



**Independent, locally owned and operated!**

www.lamorindaweekly.com 925-377-0977

Published September 6th, 2015

## Moraga moves toward regulating firearms storage

By *Sophie Braccini*

Few topics are as divisive and potentially explosive as firearms regulation in this country. The small town of Moraga decided nonetheless to look at regulating firearms storage and commerce within its borders. A recent town council meeting attracted many supporters and some opponents as the matter was discussed. Most residents spoke with calm and respect, a fine example of democratic debate, one council member noted.

The Aug. 23 Moraga Town Council meeting drew an overflowing crowd to the town chambers. Town clerk Marty McInturf counted 99 people in attendance, while hundreds more signed up online, watching the debates live. A majority of the people who came and spoke were parents of young children, a lot of them attending a council meeting for the first time. In their own words, it took an issue dear to their hearts to have them find the time to come to an evening meeting when they are already juggling so many activities. Moraga Chief of Police Jon King framed the debate by saying he was convinced that all in attendance had the same objective: the safety of the community. The difference, he said, was simply finding the best way to go about it.

Two possible ordinances were on the table that night: one to restrict where in town gun dealers could set up shop, and one to require gun owners to safely store their arms when not in their immediate control. The purpose of the evening was for the council to decide whether or not these two texts should be studied. King's report did not favor adding both texts to the town's books. He explained that zoning the sale of firearms so dealers cannot set up shop in residential districts or near schools made sense, but he added that a safe storage ordinance was not a good idea. King said that such a text would be redundant since state law already punishes people whose easily accessible firearms cause accidents, especially when involving children. He added that if such a rule was in the municipal code, he did not see a way for his officers to enforce it.

King praised Allison Anderman, a Moraga resident and staff attorney with the Law Center to Prevent Gun Violence, who brought this topic for the first time to the council and worked with other parents to prepare all the documentation regarding the potential ordinances.

Forty-six residents spoke in favor of drafting both ordinances. Many parents, school administrators, pediatricians and a church minister explained the same thing: safe storage ordinances prevent teen suicide, reduce the number of accidents involving firearms and children, and prevent theft of weapons.

Eight people, most of them Moraga residents, spoke against the safe storage ordinance. They explained it carried the risk of jeopardizing their safety by delaying access to their gun in case of an emergency, that it would cost money the town does not have, and like King said, existing law was enough and a municipal rule would not be enforceable. Most indicated that what was needed was to educate children. Some also claimed that this regulation would abridge the second amendment to the constitution.

Proponents explained that existing laws are not specific enough. They stated that not all laws are easily enforceable, but they set the standards and goals of the community. Proponents also explained that in the 2013 case of *Jackson v. the City and County of San Francisco*, the 9th U.S. Circuit Court of Appeals ruled that requiring safe storage of firearms was not unconstitutional. Such legislation has not been challenged in court since this ruling.

On the council, only member Kymberleigh Korpus made a detailed case against the safe storage of firearms ordinance. Although she said she was aware of the Jackson case ruling, she said that for her such an ordinance would be unconstitutional. She also argued that Moraga should not be addressing topics that are political national issues. Korpus added that government regulations were not the solution to all concerns, and that parents had other solutions, such as education of their children.

Mayor Teresa Onoda and council member Jeanette Fritzy both declared their support of both ordinances. Fritzy said that she did not believe this was a political topic, and that the safety of the residents was part of the council's responsibility. She said she reviewed the data and was convinced of the efficiency of this rule.

The mayor said that she occasionally goes shooting with her son and likes guns, but that she knows how teen parties can become unruly and if the town council can do something to prevent accidents, it should. Council Member Dave Trotter proposed a compromise: drafting town rules regarding firearms storage, but not necessarily an ordinance. Vice Mayor Roger Wykle wavered between that option and asking for an ordinance before finally supporting the regulatory option.

The next step is now for staff to draft two ordinances: one that will restrict firearms dealerships in commercial districts, and one that will require firearms owners to safely store them.

There will be more opportunities for public input when the new rules are reviewed by the planning commission, before a final hearing at the town council level. At this time there are 61 territorial entities that have approved a specific zoning ordinance for firearms dealers in California and eight that require safe storage.

Reach the reporter at: [sophie@lamorindaweekly.com](mailto:sophie@lamorindaweekly.com)

[back](#)

Copyright © Lamorinda Weekly, Moraga CA