

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION 2

CALGUNS FOUNDATION INC., et al
v.
COUNTY OF SAN MATEO

CALGUNS FOUNDATION, INC., et al,
Plaintiffs and Appellants

v.
COUNTY OF SAN MATEO,
Defendant and Respondent.

APPEAL FROM THE
SUPERIOR COURT OF SAN MATEO COUNTY
HONORABLE V. RAYMOND SWOPE, III, PRESIDING JUDGE
Case No.: CIV 509185

APPELLANTS' OPENING BRIEF

Donald E. J. Kilmer, Jr.
CA State Bar No.: 179986
Law Offices of Donald Kilmer, A.P.C.
1645 Willow Street, Suite 150
San Jose, California 95125
Vc: 408/264-8489 Fx: 408/264-8487
E-Mail: Don@DKLawOffice.com
Counsel for Plaintiffs-Appellants

TO BE FILED IN THE COURT OF APPEAL

APP-008

COURT OF APPEAL, First APPELLATE DISTRICT, DIVISION 2	Court of Appeal Case Number: <p align="center">A136092</p>
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Donald Kilmer (Bar # 179986) Law Offices of Donald Kilmer, APC 1645 Willow Street, Suite 150 San Jose, CA 95125 TELEPHONE NO.: (408) 264-8489 FAX NO. (Optional): (408) 264-8487 E-MAIL ADDRESS (Optional): Don@DKLawOffice.com ATTORNEY FOR (Name): Calguns Foundation, Inc., and Gene Hoffman, Plaintiffs	Superior Court Case Number: <p align="center">CIV 509185</p>
	FOR COURT USE ONLY
APPELLANT/PETITIONER: Calguns Foundation, Inc., et al. RESPONDENT/REAL PARTY IN INTEREST: County of San Mateo	
CERTIFICATE OF INTERESTED ENTITIES OR PERSONS (Check one): <input checked="" type="checkbox"/> INITIAL CERTIFICATE <input type="checkbox"/> SUPPLEMENTAL CERTIFICATE	
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1. This form is being submitted on behalf of the following party (name): Calguns Foundation, Inc., and Gene Hoffman

2. a. There are no interested entities or persons that must be listed in this certificate under rule 8.208.

b. Interested entities or persons required to be listed under rule 8.208 are as follows:

Full name of interested entity or person	Nature of interest (Explain):
(1)	
(2)	
(3)	
(4)	
(5)	

Continued on attachment 2.

The undersigned certifies that the above-listed persons or entities (corporations, partnerships, firms, or any other association, but not including government entities or their agencies) have either (1) an ownership interest of 10 percent or more in the party if it is an entity; or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 8.208(e)(2).

Date: January 2, 2013

Donald Kilmer
 (TYPE OR PRINT NAME)

 (SIGNATURE OF PARTY OR ATTORNEY)

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Introduction

The State of California prohibits both the concealed and open carrying of unloaded handguns in public. CA Penal Code §§ 25400 and 26350. It also prohibits the carrying of any loaded gun in public. Penal Code § 25850.

Instead, California has created a statutory permit process for exercising the right of self-defense with a loaded, concealed handgun by authorizing county sheriffs and chiefs of police to issue a “license to carry a pistol, revolver, or other firearm capable of being concealed upon the person.” CA Penal Code §§ 26150 - 26225.

A person applying for such a license must convince a sheriff or chief of police that:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.
- (3) The applicant is a resident of the county or a city with the county, or the applicant’s principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.
- (4) The applicant has completed a course of training as described in Section 26165.

CA Penal Code §§ 26150, 26155

This case is a challenge to a San Mateo County ordinance that purports to nullify, negate or otherwise override this state law with respect to these licenses for self-defense when that licensee enters a county park or recreational area.

Procedural History

A verified complaint was filed on or about October 20, 2011. A non-substantive dismissal as to one of the original plaintiffs was filed on April 16, 2012. [Sup.Ct. Case File. Vol. 1, pages 3 and 158.]

A demurrer was filed by the County of San Mateo. The demurrer was opposed by the plaintiffs. A reply brief was filed by the County and supplemental briefs were filed by both parties pursuant to court order. [Sup.Ct. Case File. Vol. 1, pages 25, 27, 100, 162, 168, 176, 181.]

The trial court entered an order sustaining the demurrer without leave to amend and entered judgment in favor the County on July 10, 2012. [Sup.Ct. Case File. Vol. 1, pages 198, 201, 202, 207.]

A timely notice of appeal was filed by the plaintiffs on July 31, 2012. [Sup.Ct. Case File. Vol 1, page 210]

Nature of the Action | Question Presented

The complaint sought only injunctive and declaratory relief as to the County of San Mateo's power to enact an ordinance that outlawed the possession of firearms, without exception, in county parks and recreational areas.

The specific question presented is:

Does California Government Code § 53071, and this Court's opinion in *Fiscal v. City and County of San Francisco*, (2008) 158 Cal. App. 4th 895,

preempt cities and counties from interfering with state issued licenses that specifically permit the carrying of concealable firearms in public for the purpose of self-defense?

Statement of Appealability

An order sustaining a demurrer that terminates the action is an immediately appealable final judgment. '[A]n order of dismissal is to be treated as a judgment for the purposes of taking an appeal when it finally disposes of the particular action and prevents further proceedings as effectually as would any formal judgment.' *Daar v. Yellow Cab Co.* (1967) 67 Cal.2d 695, 699, 63 Cal.Rptr. 724, 728; *Hudis v. Crawford* (2005) 125 Cal.App.4th 1586, 1590, 24 Cal.Rptr.3d 50, 52, fn. 4.

