

# **SAN BRUNO MUNICIPAL CODE REVISION: TITLE 6**

**Marc L. Zafferano, City Attorney  
February 9, 2021**

# AGENDA

- **Background**
- **Introduce and Discuss Amendments to Title 6  
(Public Peace, Morals and Welfare)**
- **Next steps**

# BACKGROUND

- **October 9, 2018: City Council direction for comprehensive amendment of Municipal Code**
  - **Primary focus: update for internal consistency and with current law**
  - **Policy discussions for required revisions**
- **October 23, 2018: Initiated City Council introduction of Title 1 (General Provisions) and Title 2 (Administration and Personnel), Chapter 2.04**

## **BACKGROUND, CONT.**

- **November 1, 2018: QCP completed initial review of entire Municipal Code**
- **November 14, 2018: City Council adopts amendments to Title 1 and Title 2, Chapter 2.04**
- **July 9, 2019: adopted revisions to remainder of Title 2 (Administration and Personnel) and all of Title 3 (Revenue and Finance)**

## BACKGROUND, CONT.

- **March 24, 2020: adopted revisions to Title 4 (Licenses and Regulations)**
- **April 28, 2020: provided policy direction regarding Title 5 (Nuisances)**
- **June 9, 2020: adopted amendments to Title 5**

# DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE)

## ➤ Title 6: Twenty Chapters

- 6.04: Definitions - *Amendments proposed*
- 6.08: Firearms - *Amendments proposed*
- 6.12: Trespassing and Loitering - *Amendments proposed*
- 6.13: Prohibition Against Abusive Solicitation
- 6.14: Juvenile Daytime Curfew
- 6.16: Noise Regulations
- 6.18: Mandatory Real Estate Transfer Disclosure  
Regarding Airport Noise

# DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.

- **Title 6: Twenty Chapters, cont.**
  - **6.20: Assisting Locked-Out Person**
  - **6.24: Topless/Bottomless Regulations**
  - **6.28: Drug Paraphernalia - *Amendments proposed***
  - **6.32: Aerosol Paint Container Regulations**
  - **6.36: Animal Control**
  - **6.44: Consumption and Possession of Alcoholic Beverages in Public**

# DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.

- **Title 6: Twenty Chapters, cont.**
  - **6.48: False Alarms - *Amendments Proposed***
  - **6.50: Safe and Sane Fireworks**
  - **6.51: Dangerous Fireworks**
  - **6.52: Tobacco Retailer Permit**
  - **6.56: Smoking Regulations**
  - **6.58: Medical Marijuana Distribution Facilities**
  - **6.59: Commercial Cannabis Activities**



# DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.

- **Proposed amendments to five Chapters**
  - **6.04: Definitions - for consistency with state law**
  - **6.08: Firearms - to propose safe storage ordinance**
  - **6.12: Trespassing and Loitering - for consistency with state law and prior Muni Code amendments**

# DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.

- **Proposed amendments to five Chapters, cont.**
  - **6.28: Drug Paraphernalia - to repeal due to state law preemption**
  - **6.48: False Alarms - for consistency with state law**

# DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.

- **Chapter 6.08: Firearms**
  - **Recommend considering safe storage ordinance**
    - **Mitigate increased risk of injury or death from unsecured firearms in residences**
    - **May also provide incentive to report**

# **DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.**

- **Chapter 6.08: Firearms, cont.**
  - **State law background: Penal Code 25100**
    - **Prohibits unsafe storage of loaded or unloaded firearms if owner knows/should know children or prohibited person could access**
    - **Conviction for misdemeanor/felony requires injury/death**

# **DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.**

- **Chapter 6.08: Firearms**
  - **Features of proposed ordinance**
    - **Fills some gaps in state law**
    - **Designed to protect adults as well as children from risk of improperly secured firearms**
    - **Enforcement: administrative citation or misdemeanor**
  - **Similar ordinances adopted by other cities**

# **DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.**

- **Discuss schedule for review and direction regarding Chapters 6.58 and 6.59 regulating cannabis activities**
  - **Deferred last year to place tax measure on ballot**
    - **City Council did not direct staff to develop regulatory changes to existing ordinances**

# **DETAILED REVIEW OF TITLE 6 (PUBLIC PEACE, MORALS AND WELFARE), CONT.**

- **City Council contemplated reviewing current prohibition on cannabis activities after adoption of tax measure**
- **Recommend discussing evaluating, developing, and implementing comprehensive regulatory ordinance during March/April 2021 priority setting meetings**
  - **Effort will involve multiple departments**

# NEXT STEPS

- **Review proposed amendments**
- **Introduce ordinance**
  - **Alternative: make substantive revisions and re-introduce at subsequent meeting**
- **Adoption scheduled for February 23, 2021**
- **Schedule remains on track to complete remaining five Titles in 2021**