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Many speakers but not much controversy as Orinda adopts safe gun storage ordinance

By Sora O'Doherty



Free gun lock Photo Sora O'Doherty

A new law making it an infraction to fail to keep guns safely stored was unanimously adopted by the Orinda City Council Oct. 2 and will be finalized Oct. 16. Members of the public had asked the city to adopt two ordinances: the safe gun storage ordinance, and another governing gun dealers. The council, however, only moved forward on safe gun storage for several reasons. Primarily, existing regulations prohibit the sale of guns by businesses located in residential zoning districts and, while there are currently no businesses selling guns in Orinda, the council would be made aware of any such proposed business, which would require the city to confirm that there were no applicable licensing or registration rules. Further, the city is well aware that when the city of Pleasant Hill tried to ban gun dealers, they were sued and were forced to settle - and that legal action was costly.

Council Member Eve Phillips asked staff to explain how the Orinda ordinance would differ from the one adopted by the Town of Moraga. City attorney Osa Wolff explained that the Orinda ordinance was drafted to be very close to the Moraga law, which has not been legally challenged, with the exception that under the Moraga law, a second occurrence of unsafe gun storage is deemed a misdemeanor, while multiple offences under the Orinda law will remain infractions, enforced as code violations with escalating fines. The new law applies to guns in any residence and requires that firearms be stored in a locked container or disabled with a safety device.

Many speakers supported the proposed ordinance. Diane Bianchi, representing the League of Women Voters, said that the League supports the ordinance as a health and safety measure. Shannon Pedroni said that if one death was prevented, the law will be worth it. She said that the risk of suicide increases in houses where guns are kept. Julie Oliver said that the law would be good for high school students and middle school students. Stacey Crinks, the chair of parent education at Miramonte, supported the law and cited statistics, such as how 96 Americans are killed by gun violence every day.

Dan de Busschere expressed concern about the liability of the city and the possibility of federal litigation. Chris Kniel said, "We don't need more rules, we need more education." He also found the ordinance to be redundant to state law, but Kelsey Wolfman, a mother of three, said that she has witnessed both incidental and intentional gun violence and in her opinion the ordinance takes the matter of gun safety a step further than state law. She also referred to the offer by the Giffords Law Center to find pro bono representation in the event that the city was sued. Several other speakers referred to the Giffords Law Center offer, and Wolff confirmed that the San Francisco law firm Farella Braun & Martel, LLP has offered pro bono representation.

In response to questions from the council members, Police Chief Mark Nagel confirmed that the Orinda police department provides education, collects guns and ammunition, and provides free gun locks. City Manager Steve Salomon said that staff will work on education regarding the new law, and pointed out that with advances in technology a gun owner can still quickly access a weapon, even if safely locked. Council Member Darlene Gee said it was a good measure, and pointed out that she has a CO2 detector because state law requires it. There is an epidemic of issues related to guns, she said. The council is trying to represent the values of the community, so she supported the law. Council Member Eve Phillips also supported the law because, she said, it is clearly what the community wants, although she did have concerns about potential liability. Mayor Amy Worth said that it was incumbent on the council to convey the importance of gun safety.

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