Standard of Review

On appeal from a judgment of dismissal after a demurrer is sustained without leave to amend, appellate courts assume the truth of all facts properly pleaded by the plaintiff-appellant. *Evans v. City of Berkeley* (2006) 38 Cal.4th 1, 5, 40 Cal.Rptr.3d 205, 208; *Schifando v. City of Los Angeles* (2003) 31 Cal.4th 1074, 1081, 6 Cal.Rptr.3d 457, 460; *Curcini v. County of Alameda* (2008) 164 Cal.App.4th 629, 633, 79 Cal.Rptr.3d 383, 387, fn. 3 (citing text).

Likewise, the reviewing court accepts as true all facts that may be implied or inferred from those expressly alleged *Curcini v. County of Alameda*, supra (citing text); *Marshall*

v. Gibson, Dunn & Crutcher (1995) 37 Cal.App.4th 1397, 1403, 44 Cal.Rptr.2d 339, 343.

Relevant matters that were properly the subject of judicial notice may be treated as having been pled. See *Evans v. City of Berkeley*, supra, 38 Cal.4th at 5, 40 Cal.Rptr.3d at 208; *Schifando v. City of Los Angeles*, supra, 31 Cal.4th at 1081, 6 Cal.Rptr.3d at 460.

An appellate court can itself take judicial notice of such matters. *Sacramento Brewing Co. v. Desmond, Miller & Desmond* (1999) 75 Cal.App.4th 1082, 1085, 89 Cal.Rptr.2d 760, 762, fn. 3.

Notwithstanding 'erroneous or confusing labels' attached by the pleader, appellate courts will examine the complaint's factual allegations to determine whether they state a cause of action on any available legal theory. *Saunders v. Cariss* (1990) 224 Cal.App.3d 905, 908, 274 Cal.Rptr. 186, 188; see also *Grinzi v. San Diego Hospice Corp.* (2004) 120 Cal. App. 4th 72, 85, 14 Cal.Rptr.3d 893, 902.

There is reversible error if facts were alleged 'showing entitlement to relief under any possible legal theory.' *Platt v. Coldwell Banker Residential Real Estate Services* (1990) 217 Cal.App.3d 1439, 1444, 266 Cal.Rptr. 601, 603.

Pure questions of law are subject to independent review, such as application of the law to undisputed (or presumed true) facts. *Credit Managers Ass'n of Calif. v. Countrywide*

Home Loans, Inc. (2006) 144 Cal.App.4th 590, 593, 50 Cal.Rptr.3d 259, 260 – de novo review where facts undisputed and propriety of order sustaining demurrer turns on issue of federal preemption; *Walker v. Allstate Indem. Co.* (2000) 77 Cal.App.4th 750, 754, 92 Cal.Rptr.2d 132, 135; *C.J.L. Const., Inc. v. Universal Plumbing*, 18 Cal.App.4th 376, 383, 22 Cal.Rptr.2d 360, 364 – if facts are not in dispute, appellate court can determine as matter of law whether declaratory relief is proper remedy.

Statement of Facts

Plaintiff/Appellant Gene Hoffman has a valid license to carry a concealable firearm issued by the Sheriff of San Mateo County pursuant to California Penal Code §§ 26150 - 26225. He is also member (and officer) of the co-plaintiff: Calguns Foundation, Inc. [Sup.Ct. Case File. Vol. 1, pg. 3]

Defendant/Respondent San Mateo County has promulgated and presumably enforces an ordinance which prohibits – without relevant exception – the possession of firearms and deadly weapons in any county park or recreational area. San Mateo Ordinance (SMO) § 3.68.080(o). [Appendix, page 34.]¹

¹ A separately filed Request for Judicial Notice of the relevant San Mateo Ordinances will be filed concurrently with the Appellants' Opening Brief pursuant to Rules of Court 8.54, 8.252, 8.809 and 1st App.Dist.R. 9, 10. The text of the ordinances are included in the Appendix to this brief for convenience.

Violations of Chapter 3.68 are a misdemeanor. SMO § 3.68.010. There is a general exception to Chapter 3.68 for "...employees of the San Mateo County Parks and Recreation Department, or the San Francisco Water Department, or other public officials acting within the scope of their authorized duties and concession activities..." as long as they otherwise comply with all other laws. SMO § 3.68.020. [Appendix, page 27.]

Curiously – unless they can somehow be defined as "public officials" – it would appear that the ordinance forbids the possession of weapons by law enforcement personnel and/or military personnel (whether on or off duty) unless they are also employees of San Mateo County Department of Parks and Recreation and/or the San Francisco Water Department. The ordinance itself does not define "public official."

Plaintiff/Appellant Hoffman has enjoyed the parks and recreational areas of San Mateo County in the past and hopes to do so in the future. His entry into the county's parks and recreational areas does not diminish the "good cause" he has for the licensed carrying of a firearms in public for self-defense purposes. Furthermore, dangerous wild animals are known to inhabit the County's parks and recreational areas, including but not limited to mountain lions. Mountain lions have been known to attack humans

and small animals, sometimes causing great bodily injury and/or death. [Sup.Ct. Case File. Vol. 1, page 3.]

Subject to Judicial Notice are the following additional facts: SMO § 3.68.080(o) *et seq.*, appears to have been last amended on or about December 1, 1998. [Appendix page 36.]

Also subject to Judicial Notice is the existence of SMO § 3.53 *et seq.*, which purports to regulate the possession of firearm on all County property. It appears to have been enacted on or about December 17, 2002. [Appendix page 43.]

Discussion

Several cases are pending the in the Ninth², Seventh³ and Second⁴ Circuit Courts of Appeals relating to whether the Second Amendment's "right to [...] bear arms" for the purpose of self-defense extends beyond the home. See generally: *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010).

