

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW
ADDING ARTICLE V TO CHAPTER 38 OF THE MOUNTAIN VIEW CITY CODE
RELATING TO FIREARMS ON CITY PROPERTY

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY
ORDAIN AS FOLLOWS:

WHEREAS, the national and Statewide statistical information available from numerous sources overwhelmingly demonstrates that the incidence of gunshot fatalities and injuries has reached alarming and, thus, unacceptable proportions, as the following examples show; and

WHEREAS, according to the United States Centers for Disease Control and Prevention (CDC), in 2018 in the United States, guns took the lives of 39,740 people in homicides, suicides, and unintentional shootings. This is the equivalent of more than 109 deaths each day; and

WHEREAS, a notable increase in random acts of mayhem and violence using firearms has occurred throughout the United States and California, including the following mass shootings: Las Vegas shooting on October 1, 2017; the Stoneman Douglas High School shooting in Parkland, Florida, on February 14, 2018; Tree of Life Synagogue shooting in Pittsburgh, Pennsylvania, on October 27, 2018; Gilroy Garlic Festival shooting in Gilroy, California, on July 28, 2019; spa shootings in Atlanta, Georgia, on March 16, 2021; and King Soopers supermarket shooting in Boulder, Colorado, on March 22, 2021; and

WHEREAS, whenever guns and ammunition are present, even when they are being handled by knowledgeable and conscientious individuals, a danger of accidental shootings causing injury or death arises. According to the CDC, in 2018, unintentional firearm injuries caused the deaths of 458 people. From 2010 to 2018, almost 4,700 people in the United States died from unintentional shootings; and

WHEREAS, while governments at all levels have a substantial interest in protecting the public from firearm-related injury and death, local governments have the predominant obligation to do so. The City Council, therefore, has a particular concern and responsibility to ensure that the City Council protect public health and safety, especially of the public, when on City properties; and

WHEREAS, the City of Mountain View owns and operates many different public facilities, which are sensitive places widely patronized by the public, including seniors and children. In addition to building where the public must come to conduct business with the City, the City operates numerous public facilities that provide public services. The City has numerous parks and recreation facilities which include a community center, senior center, youth center, golf course, Shoreline Lake, soccer fields, and ball fields. In addition, the City operates the Center for the Performing Arts, Rengstorff House, and the Historic Adobe Building. Locations such as these are where a large number of youth and adults congregate, making them appealing for someone intending to inflict a high number of casualties. The City also owns and operates City Hall, Police/Fire Administration Building, the Municipal Operations Center, five Fire Stations, and multiple parking lots and structures throughout the City. The City has a critically important interest in protecting users of the City's public facilities and the City's employees from gun violence;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 38 of the Mountain View City Code is hereby amended to add Article V to read as follows:

**“ARTICLE V.
FIREARMS ON CITY PROPERTY.**

SEC. 38.300 - Intent and legislative purpose.

This Article's purpose is to:

- a. Protect public safety by protecting vulnerable populations – a high number of people who congregate at sensitive places, such as city buildings, city playgrounds, city community centers and other city public facilities;
- b. Enable the public to visit the city's properties, buildings and facilities without fear of endangerment from gun violence or accidental injuries; and
- c. To achieve these important and substantial governmental interests, the city council seeks to ensure that city properties:
 1. Do not create any risk that the public and the city employees at those locations will suffer harm from gun violence or accidental injuries;
 2. Do not draw individuals with firearms to sensitive public places; and

3. Are operated in a manner that protects members of the public from the risk of grave bodily harm or death from gun violence and accidental injury.

SEC. 38.301 - Definitions.

“City property” means real property, including any buildings thereon, owned, leased or subleased by the City of Mountain View and in the city’s possession or in the possession of a public or private entity, corporation or person under contract with the city to perform a public purpose as defined in this Article, including, but not limited to, the following properties: parks, playgrounds, open space, plazas, community centers, city facilities (including, but not limited to, city hall, the center for the performing arts, city library, the municipal operations center, the police/fire administration building, and fire stations), parking lots and parking structures.

“Firearm” means any gun, pistol, revolver, rifle or any 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.

“Public purpose” means purposes normally or otherwise reasonably associated with the use of city-owned, leased or subleased real property, including buildings thereon, dedicated to benefiting the public, including, but not limited to: public buildings in which publicly funded services are administered, rendered or provided; and parks, convention centers, museums, theaters, historical buildings and recreational facilities.

“Weapon” as used in this Chapter shall include: a firearm as defined in Penal Code Section 16520; a knife, dirk or dagger as defined in Penal Code Section 16470; a deadly weapon as defined in Penal Code Section 16430; a destructive device as defined in Penal Code Section 16460; an explosive as defined in Penal Code Section 16510; a generally prohibited weapon as defined in Penal Code Section 16590; an imitation firearm as defined in Penal Code Section 16700; and a switchblade knife as defined in Penal Code Section 17235. If any of the foregoing Penal Code sections are renumbered, replaced or modified, the definition in the successor section shall apply.

SEC. 38.302 - Prohibition on possession of firearms on city property.

No person, except as set forth in Sec. 38.303, shall bring a firearm into or on any city property as defined in Sec. 38.301.

SEC. 38.303 - Exceptions to prohibition on possession of firearms on city property.

Sec. 38.302 does not apply to the following:

a. A peace officer, retired peace officer or person assisting a peace officer when authorized to carry a concealed weapon or a loaded firearm under California law or under 18 U.S.C. Section 926B or Section 926C or any successor legislation. The term "peace officer" as used in this Article shall have the same meaning as used in Penal Code Section 830, *et seq.*, and shall include a federal law enforcement officer who has powers of arrest under Penal Code Section 830.8.

b. A member of the armed forces when on duty.

c. Any person bringing a firearm onto city property in order to exchange or transfer or relinquish it to the Mountain View police department in compliance with any Mountain View police department-operated or -sponsored program to purchase, exchange or otherwise obtain voluntary relinquishment of firearms from the public.

d. Individuals delivering firearms and ammunition as authorized by California or federal law to or from the Mountain View police department.

e. A guard or messenger of a common carrier, bank or financial institution or an armored vehicle guard when authorized by applicable California or federal law to carry the firearm and when engaged in the exercise of official duties on city property.

f. An honorably retired federal officer or agent of a federal law enforcement agency when authorized to carry a concealed or loaded weapon under California or federal law.

g. A patrol special police officer, animal control officer or zookeeper when authorized by applicable California or federal law to carry a loaded firearm and when engaged in the exercise of official duties on city property.

h. A security officer appointed by a sheriff or police chief for the protection of government property under applicable California or federal law.

i. An officer authorized to transport prisoners under applicable California or federal law.

j. An authorized participant in a motion picture, television, film or video production or musical or theatrical production when the participant lawfully uses an unloaded firearm as part of that production."

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).

MM-KC/LK/1/ORD
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