



## CITY COUNCIL STAFF REPORT

**MEETING DATE:** September 23, 2024

**ITEM TITLE:** Adopt Ordinance 1620 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.

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### RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance 1620 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.

### FISCAL IMPLICATIONS:

There are no fiscal implications related to adopting the Ordinance.

### BACKGROUND:

Chapter 9.24 of the Municipal Code – Weapons was last updated in 2019. The definition of Firearm currently excludes BB, pellet guns, and other similar weapons from regulation. The City has received concerns regarding backyard use of BB and pellet guns, raising safety concerns, especially in more densely populated neighborhoods.

At the September 9, 2024 meeting, the City Council introduced Ordinance 1620 amending the Municipal Code to expand the definition of Firearm and to add an exception to the prohibited discharge of firearms.

### ANALYSIS:

Weapons such as BB and pellet guns can be dangerous to persons and wildlife, as well as cause potential property damage to windows and structures. They are typically quiet. As such, potential victims would likely have no warning that a neighbor was firing such weapons. Moreover, the range of a typical pellet gun is 50 yards, while an air rifle could have an effective range of 100 yards. This means that a pellet could travel over several lots in typical neighborhoods.

Other weapons that would be included in the proposed regulation include bows and arrows. Modern bows shoot an arrow with an effective range of up to 400 yards and could be deadly given their force and speed exceeding 200 miles per hour.

Section 9.24.030 – Discharge is amended to be clear that the intention of the Chapter is to be consistent with state and federal laws.

Given the urban/suburban nature of San Carlos and its neighborhoods, these weapons are not suitable to fire or use in the city and discharge should be prohibited, except as specified for legitimate law enforcement use, or at bonafide shooting and target ranges, and consistent with state and federal laws.

ALTERNATIVES:

The alternatives available to the City Council include:

1. Adopt Ordinance 1620 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; or
2. Do not adopt Ordinance 1620; or
3. Provide staff with alternative direction.

Respectfully submitted by:

Gregory Rubens, City Attorney

Approved for submission by:



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Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Ordinance 1620 with Exhibit A – Amended Sections 9.24.10 and 9.24.030 (redlined)