² There are currently two cases pending in the Ninth Circuit Court of Appeals relating to California law: *Richards v. Prieto (Yolo County)*, Case No.: 11-16255 and *Peruta v. County of San Diego*, Case No.: 10-56971. The cases were argued and submitted on December 6, 2012.

³ The Court in *Moore v. Madigan*, 2012 U.S. App. LEXIS 25264 (7th Cir. Ill. Dec. 11, 2012) found that the right did extend beyond the home, but stayed its decision to give the state legislature an opportunity to enact a licensing scheme.

⁴ The Court in *Kachalsky v. County of Westchester*, 2012 U.S. App. LEXIS 24363 (2nd Cir. N.Y. Nov. 27, 2012) found that the right did not extend beyond the home.

This case does not tread upon that particular mine-field. This case assumes that the State may condition the exercise of a fundamental right on a showing of good cause, good moral character and a demonstration of proficiency in handling firearms in order to obtain a license to carry a firearm outside of the home for purposes of self-defense.

Plaintiff/Appellant Hoffman has such a license issued by the San Mateo County Sheriff pursuant to Penal Code §§ 26150 - 26225. Conflicting and contradictory county ordinances nullify that license upon entry into a San Mateo County Park and/or Recreational Area. SMO § 3.68.080(o), *contra*. SMO § 3.53.030(c), for county-owned property.

Appellants contend that § 3.68.080 is preempted by California Government Code § 53071 which states:

It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor Code.

California Labor Code § 1721 defines political subdivision to include: "any county, city, district, public housing authority, or public agency of the state, and assessment or improvement districts."

It is undisputed that Penal Code §§ 26150 *et seq.*, is a state licensing regime. It is found in Chapter 4. License to Carry a Pistol, Revolver, or Other Firearm Capable of Being Concealed Upon the Person. Said Chapter is found in Division 5, Title 4, Part 6 of the California Penal Code.

A. The Ordinance is Statutorily Preempted.

The plain language of Penal Code § 26150 *et seq.*, refers to the state sanctioned, and locally issued permit for the carrying of concealed firearms as "a license." The equally plain language of Government Code § 53071, preempting political subdivisions from intruding on the State's prerogatives with regard to firearm licenses – should be enough authority for this Court to reverse the decision of the trial court and instruct it to enter an order overruling the demurrer and thus permit the case to move forward.

B. *Fiscal v. City & County of San Francisco* is Fatal to the Ordinance.

The following passage is directly on point from *Fiscal v. City and County of San Francisco*, (2008) 158 Cal. App. 4th 895 at 909:

While we have thus far focused on the relationship between state law and section 3's ban on handgun possession on one's private property, it is important to note that section 3

regulates in a much broader field than just private property. Section 3 prohibits both public and private handgun possession and thus effectively displaces numerous state laws allowing private citizens to possess handguns for self-protection and other lawful purposes. As the trial court noted, "[t]he statute books contain almost one hundred pages of unannotated state gun laws that set out a myriad of statewide licensing schemes, exceptions, and exemptions dealing with the possession and use of handguns." We provide a brief overview of just a few of the state statutes dealing with public handgun possession.

Penal Code section 12050 provides that, upon a showing of good cause, any law-abiding, responsible adult can obtain a license to carry a concealed handgun. Even without a license, Penal Code sections 12025.5 and 12031, subdivision (j)(2) create special exceptions whereby people who have been threatened and who have obtained restraining orders may carry loaded and concealed handguns. Penal Code sections 12027, subdivision (a) and 12031, subdivision (b)(1) allow civilians to possess concealed and loaded handguns when summoned by police to assist police in making an arrest or to preserve the peace. Penal Code section 12031, subdivision (k) permits possession of a loaded gun when making a citizen's arrest. Penal Code section 12031, subdivision (j)(1) allows possession of a loaded firearm when a person has a reasonable belief that he or she is in immediate grave danger and the firearm is necessary to protect person or property.

Certain classes of persons, while engaged in legitimate activities, are exempted from the operation of most of the statutory prohibitions governing handgun possession, including law enforcement agencies and officers (see, e.g., Pen. Code, §§ 12027, subd. (a)(1)(A), 12201, subds. (a), (b), 12287, subds. (a)(4), (5), 12302, 12031, subd. (b), including retired peace officers [Pen. Code, § 12027, subd. (a)(1)(A)], and the military [Pen. Code, § 12280, subds. (e), (f)(1)]).

Additionally, special exemptions and licenses are granted to certain individuals in the private sector, including the private security industry (Pen. Code, § 12031, subds. (b)(7), (d)(1)-(6)), entertainment industry professionals (Pen. Code, §§ 12072, subd. (a)(9)(B)(vi), 12026.2, subd. (a)(1)(8), 12305, subd. (a)), members of gun clubs (Pen. Code, §§ 12027, subd. (f), 12026.2, subd. (a)(2)), and private investigators (Pen. Code, § 12031, subd. (d)(3)). Any legal firearm may be possessed in public for hunting or shooting at a target range, or going to or from these places, one's home and business, and certain other recognized activities (Pen. Code, § 12026.2, subd. (a)(3), (9).)

The broad language of Government Code section 53071, prohibiting "all local regulations, relating to registration or licensing" of firearms, indicates that the state has an interest in statewide uniformity of handgun licensing. (*Italics added.*) In finding Government Code section 53071 expressly preempted Prop. H, the trial court pointed out that the ordinance had the practical effect of "revoking or otherwise invalidating existing state licenses," including

those permitting the possession of handguns. The trial court went on to conclude that "[a] local regulation that invalidates existing licenses, but does not affirmatively create new licensing schemes, 'relates' to the state's regulatory scheme of licensing firearms" and, consequently, is expressly preempted by Government Code section 53071. We agree.

