



**CITY OF ELK GROVE
CITY COUNCIL STAFF REPORT**

AGENDA TITLE: Consider an ordinance amending Elk Grove Municipal Code Section 9.08.070 authorizing the Chief of Police or designee to issue a special shooting permit for special events

MEETING DATE: January 9, 2019

PREPARED BY: Nicole York, Senior Management Analyst

DEPARTMENT HEAD: Bryan Noblett, Chief of Police

RECOMMENDED ACTION:

Staff recommends that the City Council introduce and waive the full reading, by substitution of title only, an ordinance amending Elk Grove Municipal Code Title 9, Chapter 9.08 (Firearms).

BACKGROUND INFORMATION:

Currently, Elk Grove Municipal Code (EGMC) 9.08.070 limits the issuance of special shooting permits to farmers or orchardists whose agricultural property lies within the City to shoot predatory animals or birds which destroy growing crops or fruit. Staff proposes that City Council amend the Municipal Code to allow the Chief of Police or designee to issue a special shooting permit for special events where the use of a firearm does not involve the firing of ammunition as defined by Penal Code section 16150 and other applicable law; only the use of blank shall be allowed.

Penal Code section 16150 states that “ammunition” means one or more loaded cartridges consisting of a primed case, propellant, and one or more projectiles. Section 16150 further defines ammunition as any bullet, cartridge, magazine, clip speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. The Code states that ammunition does not include blanks.

From time to time, the City receives special event requests that involve theatrical displays and reenactments of historical events that include period firearms. These firearms may include the use of black powder or other blanks for effect, but will not include ammunition as defined in Penal Code 16150. In these instances, it is recommended that the Chief of Police be given the authority to approve and issue a special shooting permit provided the firearms do not use ammunition as defined in Penal Code 16150 or other applicable law.

FISCAL IMPACT

This action has no impact on the General Fund.

ATTACHMENT:

1. Ordinance amending EGMC Section 9.08.070

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ELK GROVE MUNICIPAL CODE TITLE 9, CHAPTER 9.08 (FIREARMS)**

WHEREAS, current Elk Grove Municipal Code (EGMC) Section 9.08.070 limits the issuance of special shooting permits to farmers or orchardists whose agricultural property lies within the City to shoot predatory animals or birds which destroy growing crops or fruit; and

WHEREAS, from time to time, the City may receive special event requests that involve theatrical displays and reenactments of historical events that include period firearms; and

WHEREAS, such special events, theatrical displays and reenactments are important to providing citizens a historical and entertaining account of Elk Grove's past; and

WHEREAS, the use of firearm ammunition as defined by Penal Code section 16150 will not be permitted at special events, theatrical displays, or reenactments, only the use of blanks shall be allowed; and

WHEREAS, the Chief of Police or designee will review and assess special event applications that include firearms to ensure ammunition will not be used.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend EGMC Chapter 9.08 (Firearms), specifically Section 9.08.070 to allow for the issuance of a special shooting permit for special events.

Section 2: Action – Amend Section 9.08.070 Special Shooting Permit

*Note: Language being amended is shown in **bold** and underline; language being deleted is shown with ~~strikethrough~~.*

The Chief of Police or his or her designee may also issue a special shooting permit to any farmer or orchardist whose agricultural property lies within the City to shoot predatory animals or birds which destroy growing crops or fruit, **or for special events where the use of any firearm does not involve the firing of ammunition as defined by Penal Code section 16150 or other applicable law. A special shooting permit issued under this section shall include** ~~upon~~ such conditions and limitations as the Chief of Police or his or her designee may impose for the protection of lives and property. **A written request for a special shooting permit, in the form required by the City, must be submitted to the Chief of Police at least thirty (30) calendar days prior to the intended use.**

Section 3: No Mandatory Duty of Care

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care

towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

INTRODUCED:
ADOPTED:
EFFECTIVE:

STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

JASON LINDGREN, CITY CLERK

JONATHAN P. HOBBS,
CITY ATTORNEY

Signed: _____