

**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE OF THE CITY OF GLENDALE, CALIFORNIA**  
**ADDING CHAPTER 9.25**  
**OF THE GLENDALE MUNICIPAL CODE, 1995,**  
**RELATING TO POSSESSION AND SALE OF**  
**FIREARMS AND AMMUNITION ON CITY PROPERTY.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

**SECTION 1.** Chapter 9.25, Firearms and Ammunition on City Property, is added to the Glendale Municipal Code, 1995, to read as follows:

**9.25.010 Intent and legislative purpose.**

A. This chapter's purpose is to:

1. 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;
2. Enable the public to visit the city's properties, buildings, and facilities ("city properties") without fear of endangerment from gun violence or accidental injuries; and
3. Prevent city properties from being used to subsidize activities that can endanger public safety and health.

B. 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;
3. Do not contribute to the continued, excessive proliferation of weapons and acquisition of firearms far beyond the numbers necessary to meet individuals' use of firearms for self-defense or sporting purposes;

- 1           4.     Are not used to facilitate the unlawful purchase of firearms by “straw” purchasers  
2                 who act as fronts for ineligible purchasers of firearms;
- 3           5.     Are operated in a manner that protects members of the public from the risk of  
4                 grave bodily harm or death from gun violence, and accidental injury;
- 5           6.     Are not used to increase the numbers of people who gain access to firearms to  
6                 commit violent and unlawful acts, and to harm themselves or others, whether  
7                 intentionally or by accident; and
- 8           7.     Are not used to subsidize activities that can endanger public safety and health.

9  
10 **9.25.020     Findings.**

11           The city council finds, determines, and declares that:

12           A.     The national and statewide statistical information available from numerous sources  
13                 overwhelmingly demonstrates that the incidence of gunshot fatalities and injuries has reached alarming,  
14                 and thus, unacceptable proportions, as the following examples show.

15           B.     According to the United States Centers for Disease Control, in 2010 in the United States,  
16                 guns took the lives of 31,076 people in homicides, suicides, and unintentional shootings. This is the  
17                 equivalent of more than 85 deaths each day and more than three deaths each hour. In the same year,  
18                 73,505 Americans were treated in hospital emergency departments for non-fatal gunshot wounds. In  
19                 2010, guns were used in 11,078 homicides in the United States, comprising almost 35% of all gun  
20                 deaths, and 68% of the 16,259 homicides committed in the United States.

21           C.     The United States Department of Justice, Bureau of Justice Statistics, under the category  
22                 of Firearms and Crime Statistics, reports that in 2010, 415,003 victims of violent crimes stated that they  
23                 faced an offender with a firearm. In 2011, 467,321 victims of violent crimes stated that they faced an  
24                 offender with a firearm.

25           D.     The Johns Hopkins Center for Gun Policy and Research reports that young people in the  
26                 United States are at risk for being both victims and perpetrators of firearm-related violence. In 2007,  
27                 more than 4,900 firearm-related homicide victims were age 24 and younger. In this same age group,  
28                 almost 2,000 adolescents and young adults committed suicide with a firearm.

1 E. The Johns Hopkins Center for Gun Policy and Research also reports that firearms are the  
2 most common weapon used in intimate partner homicides.

3 F. According to Death Statistics prepared by the California Department of Health, Center for  
4 Health Statistics, over the last decade (2000-2010), a total of 11,675 Los Angeles County residents lost  
5 their lives due to firearm-related injuries. In 2010, 281 suicides and 502 homicides were due to firearms.

6 G. A notable increase in random acts of mayhem and violence using firearms has occurred  
7 throughout the United States, California, and Southern California:

- 8 1. On April 2, 2012, 7 people were killed and 3 people injured in a mass shooting at  
9 Oikos University in Oakland, California.
- 10 2. On July 20, 2012, 12 people were killed and 58 people were wounded at a mass  
11 shooting in a movie theater in Aurora, Colorado.
- 12 3. On December 14, 2012, 27 people, including 20 children, were killed with a  
13 firearm during a mass shooting at Sandy Hook Elementary School in Newtown,  
14 Connecticut. The perpetrator used a collection of firearms lawfully acquired by  
15 his mother to shoot her and the other victims.
- 16 4. On January 29, 2013, an innocent teenage bystander— who had sung in a choir at  
17 President Obama’s inauguration nine days earlier— was shot and killed in in a  
18 Chicago park in broad daylight by a youth who was aiming at someone else.  
19 These shootings of innocent bystanders are common throughout the nation and  
20 subject ordinary citizens and their families to serious risk of death and serious  
21 injury when using public facilities.
- 22 5. On February 3, 2013, a former officer of the Los Angeles Police Department  
23 (LAPD) went on a systematic revenge rampage shooting, killing relatives of  
24 members of that police department. The shooter had a vendetta against the  
25 LAPD. Scarce police resources had to be devoted to protecting members of the  
26 LAPD who themselves were thereby diverted from performing critically  
27 important public safety duties. The pursuit of the suspect and the protection of  
28 the members of the public, as the shooter fled through multiple counties,

1 consumed additional resources of police agencies throughout the region and  
2 terrorized numerous citizens, police officers, and their families.

3 6. On February 19, 2013, a 20 year old part-time community college student in Tustin,  
4 California, shot to death a young woman in his Orange County home, and then he  
5 went on an early morning shooting spree, killing 4 people and wounding others.

6 7. On February 26, 2013, 2 police officers in Santa Cruz, California, were shot and  
7 killed while investigating a complaint of sexual assault. The perpetrator had lived  
8 and worked in several different California towns before locating to Santa Cruz a  
9 short time before the attack. The incident could have occurred in any of these  
10 towns, making it clear that no community is insulated from random firearms  
11 violence— which exacts a deadly and unpredictable toll not only on citizen  
12 victims, but also on the police officers charged with protecting them.

13 8. On February 26, 2013, one teenager fatally shot another teenage high school  
14 student on the grounds of an elementary school near San Leandro, California,  
15 when the victim allegedly refused to make good on a \$5 bet.

16 H. Whenever guns and ammunition are present, even when they are being handled by  
17 knowledgeable and conscientious individuals, a danger of accidental shootings— causing injury or  
18 death— arises. According to the United States Centers for Disease Control, in 2010, unintentional  
19 firearm injuries caused the deaths of 606 people. From 2005-2010, almost 3,800 people in the U.S. died  
20 from unintentional shootings. Over 1,300 victims of unintentional shootings for the period 2005-2010  
21 were under 25 years of age. These recent incidents illustrate the problem's severity:

22 1. On January 19, 2013, at a "Gun Appreciation Day" gun show in Medina, Ohio, a  
23 62 year-old man was shot in the arm when a firearms dealer accidentally discharged  
24 a gun he had purchased from an attendee. On the same day, at the Indy 1500 Gun  
25 and Knife Show in Indianapolis, Indiana, a man accidentally shot his hand as he  
26 unloaded a firearm. Also on the same day, at the Dixie Gun and Knife Show in  
27 Raleigh, NC, three people were injured when a 12-gauge shotgun filled with "bird  
28 shot" accidentally discharged.

1           2.       On February 27, 2013, a public school employee in Van, Texas, was accidentally  
2                       shot and wounded during a school district sponsored handgun safety class.

3           I.       While Government at all levels has a substantial interest in protecting the public from  
4           firearm related harm and death, local governments have the predominant obligation to do so. The city  
5           council, therefore, has a particular concern and responsibility to ensure that it protects public health and  
6           safety, especially of the public when on city properties.

7           J.       The City of Glendale owns and operates many different public facilities which are  
8           sensitive places widely patronized by the public, including seniors and children. In addition to buildings  
9           housing its officials and employees where the public must come to conduct business with the city, the  
10          city operates numerous public facilities that provide public services at those locations. The city has 47  
11          parks and recreation facilities which include 4 community centers (2 senior centers and 2 centers for all  
12          ages), 1 golf course, 3 soccer fields, and 16 ball fields. In addition, the city operates 8 public libraries, a  
13          youth center, and an emergency shelter. Locations such as these are where a large number of youth and  
14          adults congregate, making them appealing for someone intending to inflict a high number of casualties.  
15          The city also owns and operates 9 Fire Stations and numerous Glendale Water and Power facilities. The  
16          city has a critically important interest in protecting these users of its public facilities, and its employees,  
17          from gun violence and injuries.