While the City emphatically argues that Prop. H is a proper response to crime because it is aimed at criminals who use handguns in the commission of their unlawful acts, the City's arguments fail to acknowledge that the ordinance will affect more than just criminals. It will also affect every City resident who has not, through some demonstration of personal disability or irresponsibility, lost his or her right to possess a handgun. Although a precise assessment of the impact of this ordinance is difficult to gauge because the ordinance has never been enforced, at a minimum, section 3 of Prop. H would invalidate all licenses possessed by City residents to carry a concealed weapon issued under Penal Code section 12050, and it would prohibit the possession of handguns by City residents even if those residents are expressly authorized by state law to possess handguns for self-defense or other lawful purposes.

If the preemption doctrine means anything, it means that a local entity may not pass an ordinance, the effect of which is to completely frustrate a broad, evolutionary statutory regime enacted by the Legislature. Section 3 of Prop. H stands as an obstruction to the accomplishment and execution of the full purposes and objectives

of the legislative scheme regulating handgun possession in this state. For that further reason, it is preempted. (*Sherwin-Williams Co. v. City of Los Angeles*, supra, 4 Cal.4th at pp. 897-898 [local legislation is preempted if it is "inimical" to accomplishment of the state law's policies].)

Anything Appellants could dare to add to that analysis would merely clutter this brief with surplusage.

C. SMO § 3.53 is an Implied Repeal of § 3.63.080(o).

SMO § 3.63.080(o) – regulating parks and recreational areas – was last amended in December of 1998. [Appendix page 36.] SMO § 3.53 – regulating county-owned land – was enacted in December of 2002. [Appendix page 43.] The latter ordinance contains exactly the exception that Plaintiff/Appellants would be seeking by way of injunction and/or declaratory relief: “*A person holding a valid license to carry a firearm issued pursuant to Penal Code section 12050.*”⁵ SMO § 3.53.030(c).

Set forth in the Appendix to this brief is a table of state and county firearm regulations relating to the discharge and possession of firearms in parks and recreational areas. [Appendix pages 1 to 25.]

State parks and most of the 58 counties in California either default to state law, or have express exceptions to

⁵ Recognizing, of course, that 12050 has been renumbered.

firearm possession for persons licensed to carry firearms by state law or the ordinances have general exceptions for purposes of self-defense.

A handful of the counties appear to have ordinances that directly conflict with state law by purporting to give Boards of Supervisors and Park Directors the power to issue permits for carrying firearms in parks and in public. (Calaveras, Del Norte, Glenn and Kings.)

Some counties – including San Mateo – have duplicate and confusing ordinances that overlap as to the places where their firearm ordinances – and therefore the exceptions – are applicable, e.g., unincorporated areas, county parks, county-owned and managed land. (Lassen, Marin, Napa, San Diego, San Francisco and San Mateo.)

Curiously, some counties that prohibit possession of firearms in all parks, never-the-less have exceptions for the discharge of a firearm in self-defense. (Los Angeles, Orange, Riverside, Sacramento, San Luis Obispo and Santa Barbara.)

Only eight counties have park regulations against the possession of firearm in their parks, with no exceptions, even for self-defense. (Fresno, Imperial, Madera, Mariposa, Merced, Santa Clara, Santa Cruz and Tehama.)

It is well settled law that a court will not, absent an express declaration of legislative intent, find an implied

repeal of an earlier statute by a latter enacted statute, unless the statutes/ordinances are “irreconcilable, clearly repugnant, and so inconsistent that the two cannot have concurrent operation.” {underline added for emphasis} *Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles*, 55, Cal. 4th 783, 805 (2012).

SMO § 3.63.080(o) fits neatly within the exception to the doctrine that courts will not make a finding of implied repeal because:

1. There is no rational basis for making a finding that all of county-owned land (including both urban and wilderness areas) can be exempt from a general ban on possession of carrying a firearm, except for those persons with a state issued license (SMO § 3.53.030(c)); but that county parks and wilderness areas are somehow so sensitive that only county and water district employees, along with undefined public officials, are exempt from a general ban on carrying firearms in San Mateo’s parks and recreation areas. (SMO § 3.68.020) Even California’s “Gun-Free School Zones Act of 1995” has an exception for any person carrying a firearm in a school zone “when the person is exempt from the prohibition against carrying a concealed firearm pursuant to Section 25615, 25625, 25630, or 25645.” CA Penal Code § 626.9(c)(4).

2. Given the state's preemption statute as embodied in Government Code § 53071, and the relevant case law, SMO § 3.68.080(o) is both repugnant to and irreconcilable with the later enacted SMO § 3.53.030(c).
3. Finally, the inconsistencies within San Mateo County's ordinances, along with the generalized inconsistencies among many of California's other counties, makes it more likely that the older ordinances are vestigial, rather than conscious policy choices. This argument is even more compelling given that most of these county ordinances were enacted under a California Constitution that has no analogue to the Second Amendment's "right to keep and bear arms." *Kasler v. Lockyer*, 23 Cal. 4th 472 (2000). Now that a Second Amendment right of self-defense is applicable to the states through the Fourteenth Amendment's due process clause⁶ statutory inconsistencies must give way to a fundamental rights analysis, even if that fundamental right is licensed.

Therefore, applying even a rational basis test, let alone the heightened scrutiny that should be required for a fundamental right, SMO § 3.68.080(o) falls within the case

⁶ *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010).

law exceptions to statutory construction and it was therefore implicitly repealed by SMO § 3.53.030(c).

Conclusion

Mr. Hoffman and his institutional co-plaintiff are not seeking an unrestricted, unregulated right to carry any firearm for any purpose into San Mateo's parks and recreational areas. Nor are they seeking a radical interpretation of the constitutional right of self-defense in this case.

