

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 10.32.010 OF CHAPTER 10.32 OF TITLE 10 OF THE SAN JOSE MUNICIPAL CODE TO EXCLUDE PROPERLY TRAINED AIRPORT EMPLOYEES AND CONTRACT BIOLOGISTS DISCHARGING FIREARMS WITHIN THE PERIMETER OF THE AIRPORT AS PART OF THE AIRPORT'S FEDERAL AVIATION ADMINISTRATION-REQUIRED WILDLIFE HAZARD MANAGEMENT PROGRAM FROM THE PROHIBITION ON DISCHARGING FIREARMS WITHIN THE LIMITS OF THE CITY**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has caused that certain Final Environmental Impact Report for the San Jose International Airport Master Plan Update, that certain Final Supplemental Environmental Impact Report entitled, "Norman Y. Mineta San Jose International Airport Master Plan Update," and related addenda thereto, to be prepared and for which the City Council of the City of San José has adopted related Resolution Nos. 67380 and 71451 (collectively all documents are referred to as the "Final EIR"), which Final EIR adequately describes the activities of this Ordinance for purposes of CEQA and these activities fall within the scope of the Final EIR (File No. PP12-057); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the Final EIR in connection with its actions taken on this Ordinance;

**NOW, THEREFORE,** BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 10.32.010 of Chapter 10.32 of Title 10 of the San José Municipal Code is amended to read as follows:

**10.32.010 Shooting of Firearms Prohibited – Exceptions**

- A. No person shall fire or discharge, or cause to be fired or discharged within the limits of the City any cannon, anvil, gun, pistol or other firearm, except as hereinafter provided.
  
- B. The foregoing provisions as to the use of firearms shall not apply to peace officers or soldiers in the discharge of their official duties and while in the exercise of reasonable care; nor to City employees or contract biologists who have been trained to use and discharge firearms as necessary to implement an Airport Wildlife Hazard Management Program within the perimeter of the Norman Y. Mineta San Jose International Airport; nor to a person using firearms in necessary self-defense; nor to persons conducting a shooting gallery who have first procured a license therefor in accordance with the license ordinance of the City; nor to shooting clubs where such shooting clubs are conducted within a fixed place within the City and in such a manner that there is no danger to any person whatsoever, provided such shooting club first secured permission from the City Manager to conduct the same.

RD:KWF:NGA  
10/10/2012

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS D. HAWKINS, CMC  
City Clerk