18          K.       The city also owns and operates the Glendale Civic which is used for many different  
19          civic events attended by the public. A thrice-yearly gun show there draws more than a thousand people  
20          from the Southern California area. The Civic Auditorium not only is right across the street from another  
21          sensitive place— Glendale Community College which has 16,000 students— but also is within 1000  
22          feet of College View School, a public school providing K-12 instruction to students with special needs  
23          operated by the Glendale Unified School District. The gun show attracts attendees who are allowed  
24          under state law to bring their own weapons to the gun show as long as the weapons are checked at the  
25          entrance. (Penal Code section 27340(b).) The city’s property could thus draw individuals who are more  
26          prone to have and use firearms, and thereby expose young, vulnerable K-12 and community college  
27          students to increased danger.

28        ///

1 L. In addition, the city has been promoting and marketing a variety of other uses of the  
2 Civic Auditorium that are likely to be incompatible with its use for the gun shows— which occupy the  
3 Civic Auditorium’s upper floor and lower floor, virtually the entire facility.

4 M. The city council has authority over the management and control of city properties, and it  
5 may regulate, by ordinance, the manner in which the city’s properties are accessed and used by members  
6 of the public to ensure that city properties are not used in a way to create an additional risk of serious  
7 harm from firearms violence or accidental injury.

8 N. As of February, 2013, 18 federal firearms license holders are in the City of Glendale,  
9 including 1 pawnbroker, 2 manufacturers, and 15 firearms dealers. Further, an additional 19 persons have  
10 federal firearms licenses, issued for collectors of curios and relics. These collectors are permitted to sell  
11 firearms. In total, 37 federal firearms license holders are in the city. Glendale has 4 retail firearm stores.

12 O. Glendale has 3 neighboring cities, all situated next to Glendale’s corporate limits:

13 1. In the City of Pasadena, as of February, 2013, there are 5 federal firearms licenses  
14 issued to 2 retail firearms dealers and 3 pawnbrokers dealing in firearms.  
15 Pasadena has 5 retail firearm stores.

16 2. In the City of Burbank, as of February, 2013, there are 13 federal firearms  
17 licenses issued to 11 firearms dealers and 2 to manufacturers. Burbank has 5  
18 retail firearm stores.

19 3. In the City of Los Angeles, as of March, 2013, there are 18 retail firearm stores.

20 P. In Los Angeles County, 361 federal firearms licenses have been issued, in addition to 857  
21 federal firearms licenses that have been issued to collectors of curios and relics.

22 Q. Accordingly, given the number of federal firearm license holders authorized to sell  
23 firearms and ammunition in neighboring cities and in Los Angeles County, residents of Glendale have a  
24 wealth of opportunities to view and purchase firearms for self-defense or for sporting purposes, and the  
25 city’s preclusion of such opportunities at a thrice-yearly gun show conducted at the city’s Civic  
26 Auditorium has a *de minimis* effect on the ability to purchase firearms for those purposes. Many of the  
27 dealers at the Glendale Civic Auditorium gun show are from the Southern California region already.

28 ///

1 R. Prohibiting the possession or sale of firearms, or ammunition, or both, on city properties  
2 will have the following beneficial effects, among others:

- 3 1. It will enhance public health and safety by contributing to the reduction in the  
4 presence of firearms and the potential for gunshot fatalities and injuries on city  
5 property;
- 6 2. It will increase the confidence of members of the public that they are not at risk of  
7 injury from firearms when they seek to use city properties; and
- 8 3. It will help to ensure the safety of the general public and specifically children,  
9 who are among the most vulnerable in our society.

10 S. The California Supreme Court has ruled that state law does not preempt local laws banning  
11 the possession and sale of firearms and ammunition on local government's property. In Nordyke v. King  
12 (2002) 27 Cal.4th 875, the Supreme Court upheld an Alameda County ordinance banning the possession  
13 of firearms and ammunition on county owned property and in Great Western Shows, Inc. v. County of Los  
14 Angeles (2002) 27 Cal.4th 853, the Supreme Court upheld a Los Angeles County ordinance prohibiting all  
15 sales of firearms and ammunition on county property. These rulings uphold the city council's legal ability  
16 to ban the possession and sale of firearms and ammunition on city properties.

17 T. Prohibiting the sale or possession of firearms and ammunition on city properties does not  
18 burden the rights of persons to engage in self-defense or sporting activities and does not prevent persons  
19 from purchasing firearms at retail outlets in the city and throughout the region.