What they are seeking is a common-sense approach to a licensed fundamental right. It makes no sense for a law-abiding person – vetted by a county sheriff for good cause, good moral character and adequate training – to be denied the use of a state-wide license for carrying a firearm in self-defense, when he wants to enter San Mateo's parks and recreation areas.

The decision of the trial court should be reversed. The demurrer should be overruled and the case permitted to proceed to trial or alternate resolution.

Respectfully Submitted on January 2, 2013.

Donald Kilmer, Attorney for Appellants

Certificate of Word Count

The text of this brief consists of 3,677 words as counted by the Corel WordPerfect X-5 word-processing program used to generate the brief. Dated: January 2, 2013

Donald Kilmer, for Appellant

Certificate of Service on California Supreme Court

I declare that I am employed in the County of Santa Clara, California. I am over the age of eighteen years and not a party to this action. My business address is 1645 Willow Street, Suite 150; San Jose, CA 95125.

On January 2, 2013, I served an electronic copy of the APPELLANTS' OPENING BRIEF on the California Supreme Court pursuant to Appellate Rule of Court 8.212(c)(2)(A).

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct and that this declaration was executed in San Jose, CA on January 2, 2013.

Donald Kilmer

California Park Regulations and County Ordinances
 Related to the Licensed Carrying of Firearms in State Parks,
 County-Owned Land and/or County Parks.

STATE LAW / REGULATIONS	
<u>Law/Regulation/Ordinance</u>	<u>Exemptions/Exceptions and Notes</u>
California Department of Parks and Recreation Regulation 14 CCR § 4313 [Applies in all state parks and wilderness areas.]	Sub-section (b) of this regulations exempts “[...] use of weapons permitted by law [...]” – it is unclear from the regulation whether the exemption is solely for hunting on lands open for hunting.
COUNTY ORDINANCES / REGULATIONS	
Alameda County Ordinance § 9.12.120 is a general prohibition of the possession of firearms on county property, including and exempting (some) county parks.	Sub-section (F) contains several exceptions which includes any person with a valid state license to carry a concealed firearm pursuant to Penal Code § 12050. [Renumbered: §§ 26150 - 26225]
Alpine County Ordinance § 9.16 regulates use (but not possession) of firearms in restricted areas.	N.A. This County appears to default to state law with regard to licensed possession of a firearm.

<p>Amador County Ordinance § 9.72 regulates use (but not possession) of weapons within certain zones. Possession of firearms at the County Airport – Westover Field – is restricted § 12.44.210.</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p>
<p>Butte County Ordinance § 16.9 makes it unlawful to discharge a firearm in any park or playground owned or controlled by the county. Possession is not regulated.</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p>
<p>Calaveras County Ordinance § 12.20 <i>et seq.</i>, regulates the possession of firearms in the county’s recreation areas. § 12.20.210 makes it unlawful to possess a firearm in a county park unless possession is pursuant to a written permit by park manager.</p>	<p>Note: Calaveras County’s ordinances are subject to the same state-law preemption analysis as this case.</p>
<p>Colusa County Ordinance § 12-1 <i>et seq.</i>, prohibits carrying firearms in county parks, but specifically exempts firearms carried pursuant to “valid permit issued by a duly authorized government authority” from its weapon control ordinances.</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p>

<p>Contra Costa County Ordinance § 44-4 <i>et seq.</i> Restricts possession by minors and prohibits discharge except in accordance with law.</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p>
<p>Del Norte County Ordinance § 9.48.010 appears to require a permit to carry a concealable firearm throughout the county, that must be issued by the county’s board of supervisors with the concurrence of the sheriff and district attorney.</p>	<p>Note: Del Norte County’s ordinances are subject to the same state-law preemption analysis as this case.</p>
<p>El Dorado County Ordinance §§ 9.40 and 9.44 <i>et seq.</i>, regulate the possession of firearms by minors and the use of firearms. § 9.46.240 prohibits the possession of “[...] any gun, firearm or weapon while in a park, [...]” – but appears to be directed to the regulation of hunting and trapping.</p>	<p>Sub-section (E) of § 9.46.220 exempts any “[...] reserved activity under any other federal, state, or local law or regulation.” This would appear to be an acknowledgment that El Dorado County’s ordinances may be preempted by state law, including any possession licensed by state issued permits.</p>
<p>Fresno County Ordinance §§ 13.16 and 13.24 <i>et seq.</i>, prohibits the possession and/or discharge of any firearm on county-owned or maintained grounds and buildings and parks.</p>	<p>Note: Fresno County’s ordinances are subject to the same preemption analysis as this case.</p>

<p>Glenn County Ordinance § 10.040 <i>et seq.</i>, prohibits the possession of firearms within any unincorporated area where the use of firearms is prohibited by signs posted by the Glenn County Board of Supervisors.</p>	<p>Section 10.040.030 appears to exempt peace officers and persons or agencies operating under a license or permit issued by the Glenn County board of supervisors. To the extent that this ordinance appears to usurp the power of the sheriff to issue permits in accordance with state law, Glenn County's ordinance is preempted.</p>
<p>Humboldt County Ordinance §271-5 prohibits possession of weapons for hunting in county parks; and § 271-6 regulates the possession of firearms in the Mad River County Park.</p>	<p>With respect to § 271-6, sub-section (b) exempts persons carrying a weapon pursuant to Penal Code § 12050. [Renumbered: §§ 26150 - 26225] Furthermore, § 915-3 specifically states that county ordinances relating to firearms are not intended to conflict with state law.</p>
<p>Imperial County Ordinance §§ 11.08.020 and 12.32.180 prohibits possession of a firearms in any county park unless unloaded and fully encased and/or pursuant to conditions designated by the director of county parks.</p>	<p>Note: Imperial County's ordinances are subject to the same preemption analysis as this case.</p>
<p>Inyo County Ordinance § 9.28.040 prohibits the discharge (but not possession) of any firearm in a safety zone unless in defense of his/her person or property.</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p>

