

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING CHAPTER 9.68 OF TITLE 9 OF THE PALM DESERT MUNICIPAL CODE TO PROHIBIT THE POSSESSION OF FIREARMS AT CITY HALL

City Attorney's Summary

This ordinance establishes regulations to restrict the possession of firearms at Palm Desert City Hall in order to safeguard City employees, visitors, and the public. It prohibits the carrying of firearms, whether concealed or not, by members of the public at City Hall, with certain exemptions for law enforcement and others authorized under specific conditions. This ordinance outlines penalties for violations and provides severability to ensure continued enforcement of valid provisions. This ordinance is enacted in the interests of public safety, reducing potential firearm-related injuries and fatalities, and minimizing City liability.

WHEREAS, the City has compelling interests in protecting the safety of City employees and members of the public who congregate at, or visit, City Hall; in enabling the public to visit City Hall without fear of firearm-related violence or accidental firearm-related injuries; in reducing the potential for firearm-related fatalities and injuries at City Hall; in reducing security costs and minimizing City liability for injuries or deaths at City Hall caused by firearms; and to prevent City property from being used to facilitate activities that can endanger public safety and health; and

WHEREAS, the incidence of firearm-related fatalities and injuries has reached alarming and unacceptable levels at the national, state, and local levels, as evidenced by reports and statistics highlighting gun violence in both Riverside County and neighboring regions, including incidents such as the armed standoff at Riverside City Hall in 1998, where a man barricaded himself with a firearm and took a hostage; the 2010 shooting inside the Riverside City Hall council chamber, where a man opened fire during a City Council meeting, wounding several people; and the San Bernardino mass shooting on December 2, 2015, where two assailants opened fire at the Inland Regional Center in San Bernardino, killing 14 people and injuring 22 others in an act of terrorism; in addition to other tragic events; and

WHEREAS, while the United States Supreme Court has made clear that the Second Amendment to the United States Constitution imposes certain restrictions on the states' ability to regulate firearms, it has recognized that the Second Amendment is not a "regulatory straightjacket." *N.Y. State Rifle & Pistol Ass'n v. Bruen* (2022), 142 S. Ct. 2111, 2133. Indeed, the Second Amendment allows states to adopt a "variety" of gun regulations. *Id.* at 2162. And when it comes to restrictions on carrying firearms in public, the Supreme Court has recognized that states may restrict the carrying of firearms in "sensitive places." *Id.* at 2133; see also *McDonald v. City of Chicago* (2010) 561 U.S. 742, 786; *District of Columbia v. Heller* (2008) 554 U.S. 570, 626.

THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Amendment to Municipal Code. Palm Desert Municipal Code Chapter 9.68, Discharge of Firearms, is hereby renamed as Chapter 9.68, Firearms.

SECTION 2. Section 9.68.060 Added. Section 9.68.060 (Possession of Firearms at City Hall) of Chapter 9.68 (Firearms) of Title 9 (Public Peace, Morals and Welfare) is hereby adopted to read as follows:

9.68.060. Possession of Firearms at City Hall.

- (a) **Purpose and intent.** The purpose of this section is to protect the safety of City employees and members of the public who congregate at, or visit, City Hall; to enable the public to visit City Hall without fear of firearm-related violence or accidental firearm-related injuries; reduce the potential for firearm-related fatalities and injuries at City Hall; reduce security costs and minimize City liability for injuries or deaths at City Hall caused by firearms; and to prevent City Hall from being used to facilitate activities that can endanger public safety and health.
- (b) **Definitions.** The following words and phrases, as used in this section, are defined as followed:
- (1) **"City Hall"** means the primary administrative building of the City of Palm Desert, located at 73-510 Fred Waring Drive, including the parking areas that are part of the City Hall complex.
 - (2) **"Firearm"** means any gun, pistol, revolver, rifle, or any device that is 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, BB guns, or air rifles as defined in Penal Code 16700 or any successor legislation.
- (c) **Possession of firearms at City Hall unlawful.** It shall be unlawful for any person to bring onto or possess a firearm at City Hall, whether loaded or unloaded.
- (1) This prohibition applies to persons licensed to carry a concealed firearm unless exempt under subsection (d) of this section.
- (d) **Exemptions.** Subsection (c) does not apply to the following:
- (1) A federal, state, or local law enforcement officer when such person is authorized to carry a concealed weapon or a loaded firearm under state law

or under 18 U.S.C. section 926B or section 926C or any successor legislation.