20 U. For the foregoing reasons, the city council, in its proprietary capacity, wishes to keep city  
21 properties free from firearms and ammunition, including the purchase and sale of guns and ammunition,  
22 with the exceptions set forth in Sections 9.25.050 and 9.25.060 of this chapter.

23  
24 **9.25.030 Definitions.**

25 For the purpose of this chapter, the following words and phrases have the meanings ascribed to  
26 them, unless otherwise noted:

27 "Ammunition" means any ammunition as defined in California Penal Code section 16150, or any  
28 successor legislation.

1 “City property”:

- 2 1. Means real property, including any buildings thereon, owned, leased, or subleased by the  
3 City of Glendale (“city”) and in the city’s possession— or in the possession of a public or  
4 private entity, corporation, or person under contract with the city to perform a public  
5 purpose— including, but not limited to, the following property: parks, playgrounds, open  
6 space, plazas, community centers, facilities (including the Glendale Civic Auditorium,  
7 the city’s Civic Center Complex, and city libraries), parking lots, and parking structures.
- 8 2. Does not include the public right-of-way owned by the city, including any area across,  
9 along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes,  
10 roads, sidewalks, streets, and ways within the city.

11 “Firearm”:

- 12 1. Means any gun, pistol, revolver, rifle, or any device, designed or modified to be used as a  
13 weapon, from which is expelled through a barrel a projectile by the force of an explosion  
14 or other form of combustion.
- 15 2. Includes:
- 16 a. A firearm, as defined in California Penal Code section 16520 or any successor  
17 legislation.
- 18 b. A BB device, as defined in California Penal Code section 16250 or any successor  
19 legislation.
- 20 c. An imitation firearm, as defined in California Penal Code section 16700(a) or any  
21 successor legislation.

22 “Sale” or “sell”:

- 23 1. Means any transaction, with or without the exchange of consideration, which:
- 24 a. Transfers ownership, title, possession, or control of a firearm, or ammunition, or  
25 both; or
- 26 b. Gives, loans, leases, or delivers a firearm, or ammunition, or both.
- 27 2. Includes the act of placing an order for any of the aforementioned transfers.

28 ///



1       “Unloaded”:

2       1.     Means:

3           a.     No ammunition is in the firearm’s chamber or cylinder; and

4           b.     No ammunition, clip, tube, speed loader, or magazine that is compatible with the  
5                 firearm and that contains ammunition is on the person who is carrying the firearm.

6       2.     Does not include a muzzle-loading firearm that is capped or primed and has a powder  
7                 charge and ball, shot, or projectile in the barrel or cylinder.

8  
9       **9.25.040       Prohibited acts—Ban on possession and sale of firearms.**

10       No person shall:

11       A.     Bring onto or possess on city property:

12           1.     A firearm, loaded or unloaded.

13           2.     Ammunition for a firearm.

14       B.     Sell on city property:

15           1.     A firearm, loaded or unloaded.

16           2.     Ammunition for a firearm.

17  
18       **9.25.050       Exceptions—Ban on possession.**

19       Section 9.25.040 does not apply to the following:

20       A.     A peace officer, retired peace officer, or person assisting a peace officer when authorized to  
21       carry a concealed weapon or a loaded firearm under California law or under 18 U.S.C. § 926B or § 926C,  
22       or any successor legislation.

23       B.     A member of the armed forces when on duty.

24       C.     Any person bringing a firearm onto city property in order to exchange or transfer or  
25       relinquish it to the Glendale Police Department, in compliance with any Glendale Police Department  
26       operated or sponsored program to purchase, exchange, or otherwise obtain voluntary relinquishment of  
27       firearms from the public.

28       D.     A military or veteran’s organization carrying unloaded weapons while parading.

1 E. Individuals delivering firearms and ammunition as authorized by California or federal  
2 law, to or from the Glendale Police Department.

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

6 G. A person who is lawfully at and using the city's target range in accordance with its rules  
7 and applicable law.

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

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

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

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

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

19  
20 **9.25.060 Exceptions—Ban on sale.**

21 Section 9.25.040 does not apply to the purchase or sale of a firearm, or ammunition, or both, by a  
22 federal, state, or local law enforcement agency or by any other federal, state, or local governmental entity.