<p>Kern County Ordinance § 9.20.010 and 9.20.030 prohibits the discharge (but not possession) firearm in grossly negligent manner and in county parks.</p>	<p>Section 9.20.010(c) states that the discharge of firearms continues to be governed by state and federal law, thus implying that Kern County ordinances are preempted by state law.</p>
<p>Kings County Ordinance § 16-20(a)(7) forbids the possession of any firearm in any county park.</p>	<p>Note: The same section exempts: “[...] any person or group which has prior approval by resolution or contract with the board of supervisors.” To the extent that this ordinance appears to usurp the power of the sheriff to issue permits in accordance with state law, Kings County’s ordinance is preempted.</p>
<p>Lake County Ordinance § 8-2 prohibits the possession of any firearm in any county park.</p>	<p>Section 8-7 exempts the discharge (which implies possession) of firearms in the Highland Springs Area if written permission is obtained by the sheriff of Lake County. To the extent that a state license issued by the sheriff of Lake County constitutes written permission to carry in all county parks rather than just the Highland Springs Area, Lake County’s ordinances might not be preempted by state law.</p>

<p>Lassen County Ordinance §§ 9.12.030, 9.12.032, 9.12.034 and 9.12.036 prohibit the discharge of firearms in designated areas which include county parks. Lassen County Ordinance § 9.12.010 prohibits use and possession in a designated area described in the ordinance without further explanation.</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p> <p>Note: Parts of Lassen County Ordinance 9.12.010 are preempted by state law.</p>
<p>Los Angeles County Ordinance § 17.04.620 prohibits the possession and discharge of any firearm in any county park except for designated areas, presumably referring to county managed shooting ranges.</p>	<p>Ordinance § 13.66.010 does not prohibit the discharge of any firearm when necessary to protect life or property, or to destroy or kill any predatory or dangerous animal.</p> <p>To the extent that this general exception overrules specific park regulations, it would appear that Los Angeles County recognizes that state issued licenses preempt county ordinances.</p> <p>Otherwise, Los Angeles County's ordinances are subject to the same preemption analysis as this case.</p>

<p>Madera County Ordinance § 9.92.010 prohibits the possession of any firearm in the Lake Madera Recreational Area. The only exemptions are for peace officers, reserve sheriff or a member of a posse under the direct control of the sheriff. § 9.92.020. Ordinance § 9.94 <i>et seq.</i>, prohibits discharge of firearms in parks and other designated areas with similar exemptions.</p>	<p>Note: Madera County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Marin County Ordinance §§ 6.50 <i>et seq.</i>, is virtually identical to the ordinance in Alameda County. However, other ordinances: §§ 02.02.090, 6.56.050, 9.03.070, 02 and 10.03.070 prohibit the possession of any firearm in any land designated as a Marin Open Space, county park, lands managed by certain departments in Marin County, and all parks specifically designated as Marin County Parks. However, these ordinances appear to duplicate and therefore conflict with § 6.50 <i>et seq.</i></p>	<p>Section 6.50.050, contain the exceptions to firearm possession on county property, subsection (d) exempts any person with a valid state license to carry a concealed firearm pursuant to Penal Code § 12050. [Renumbered: §§ 26150 - 26225]</p> <p>Note: Marin’s various overlapping, confusing and duplicative county ordinances may be subject to preemption and a due process challenge with respect to persons with valid state licenses to carried concealed weapons.</p>

<p>Mariposa County Ordinance § 12.16.060(F) prohibits the possession of firearms in the Lake McClure and Lake McSwain recreation areas.</p>	<p>Note: Mariposa County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Mendocino County Ordinance §§ 14.08.020 and 14.28.030 prohibits the discharge (but not possession) of any firearm in any recreation area and/or county park.</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p>
<p>Merced County Ordinance § 10.28.040 prohibits the possession of any firearm in any county park or recreation area.</p>	<p>Note: Merced County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Modoc County Ordinance – This County’s ordinances were not available online. However the Sheriff’s website lists the restrictions on carrying a firearm pursuant to a license issued by his office and the only restrictions appear to be prohibitions on carrying a firearm on school grounds, courthouses, the State Capitol and grounds, secure airport areas and polling locations. http://www.modocsheriff.us/ccwterms.html</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p>

<p>Mono County Ordinance § 10.64 <i>et seq.</i>, prohibits the discharge (but not possession) of firearms in designated areas which include county parks. The code contains exceptions “when it may be necessary [...] to protect life for property.”</p>	<p>Mono Ordinance § 10.64.060 states that the county’s ordinances are not intended to restrict state law regulating the discharge of firearms.</p> <p>Otherwise this County appears to default to state law with regard to licensed possession of a firearm.</p>
<p>Monterey County Ordinance § 14.12.120 prohibits the possession of any firearm in any county park.</p>	<p>Note: Monterey County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Napa County Ordinance § 12.08.030(a)(17) prohibits the possession of any firearm in the Berryessa Lake and Park area without a valid concealed weapons permit. Curiously § 12.16.030(J) prohibits the possession of firearms in the Lake Hennessey and Conn Dam picnic areas without exception.</p>	<p>Note: Napa’s inconsistent exception for persons with valid concealed weapons permits in some parks but not others may be legislative oversight; otherwise some of Napa’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Nevada County Ordinance § G-VII 1.27 prohibits the discharge (but not possession) of firearms on or into any property owned by the County of Nevada, including parks.</p>	<p>Sub-section (D) expressly exempts discharge in defense of life or property; otherwise Nevada County appears to default to state law.</p>

