

RESOLUTION NO. 19-163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, PROVIDING DIRECTION TO CITY STAFF AND THE CITY ATTORNEY'S OFFICE TO EXPEDITIOUSLY MOVE TO IMPLEMENT NEW OR ADDITIONAL REGULATIONS TO SEVERELY RESTRICT THE POSSESSION AND SALE OF FIREARMS IN THE CITY OF CARSON TO PROTECT PUBLIC SAFETY

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City has the police power to suppress, prohibit, or regulate all things that are injurious to the public welfare, and to regulate land uses within its jurisdictional boundaries; and

WHEREAS, there is a gun violence epidemic in the United States, and the State of California, the County of Los Angeles, and the City of Carson are no exception. The CDC reports that an average of 36,383 gun deaths and 100,120 gun injuries occur annually in the United States; and

WHEREAS, there are 120.5 guns per 100 residents in the United States, an average of more than one gun per person. This is by far the highest rate of gun ownership in the world; and

WHEREAS, as part of the gun violence epidemic, the nation is also suffering from an epidemic of mass shootings. There were at least 19 deadly mass shootings (defined as incidents where at least 4 people, not including the suspect, were killed in a shooting in one day) in the U.S. in just the first eight months of 2019; and

WHEREAS, some recent examples of the tragic results of the mass shooting epidemic are as follows:

- On October 1, 2017, the nation endured the worst mass shooting in U.S. history when a lone gunman massacred 59 people at the Route 91 Harvest music festival in Las Vegas, Nevada;
- On November 7, 2018, a gunman opened fire in a bar full of college students in Thousand Oaks, California, resulting in the deaths of 13 people;
- On May 31, 2019, a gunman killed 12 people and injured 4 others at a city public works building in Virginia Beach, Virginia;
- On July 28, 2019, sixteen people were shot and three were killed, including a gunman and two children, at the Gilroy Garlic Festival in Gilroy, California;
- On August 3, 2019, in a hispanophobic massacre, 22 people were killed and 24 were injured at a Walmart in El Paso, Texas; and
- On August 4, 2019, a gunman killed 10 people and injured 27 outside of a bar in Dayton, Ohio.

WHEREAS, certain government agencies and private corporations are reacting strongly to the recent rash of shootings, and to the gun violence and mass shooting epidemic as a whole, in an attempt to put an end to the tragedies and to help ensure the protection of the public safety. For example: (1) On September 3, 2019, WalMart announced that it will discontinue sales of handgun ammunition, will discontinue handgun sales in Alaska (the last state in which WalMart sold that type of firearm), and will request customers not to openly carry guns in stores unless they are law enforcement officers; and (2) On September 4, 2019, the Board of Supervisors of the City and County of San Francisco approved a resolution naming the National Rifle Association a domestic terrorist organization.

WHEREAS, the Carson Municipal Code currently: (1) prohibits the sale or possession of assault weapons; (2) imposes strict regulations for the sale or purchase of ammunition; and (3) allows the sale of certain firearms that do not constitute assault weapons by gun dealers which obtain a City regulatory permit and business license in addition to all required state and federal licenses and clearances; and

WHEREAS, there are currently eight existing licensed and permitted gun dealers in the City which have met the requirements of the existing regulatory program; and

WHEREAS, in light of the ongoing gun violence and mass shooting epidemic afflicting the nation, the City Council deems it essential for the protection of public safety to impose further regulations to prohibit or severely restrict the sale and possession of guns in the City, to the maximum extent allowed under applicable state and federal law; and

WHEREAS, the City Council recognizes that in order to achieve this objective, it will be necessary for City staff and the City Attorney's office to do their due diligence to identify and develop the precise details of the necessary and appropriate regulations, and to adhere to all applicable procedural requirements, such as public notice and hearing requirements; and

WHEREAS, based on the foregoing, the City Council wishes to direct staff to move expeditiously to implement new or additional regulations to prohibit or severely restrict, to the maximum extent allowable under applicable state and federal law, gun sales and possession in the City of Carson, as is necessary to ensure the protect the public safety of the City's residents and visitors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. The City Council hereby directs City staff and the City Attorney's office to expeditiously move to implement new or additional regulations that would severely restrict or prohibit gun possession and sales in the City of Carson, for the purpose of providing the strongest possible protections to the public safety of the residents and visitors of the City of Carson. The regulations should do the following (without limitation, and subject to compliance with applicable law):

- Confine gun dealers to commercial zones, and require issuance of a conditional use permit for such uses;
- Impose reasonable minimum separation distance requirements, preferably of a radius of one mile, between gun dealers and the following: schools, churches, day-care centers, recreation facilities, bars, liquor stores, and residential zones;
- Provide for reasonable amortization of existing gun dealer land uses which are rendered nonconforming by the foregoing restrictions.
- Prohibit the sale and possession of firearms on all City-owned property, including City Hall and other City-owned buildings and all City parks and recreation facilities, subject to exceptions for possession of firearms by law enforcement officers; and
- Prohibit or restrict the sale of specified auxiliary equipment (as may be identified by staff, and not including ammunition) that is related to the use of firearms and that could increase the harm that an active shooter could inflict in a short period of time.

City staff is hereby further directed to adhere to all notice and public hearing requirements in connection with presenting the proposed regulations for City Council consideration, including providing for consideration of same by the Planning Commission if necessary or required under state and local law based on the nature of the regulations proposed.

SECTION 3. This Resolution shall be effective immediately upon its adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Carson, California, at a regular meeting held on the 17th day of September, 2019.

ATTEST:

Mayor Albert Robles

City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF CARSON)

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, do hereby certify that the whole number of members is five; that the foregoing resolution, being Resolution No. 19-163 was duly and regularly adopted by said City at a regular meeting duly and regularly held on the 17TH day of September 2019, and that the same was passed and adopted by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

By: _____
City Clerk