23  
24 **SECTION 2. Compliance with California Environmental Quality Act.**

25 The City Council finds and determines that this ordinance is not subject to the California  
26 Environmental Quality Act ("CEQA") and, therefore, an environmental review is not required under  
27 Section 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical  
28 change in the environment]; Section 15060(c)(3) [the activity is not a project as defined in Section 15378];

1 and Section 15061(b)(3)[no possibility exists that the activity in question may have a significant effect on  
2 the environment] of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because  
3 the ordinance:

- 4 1. Has no potential for resulting in physical change to the environment, directly or  
5 indirectly; and
- 6 2. Prevents changes in the environment.

7  
8 **SECTION 3. Severability.**

9 This Ordinance's provisions are severable. If any portion of this Ordinance or its application to  
10 any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity  
11 of the Ordinance's remaining portions and the Ordinance's application to other persons and  
12 circumstances. The City Council declares that it would have passed the remainder of this Ordinance  
13 without the invalid or unconstitutional provision.

14  
15 **SECTION 4.** This ordinance becomes effective on the thirtieth day after its passage.

16 Adopted by the Council of the City of Glendale on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

17  
18 \_\_\_\_\_  
19 Mayor

19 ATTEST:

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21 \_\_\_\_\_  
22 City Clerk

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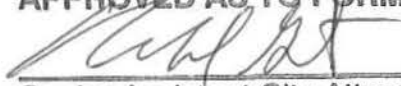
1 STATE OF CALIFORNIA )  
2 ) SS.  
3 COUNTY OF LOS ANGELES )

4 I, Ardashes Kassakhian, City Clerk of the City of Glendale, hereby certify that the foregoing  
5 Ordinance was adopted by the Council of the City of Glendale, California, at a regular meeting held on  
6 the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and that the same was adopted by the following vote:

- 7 Ayes:
- 8 Noes:
- 9 Absent:
- 10 Abstain:

11 \_\_\_\_\_  
12 City Clerk

24 **APPROVED AS TO FORM**

25   
26 \_\_\_\_\_  
27 Senior Assistant City Attorney

28 Date: 3-7-13

**MOTION**

Moved by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, that the Council of the City of Glendale hereby directs the Director of Community Services and Parks, on or after April 18, 2013, to terminate the Civic Auditorium rental agreements ("Facility Permits") with Mr. Steve Friesen for the Gun Shows scheduled in August and November of this year, and for the Gun Shows scheduled in March, August, and November of 2014.

Vote as Follows:


Ayes:

Noes:

Absent:

Abstain:

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Senior Assistant City Attorney

Date: 3-7-13

8 A 2

EXHIBIT 1

Gun Show Revenue History At Civic Auditorium

❖ 2013	Scheduled three (3) events
Facilities:	Civic Auditorium, Upper & Lower Levels
Move-in:	Friday
Event Dates:	Saturday & Sunday
March 2 & 3	\$19,000.00 (estimated revenue)
August 10 & 11	\$19,000.00 (estimated revenue)
November 23 & 24	\$19,000.00 (estimated revenue)
<b>Total Revenue:</b>	<b>\$57,000.00</b>
❖ 2012	Three (3) events
Facilities:	Civic Auditorium, Upper & Lower Levels
Move-in:	Friday
Event Dates:	Saturday & Sunday
March 3 & 4	\$18,557.00
August 11 & 12	\$18,100.00
November 17 & 18	\$18,171.00
<b>Total Revenue:</b>	<b>\$54,828.00</b>
❖ 2011	Three (3) events
Facilities:	Civic Auditorium, Upper & Lower Levels
Move-in:	Friday
Event Dates:	Saturday & Sunday
March 5 & 6	\$17,721.00
August 13 & 14	\$19,911.00
November 19 & 20	\$17,931.00
<b>Total Revenue:</b>	<b>\$55,563.00</b>
❖ 2010	Three (3) events
Facilities:	Civic Auditorium, Upper & Lower Levels
Move-in:	Friday
Event Dates:	Saturday & Sunday
March 6 & 7	\$16,100.00
August 14 & 15	\$15,200.00
November 20 & 21	\$15,320.00
<b>Total Revenue:</b>	<b>\$46,620.00</b>