<p>Orange County Ordinance § 2-5-37 prohibits the possession of any firearm in any park, beach or recreational area under the jurisdiction of the county. Curiously the prohibited discharge of firearms, even in restricted areas, contains an exception when necessary to protect life or property. § 3-2-1.</p>	<p>Note: Orange County’s inconsistent exceptions for self-defense conflict with its general prohibition in parks; therefore Orange County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Placer County Ordinance § 9.20.020(F) prohibits the discharge (but not possession) of firearms in county-owned or county-operated parks.</p>	<p>Placer County Ordinance § 9.20.020 exempts “private citizens acting in defense of persons or property” – otherwise Placer County appears to default to state law.</p>
<p>Plumas County Ordinance § 5-7.01 prohibits the possession of firearms at the county fairgrounds without prior authorization from the sheriff. Furthermore Plumas County designates all public streets and public place within the county as a “prohibited area.”</p>	<p>Plumas County Ordinance 5-7.05 provides an exception pursuant to Penal Code § 12031 (under the old numbering system) which specifically exempts persons licensed to carry under Penal Code § 12050. [Renumbered: §§ 26150 - 26225]</p>

<p>Riverside County Ordinance § 9.20.010 <i>et seq.</i>, is a general firearms ordinance. Restricting the carrying and discharge firearms in certain geographically designated areas.</p> <p>§ 12.28.010(B)(19) is a county park regulation that only prohibits the discharge (but not possession) of firearms.</p>	<p>General Ordinance § 9.20.080 exempts any person using a firearm in the lawful defense of himself or herself, another person or property.</p> <p>To the extent that this general exception overrules specific park regulations, it would appear that Riverside County recognizes that state issued licenses preempt county ordinances.</p>
<p>Sacramento County Ordinance § 9.36.60 prohibits the possession and discharge of any firearm in any county park.</p> <p>§ 9.40 <i>et seq.</i>, is a general firearm ordinance that restricts discharge of firearms to certain geographical areas within the unincorporated county.</p> <p>§ 9.90.030 prohibits the discharge (but not possession) of firearms in the Sacramento Regional County Sanitation District located in any unincorporated territory of the County.</p>	<p>§§ 9.36.60 and 9.90.030 only exempt peace officers, designees of the Director of Parks and employees of the Sanitation District.</p> <p>§ 9.40.070 of the general (county-wide) firearm ordinance exempts “the use of a firearm [...] necessary for the protection of life or property [...]”</p> <p>To the extent that this general exception overrules specific park regulations, it would appear that Sacramento County recognizes that state issued licenses preempt county ordinances.</p>

<p>San Benito County Ordinance § 19.23.005(A)(5) prohibits the possession of firearms in the San Justo Reservoir Recreation Area.</p>	<p>Note: San Benito County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>San Bernardino County Ordinance § 28.0307(n) is a general use regulation that prohibits the possession and discharge of any firearm in any regional parks (except the Prado Tiro Shooting Range).</p>	<p>Section 28.0301(b) of the County’s Regulations applicable to Regional Parks states that there is no intent to “[...] amend, modify or supercede any provisions of Federal or State law [...]”</p> <p>To the extent that this general exception overrules specific park regulations, it would appear that San Bernardino County recognizes that state issued licenses preempt county ordinances; otherwise this County’s park regulations are subject to the same preemption analysis as this case.</p>

<p>San Diego County Ordinance § 33.102 prohibits the possession of any firearm on any riders’ or hikers’ trails, without exception.</p> <p>Section 33.109 prohibits the possession of any firearm on any premises owned or leased by the County.</p> <p>Section 41.117 prohibits the possession of any firearm in any county park, without exception.</p>	<p>Section 33.109(c) exempts any person exempted by State law. This appears to be a recognition of state law preemption for persons licensed to carry concealed weapons pursuant to state law.</p> <p>Note: San Diego County’s inconsistent exceptions conflict with its general prohibition in parks and trails; therefore the County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>San Francisco County Ordinance §§ 3.1(B) and 4.01(b) defines as “Disorderly Conduct” the carrying of any firearm in any county park.</p> <p>Ordinance § 3600A <i>et seq.</i>, known as Proposition H – banned the sale, manufacture, distribution and possession of handguns was struck down by <i>Fiscal v. City and County of San Francisco</i>, (2008) 57 Cal. App. 4th 895.</p> <p>Ordinance § 4500 <i>et seq.</i>, [Firearms and Weapons Violence Prevention Ordinance] extensively regulates firearm possession.</p>	<p>While § 4502 generally prohibits the discharge of any firearm within the City and County of San Francisco, § 4506(a)(3) exempts any “Person in lawful possession of a firearm [...] who [is] expressly and specifically authorized by federal or state law to discharge said firearm [...] under circumstances present at the time of discharge.</p> <p>While confusing and possibly subject to a due process challenge on that basis; it would appear that San Francisco recognizes the preemptive effect of concealed carry permits issued under state law.</p>

<p>San Joaquin County Ordinance §§ 2-8003 and MH-4-1200(t) prohibits the possession of firearms in county parks, except as otherwise authorized by law.</p>	<p>San Joaquin’s General Deadly Weapon Ordinance § 4-2000 <i>et seq.</i>, specifically exempts weapons carried pursuant to a valid permit, issued by a duly authorized governmental authority. § 4-2000(1).</p>
<p>San Luis Obispo County Ordinance § 7.35 <i>et seq.</i>, is a general ordinance which prohibits the discharge (but not possession) of firearms on or into highways and public places in the unincorporated areas of San Luis Obispo County.</p> <p>§ 11.04.180 prohibits the possession of any firearm in any county park.</p>	<p>§§ 7.35.050 and 7.35.070 set forth exceptions for self-defense and when necessary to kill predatory/dangerous animals.</p> <p>To the extent that this general exception overrules specific park regulations, it would appear that San Luis Obispo County recognizes that state issued licenses preempt county ordinances; otherwise this County’s park regulations are subject to the same preemption analysis as this case.</p>

San Mateo County Ordinance § 3.52 *et seq.*, is the County's general ordinances relating to firearms. § 3.52.020 generally prohibits the discharge (but not possession) of firearm in all unincorporated areas of San Mateo.

