPTIONS.

SECTION 1. Findings. The City Council of the City of San Carlos hereby finds and declares as follows:

WHEREAS, there is a continuing need to address use of weapons as defined in San Carlos; and

WHEREAS, the City Council incorporates the findings made in adopting Ordinance 1542; and

WHEREAS, San Carlos neighborhoods are of a suburban and urban nature where homes and yards are in close proximity to each other; and

WHEREAS, the range of BB guns, pellet guns, and modern bows and arrow greatly exceed the distances between homes and yards and could enter onto other properties without warning; and

WHEREAS, there is a need to regulate the use of these weapons and limit their use to law enforcement and at bonafide shooting and archery ranges; and

WHEREAS, the intention of the City in adopting this Ordinance is not to regulate uses of firearms preempted under state or federal laws; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of San Carlos as follows:

SECTION 2: The City Council hereby approves the Municipal Code Ordinance amendment attached as Exhibit A.

SECTION 3: CEQA. This Ordinance is exempt from additional environmental review pursuant to California Environmental Quality Act (“CEQA”) Guidelines Section 15061(b)(3); under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4: Severability. The City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 5: Publication and Effective Date. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

* * * *

I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 9th day of September, 2024 and passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 23rd day of September, 2024 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos

Exhibit A: Firearm Definition Updates (redlined)

EXHIBIT A

9.24.010 Definitions.

For the purpose of this chapter, unless the context clearly requires a different meaning, the following words, terms and phrases have the following meanings:

“Firearm” means any gun, pistol, revolver, rifle, shotgun, air gun, BB gun, pellet gun, bow and arrow, crossbow, blow gun, slingshot or any other weapon of a similar nature designed to discharge a projectile propelled by the expansion of a gas, explosion or other combustion, or through a spring or any other device designed to throw or sling or otherwise project any solid object, or any other 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. ~~The term “firearm” does not include imitation firearm as defined by California Penal Code Section 16700, or BB devices or air rifles as defined in California Penal Code Section 16250.~~

9.24.030 Discharge of firearms prohibited—Exceptions.

Section 9.24.020 shall not apply to the following:

- A. Sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, or any person summoned by such officer to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; or
- B. Persons in lawful possession of a handgun who discharge said handgun in necessary and lawful defense of self or others while on private property; or
- C. Persons in lawful possession of a firearm who are expressly and specifically authorized by Federal or State law to discharge said firearm under the circumstances present at the time of discharge; or
- D. Persons in lawful possession of a firearm who are discharging said firearm at a legally permitted shooting range.
- E. It is not the intention of this Chapter to regulate any conduct if the regulation of such conduct has been preempted by State or Federal law.