

COUNCIL COMMITTEE MINUTES

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COMMITTEE NAME: LAW AND LEGISLATION
MEETING DATE: OCTOBER 24, 1995
MEETING TIME: 12:00 P.M. (NOON)
LOCATION: 915 I STREET, 2ND FLOOR, COUNCIL CHAMBER

The meeting was called to order at 12:13 p.m. by Deborah Ortiz, Chairperson.

PRESENT: Committee Members Ortiz, Fargo, Steinberg

ABSENT: Committee Member Cohn

1.0 CONSENT CALENDAR

ALL ITEMS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED AND ACTED UPON BY ONE MOTION. A MEMBER OF THE COMMITTEE OR STAFF MAY REQUEST AN ITEM TO BE REMOVED FOR SEPARATE CONSIDERATION.

1.1 Status of State Legislation by Ken Emanuels

Ken Emanuels, Legislative Advocate for the City of Sacramento, discussed legislation that has been acted upon, either signed into law, dropped or vetoed. Ken Emanuels answered questions of Committee Members.

2.0 STAFF REPORTS

2.1 Amendment of Subsection 75 of Section 2.c and Subsection 2.e, and adding Subsection 18 to Section 11.A.5.a, of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series, as Amended), relating to Firearms

Report presented by Lynne Ohlson, Administrative Analyst II, Police Department. The proposed ordinance would prohibit the sale of firearms or ammunition in and/or near residential areas and a variety of other land uses. The ordinance also proposes to prohibit the sale of firearms or ammunition as a home occupation permit use in a residentially zoned district. Specifically, the amendments propose to: prohibit the sale of firearms in or within 1000 feet of a residentially zoned area; prohibit the sale of firearms in areas within 1000 feet of day care centers, schools, parks, establishments with alcohol sales and/or an existing firearm dealer's sale site; and prohibit the sale of firearms or ammunition as a home occupation permit use in a residentially zoned district.

This item along with item 2:2 was combined and voted on together.

2.2 Addition of Chapter 28.05 to Title 28 of the Sacramento City Code, regulating the Sale, Lease or other Transfer of Firearms, Firearm Ammunition and Firearm Ammunition Components

Report presented by Lynne Ohlson, Administrative Analyst II, Police Department. The proposed ordinance would establish a local license process for the sale, lease or transfer of firearms, firearms ammunition, or firearms ammunition components. The major provisions of the proposed ordinance require that a local license be obtained from the Police Department in order to sell, lease, or transfer any firearm, firearms ammunition, or firearms ammunition component; establishes that a fee may be assessed to recover City costs associated with the license process; authorizes the Chief of Police to deny such license under specified conditions; provides that a license application shall be referred to other City departments to ensure compliance with other City codes; establishes the term of said licenses at one year, renewable for a one year period upon application and payment of a renewal fee; and requires specified security measures, record maintenance, and insurance coverages as conditions of the license, among other conditions.

Joy Patterson, Senior Planner, Planning and Development Department, spoke on home occupation issues. Currently, sale of firearms is viewed as a retail use in commercial/industrial uses. There are restrictions on home occupation permits. You are not to sell out of your home or have customers coming to your home.

Committee Member Ortiz asked "Point of business is?" Where you are issued the license is your point of business? Committee Member Steinberg stated that under current local law, you could operate out of your home by mail order. Joy Patterson, Senior Planner, Planning and Development Department, stated if you could run this business without storing the guns, City would allow it, but Federal government would not. Committee Member Fargo stated the issue is safety, the storage of weapons in a residential area. Is there a way to address this issue? Lynne Ohlson, Police Department, said that there are gun safes with bolts and the use of alarms.

There were eight public speakers on these two items:

1. Peter W. Finn, 7484 Highwind Way, was opposed to both items relating to firearms. He asked if a firearm crime has occurred? Committee Member Ortiz stated that if you're an FFL holder and you don't have a Certificate of Eligibility, you are breaking the law. Committee Member Steinberg stated that a portion of the ordinance should be written out - As a hobby. Committee Member Ortiz stated that maybe 99% of the people are hobbyists. Under Federal scheme, you need to show you are not dealing. Speaker Finn asked if Police will be issuing licenses? Lynne Ohlson, Police Department, stated "yes." Speaker Finn asked if existing gun shops would be grandfathered in? Committee Member Ortiz said "yes." Speaker Finn asked about the "storage" of firearms. Committee Member Steinberg spoke of trigger-lock mechanisms. Committee Member Ortiz stated that it is not in our power to tell people how to keep their guns.
2. Eric Gorovitz, Bldg. 1, Rm. 300, San Francisco General Hospital, San Francisco, California, was in favor of both items. Committee Member Ortiz stated if all holders of FFL's are not gun dealers, who is or who isn't dealing in guns? Speaker Gorovitz stated this is very hard to ascertain. Committee Member Ortiz asked if there are other regions similar to ours? Speaker Gorovitz stated that a large number are not in compliance. Committee Member Ortiz

asked if you have an FFL license what can you do? Speaker Gorovitz stated there are different classes of FFL licenses - dealers vs. collectors.

3. Chris Folster, 1070 Broadway, owner of Broadway Bait/Gun, was opposed to both items. He brought up the registering of ammunition idea. He sells a lot of shells to hunters and doesn't want to have to register all shells.
4. Marivic Mabanag, Pacific Center for Violence Prevention, San Francisco General Hospital, San Francisco, was in favor of both items. He brought up the fact that more kids are dieing from guns than car accidents.
5. Difter H. Dahmen, 6208 Shadowcreek Dr., Carmichael, Federal Firearms dealer, was opposed to both items. He told Committee that the Federal government requires that you are fully licensed. It is the land of the free.
6. Kevin Peaches, 2424 Castro Way, California Youth Commission, was in favor of both items. He stated City is taking a proactive approach (not a reactive role).
7. Miriam Navarro-Thomas, Associate Director, Violence Prevention, 2111 28th Street, was in favor of both items. Told Committee that more kids are dieing from guns than anything else. Wants to reduce access to kids. Reduce supply - the availability and access to guns are needed.
8. Irwin Nowick, 2642 Windbridge Drive, asked about security requirements, the ammunition situation and the zoning ordinance requirements.

Committee Member Steinberg stated we have freedom but not absolute freedom. Committee Member Ortiz asked what is the role of local government? We should be able to regulate the sale of guns.

RECOMMENDATION OF COMMITTEE: APPROVE STAFF RECOMMENDATION AND FORWARD TO CITY COUNCIL

VOTING RECORD:

MOV: FARGO SEC: STEINBERG
AYES: FARGO, STEINBERG, ORTIZ
ABSENT: COHN

The meeting was adjourned at the hour of 1:45 p.m.

* * * * *

Deborah Ortiz, Chair

ATTEST:



Leslie Oldridge, Secretary

Law and Legislation Committee
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