

ORDINANCE NO. _____
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE ADDING CHAPTER 3.53 TO TITLE 3 OF THE SAN MATEO
COUNTY ORDINANCE CODE PROHIBITING THE POSSESSION OF FIREARMS ON
COUNTY PROPERTY**

WHEREAS, the Board of Supervisors finds that gunshot fatalities and injuries are prevalent in San Mateo County. According to the Coroner's statistics, from 1994 through November 2002, deaths from gunshots are among the leading cause of death from unnatural causes in San Mateo County. As many people died from gun shot wounds than motor vehicles or alcohol & drug involvement, the other two leading causes of unnatural deaths in San Mateo County; and

WHEREAS, on July 4, 1998, a shooting incident on the Alameda County fairgrounds resulted in several gunshot wounds, other injuries and panic among fairgoers and on July 14, 2002, a teenager was killed at a gun show in Georgia, when a firearm accidentally discharged; and

WHEREAS, prohibiting the possession of firearms on County property will promote the public health and safety by contributing to the reduction of gunshot fatalities and injuries in the County;

WHEREAS, on April 22, 2002, the California Supreme Court reaffirmed the rights of counties to adopt laws relating to the sale and possession of firearms on county property. In *Great Western Shows, Inc. v. County of Los Angeles* (2002) 27 Cal. 4th 853, the Supreme Court upheld a Los Angeles County ordinance banning the sale of firearms and ammunition on county-owned property. The court issued a similar ruling in *Nordyke v. King* (222) 27 Cal. 4th 874, upholding an Alameda County ordinance banning the possession of firearms and ammunition on county owned property. Additionally, in *Nordyke v. King*, the Federal District Court held that the ban of gun possession on county property did not violate free speech;

The Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

SECTION 1. Chapter 3.53 is hereby added to Title 3 of the San Mateo County Ordinance Code as follows:

3.53 Firearms on County Property

3.53.010 Possession of Firearms On County Property Prohibited

Every person who brings onto or possesses on County property a firearm, loaded or unloaded, or ammunition for a firearm is guilty of a misdemeanor.

3.53.020 Definitions

For purposes of this Chapter, the following definitions shall apply:

(a) **County Property.** As used in this section, the term County property means real property, including any buildings thereon, owned or leased by the County of San Mateo (hereinafter "County"), and in the County's possession, or in the possession of a public or private entity under contract with the County to perform a public purpose, including but not limited to real property owned or leased by the County in the unincorporated and incorporated portions of the County, and the San Mateo County Expo Center in the City of San Mateo, but does not include any "local public building" as defined in Penal Code Section 171b(c), where the State regulated possession of firearms pursuant to Penal Code Section 171.

(b) **Firearm.** "Firearm" is 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. "Firearm" does not include imitation firearms or BB guns and air rifles as defined in Government Code Section 53071.5.

(c) **Ammunition.** "Ammunition" is any ammunition as defined in Penal Code Section 12316(b)(2).

3.53.030 Exceptions

This section does not apply to the following:

(a) A peace officer as defined in Title 3, Part 2, Chapter 4.5 of the California Penal Code (sections 830 et seq.);

(b) A guard or messenger of a financial institution, a guard of a contract carrier operating an armored vehicle, a license private investigator, patrol operator, or alarm company operator, or uniformed security guard as these occupations are defined in Penal Code section 12031(d) and who holds a valid certificate issued by the Department of Consumer Affairs under Penal Code section 12033, while actually employed and engaged in protecting and preserving property or life within the scope of his or her employment;

(c) A person holding a valid license to carry a firearm issued pursuant to Penal Code section 12050;

(d) An authorized participant in a motion picture, television, video, dance, or theatrical production or event, when the participant lawfully uses the firearm as part of that production or event, provided that when such firearm is not in the actual possession of the authorized participant, it is secured to prevent unauthorized use.

(e) A person lawfully transporting firearms or ammunition in a motor vehicle on County roads;

(f) A person lawfully using the target range operated by the San Mateo County Sheriff;

(g) A federal criminal investigator or law enforcement officer; or

(h) A member of the military forces of the State of California or of the United States while engaged in the performance of his or her duty.

3.53.040 Severability.

If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SECTION 2. This ordinance shall be effective thirty (30) days after the passage thereof.

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