

ORDINANCE NO. 10351 (N.S.)

**AN ORDINANCE AMENDING SECTIONS 41.117
AND 33.101 OF THE SAN DIEGO COUNTY CODE
RELATING TO FIRE ARMS IN COUNTY PARKS
AND SHOOTING REGULATIONS**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is necessary to amend County Code section 41.117 to protect the natural habitat in County parks by allowing the Director of the Department of Parks and Recreation to authorize the use of firearms and other weapons to control invasive, non-native animals that are causing significant damage to the environment and to clarify that the prohibition on the possession and use of firearms in County parks does not apply to certain specified persons, such as peace officers, acting in the course and scope of their employment. The Board also finds and determines that it is necessary to amend County Code section 33.101 to clarify that the prohibitions in this section do not apply to certain authorized uses of firearms.

Section 2. Section 41.117 of the San Diego County Code is hereby amended to read as follows:

SEC. 41.117. WEAPONS AND FIREWORKS.

(a) It shall be unlawful for a person to possess any of the following in a County park: “explosives” as defined in Health and Safety Code section 12000, “fireworks” as defined in Health and Safety Code section 12511, a “firearm” as defined in Penal Code section 12001, an air gun, bow or crossbow designed to shoot arrows, slingshot, paintball gun, blowgun or throwing knife.

(b) The Parks Department may, however, grant written authorization:

(1) To a youth group to practice archery in a designated area of a County park.

(2) To allow bows and arrows to be carried during an historical reenactment.

(3) To allow “antique firearms,” as defined in 18 U.S.C. section 921(a)(16), to be carried and discharged using blank ammunition, during an historical reenactment, upon satisfactory proof that all State and federal firearms regulations have been and will be complied with.

(4) To allow a mentored, juniors-only turkey hunt for up to 20 juniors and their mentors, using shotguns or bows and arrows, at Santa Ysabel East Preserve for a maximum of two days per year during a State-established juniors-only turkey hunting season, subject to all applicable State and federal laws and regulations.

(5) To allow the possession and use of a firearm or any other weapon listed in subsection (a) above to control any invasive, non-native animal in a County park that the Director determines is causing significant damage to the environment including, but not limited to, native plants and/or animals, provided the authorization complies with all applicable federal and state law. The authorization may include conditions to ensure the safety of the public, to limit the time when and/or the area where the person may possess and use the firearm, to specify the type of firearm or weapon that may be used, etc. Before granting an authorization, the department shall consider the environmental resources in the area where the animal is likely to be found. The authorization shall include conditions to protect any significant environmental resources, including sensitive plants or animals, in that area,

(c) The prohibition on the possession and use of a firearm in subdivision (a) above does not apply to the following persons when acting in the course and scope of their employment: any peace officer as defined by state law, any federal law enforcement officer including, but not limited to, an employee of U.S. Customs and Border Patrol, or any other governmental employee or his or her agent who is authorized to carry a firearm.

Section 3. Section 33.101 of the San Diego County Code is hereby amended to read as follows:

SEC. 33.101. NO SHOOTING NEAR HABITATION—SHOOTING RANGES.

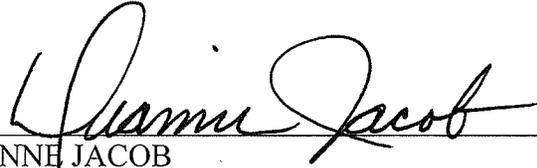
(a) Other than in defense of person it shall be unlawful for any person to discharge any pistol, revolver, shotgun, rifle or any other firearm or device fired or discharged with explosives, at any place within the unincorporated territory of the County which is not a reasonably safe distance from all recreational areas, communities, roads or occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith except on and pursuant to the safety regulations of a shooting range established and operated pursuant to a permit issued by the Sheriff.

(b) For purposes of this section, 150 yards or less is not a reasonably safe distance from any occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith unless the person discharging the firearm or device is the owner, person in possession of the premises or a person having the express permission of the owner or person in possession of the premises.

(c) This section does not apply to the discharge of firearms authorized pursuant to section 41.117(b)(4), (5) or (c) of this code.

Section 4. This ordinance shall take effect and be in force 30 days after its passage, and before the expiration of 15 days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 6th day of August, 2014.



DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 6th day of August, 2014.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



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08-06-14 (12)