- (2) An honorably retired officer or agent of a law enforcement agency, when authorized to carry a concealed or loaded weapon under state or federal law.
 - (3) A security guard or messenger of a financial institution, a guard of a contract carrier operating an armored vehicle, a licensed private investigator, a patrol operator, an alarm company operator, or security guard, when such persons are authorized by applicable state or federal law to carry a firearm and when such persons are engaged in the exercise of their official duties at City Hall.
 - (4) A person lawfully possessing an unloaded firearm in the locked trunk of, or inside a locked container in, a motor vehicle that is parked in a public parking area at City Hall, provided the firearm is not removed from the vehicle while on City Hall property.
- (e) **Penalties.** Any person violating any of the provisions of this section shall be guilty of an infraction punishable as set forth in Chapter 1.12 of this Code. Subsequent violations within a twelve-month period may, at the discretion of the City Attorney, be prosecuted as infractions or misdemeanors when the interests of justice so require.

SECTION 3. Section 9.68.070 Added. Section 9.68.070 (Carrying Concealed Firearms in Sensitive Places) of Chapter 9.68 (Firearms) of Title 9 (Public Peace, Morals and Welfare) is hereby adopted to read as follows:

9.68.070. Carrying Concealed Firearms in Sensitive Places.

- (a) **Purpose and intent.** The purpose and intent of this section is to define “sensitive places” within the City of Palm Desert, consistent with the provisions of *N.Y. State Rifle & Pistol Ass’n v. Bruen* (2022), 142 S. Ct. 2111, in order to protect public health and safety.
- (b) **Definitions.** The following words and phrases, as used in this section, are defined as followed:
 - (1) **“Concealed firearm”** has the meaning defined in Section 25400 of the California Penal Code or any successor legislation.
 - (2) **“Licensee”** means a person granted a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person pursuant to Sections 26150, 26155, or 26170 of the California Penal Code.
 - (3) **“Sensitive place”** means City Hall as defined in Section 9.68.060(b)(1) of

this Code.

(c) **Prohibition of concealed firearms in sensitive places.** A licensee shall not carry a firearm on or into any sensitive place.

(d) **Exemptions.** Subsection (c) does not apply to the following:

(1) Possession of firearms at City Hall, if exempt under 9.68.060(d) of this chapter;

(2) A licensee lawfully possessing an unloaded firearm in the locked trunk of, or inside a locked container in, a motor vehicle that is parked in a public parking area at City Hall, provided the firearm is not removed from the vehicle while on City Hall property.

(e) **Penalties.** Any person violating any of the provisions of this chapter shall be guilty of an infraction punishable as set forth in Chapter 1.12 of this Code. Subsequent violations within a twelve-month period may, in the discretion of the City Attorney, be prosecuted as infractions or misdemeanors when the interests of justice so require.

SECTION 4. Enforcement. The City Manager is authorized and directed to implement and enforce this ordinance, including the posting of appropriate signage at all entrances to City Hall, indicating that firearms are prohibited.

SECTION 5. CEQA Exemption. The City Council finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), the "common sense" exemption, because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

SECTION 6. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 7. Posting and Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish this Ordinance in the *Desert Sun*, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.

ADOPTED ON _____, 2024.

KARINA QUINTANILLA
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. ____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on _____, 2024, and adopted at a regular meeting of the City Council held on _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
CITY CLERK