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**Parks & Recreation
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To: Lemoore City Council

From: Joe Simonson, Parks and Recreation Director

Date: January 31, 2013

**Subject: Ordinance 2013-01 Amending Section 7-11-7 A1
Permitting Air Guns at Designated Facilities and
Clarifying Rules Regarding Firearms**

Item # 6

Discussion

In January of 2012, the Parks and Recreation Commission requested that a survey be distributed to the citizens of Lemoore regarding future recreation offerings and facilities. The survey was included in the 2012 Recreation Guide that was hand delivered to 8,000 homes within the city limits. The survey was also included in the January 2012 utility bill. The results of the survey are attached and show the public's interest in an air rifle range facility.

The Parks and Recreation Commission took the public's interest into consideration at the October 9, 2012 meeting and directed staff to apply for an NRA grant to assist with the construction of an air rifle range facility at the Cinnamon Municipal Complex. While it is expected that the City will receive funding, the grant is still pending at this time.

During the grant application process the NRA requested the verbiage of the City's current ordinances regarding the use of air rifles. It was for this purpose, as well as at the Mayor's request, that staff reviewed our current ordinances to ensure that they would not be in conflict with the spirit of draft Resolution # 2013-01 under consideration this evening.

In October of 2008, the Lemoore City Council adopted Ordinance # 2008-09, which states the following:

Section 7-11-7: No person in a park or recreational area shall:

A1: take into, exhibit or use any firearm, air gun, slingshot, firecracker, torpedo, rocket or other fireworks or other articles of like character.

The intention of the Amendment to Municipal Code Section 7-11-7 A1 is to allow the use of air guns in recreational facilities that contain an air gun range. Furthermore, there is no need to duplicate "prohibiting the use of firearms in parks and recreational areas", because California PC 26350 prohibits the carrying of an unloaded hand gun in a public place or street without a California PC 12050 exemption permit (<http://www.californiaconcealedcarry.com/legal/pc12050.html>), California PC Section 26400 prohibits the carrying of an unloaded rifle in a public place or street without a California PC 12050 exemption permit and California PC Section 26850 prohibits the carrying a loaded

firearm in a public place or street without a California PC 12050 exemption permit. Regulations to ban the possession of firearms without exempting California PC 12050 exemption permit holders is preempted by Government Code 53071 and the *Fiscal* (<http://www.hoffmang.com/firarms/a115018.pdf>) decision. Therefore the existing Lemoore Municipal Code Chapter 7 to Title 11 Section A1 is likely to be unenforceable against those licensed to carry under a California PC 12050 exemption permit.

Budget Impact:

None.

Recommendation:

That Council, by motion, wave the first reading of Ordinance # 2013-01, amending Chapter 11 of Title 7 Section 7 A1 to permit air guns to be used at a City recreational facility, should that facility contain an air gun range and removing the reference to firearms in parks or recreational facilities, and pass it to a second reading.