§ 3.53 *et seq.*, prohibits the possession of any firearm or ammunition on San Mateo County Property.¹

§ 3.68.080(o)² *et seq.*, prohibits the possession of firearms in County Parks and Recreation Areas without exception.

§ 3.52.030(b) sets forth an exception for discharge of a firearm in lawful defense of self, third persons and/or the user's property.

§ 3.53.030 lists the exceptions for possession of firearms on county property, including an exception for a person holding a valid license to carry a firearm issued pursuant to Penal Code § 12050. [Renumbered: §§ 26150 - 26225]

Despite the exception for licensed carrying and possession of firearms on county property set forth above, San Mateo has maintained throughout this litigation that it has the power to forbid the licensed carrying and possession of firearms in its parks and recreation areas.

¹ This ordinance is virtually identical to the Alameda County Ordinance.

² This is the ordinance at issue in this case.

Santa Barbara County Ordinance § 14A is the County's general firearm ordinance. It prohibits the discharge (but not possession) in unincorporated areas of the county and some parks.

§ 24-13 prohibits the discharge (but not possession) of firearms in the Cachuma Recreational Area

§ 26-64 of the County's Parks and Recreation Ordinance prohibits the possession of any firearm in any county park, except for peace officers.

§ 14A-9 sets forth an exemption to protect life or property or to destroy or kill an predatory or dangerous animal.

To the extent that the general exception overrules specific park regulations, it would appear that Santa Barbara County recognizes that state issued licenses preempt county ordinances; otherwise this County's park regulations are subject to the same preemption analysis as this case.

Santa Clara County Ordinance § B-14-31.1 prohibits the possession and/or discharge of any firearm in any County park, unless at the County operated shooting range.

§ B13-7 prohibits the possession of any firearm on any land owned/operated by the Santa Clara County Valley Water District. Exceptions for peace officers persons acting in the course and scope of employment by the County, the State and United States.

§ B13-11 prohibits the discharge of any firearm in unincorporated territory surrounded by an incorporated city. Exception for peace officers.

§ B32-9 prohibits, without exception, the possession and discharge of any firearm on the Matadero Creek Trails.

Santa Clara County's ordinances do not even contain generalized exceptions for self-defense.

Santa Clara County's ordinances are subject to the same preemption analysis as this case.

<p>Santa Cruz County Ordinance § 8.28 <i>et seq.</i>, is the County’s general ordinance regulating firearms. It prohibits the discharge (but not possession) of firearms in defined areas.</p> <p>§ 10.04.260 prohibits the possession and discharge of any firearm in any county park with exceptions for shooting ranges or persons employed by any city, county, state or the United States.</p>	<p>§ 8.28.040 sets forth exceptions for various Federal, State and local agencies and private landowners, on their own property, to eliminate pests or crop-destroying animals. There is no self-defense exception.</p> <p>Santa Cruz County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Shasta County Ordinance § 9.08 is general weapon control ordinance that prohibits the discharge (but not possession) of firearms within one mile of the Vista House at Shasta Dam.</p>	<p>N.A.</p> <p>This County appears to default to state law with regard to licensed possession of a firearm.</p>

<p>Sierra County Ordinance § 8.04.710 prohibits the discharge of any firearm on or into any transfer station or sanitary landfill site.</p> <p>As part of its Black Bear Management and Safety Program, § 8.40.100 generally prohibits the discharge (but not possession) of firearms near dwellings, without a depredation permit, to control the black bear population.</p>	<p>§ 8.40.120 specifically authorizes the use of a firearm in self-defense of any predator where there is reasonable grounds to believe that predator will cause immediate bodily injury or is in the act of injuring a domestic animal or livestock.</p> <p>Otherwise, this County appears to default to state law with regard to licensed possession of a firearm.</p>
<p>Siskiyou County Ordinance § 4-4.201 prohibits the discharge (but not possession) of firearms within one mile of the exterior boundary of the town of Yreka.</p> <p>§ 4-4.202 prohibits the discharge of any firearm within 200 yards of any camps, residence, recreation grounds and areas or within such areas in a reckless manner.</p>	<p>N.A.</p> <p>This County appears to default to state law with regard to licensed possession of a firearm.</p>

<p>Solano County Ordinance § 19-150 prohibits the discharge (but not possession) of any firearm within any county park.</p>	<p>To the extent that Solano County does not prohibit the carrying of firearm by persons authorized by a state license, and to the extent the common law right of self-defense is not abrogated by any county ordinance, it would appear that Solano County defaults to state law with regard to licensed possession of a firearm in its parks.</p>
<p>Sonoma County Ordinance § 19-14 generally prohibits the possession of firearms on county property.</p> <p>§ 20-11 prohibits the carrying or possession of a firearm with a cartridge in any portion of the mechanism. This ordinance also prohibits the discharge of a firearm in any county park. There are exceptions for federal, state and local government officials in performance of their duties.</p>	<p>§ 19-14(e) lists the exceptions for possession of firearms on county property, including an exception for a person holding a valid license to carry a firearm issued pursuant to Penal Code § 12050. [Renumbered: §§ 26150 - 26225]</p> <p>Despite the exception for licensed carrying and possession of firearms on <u>county property</u> set forth above, Sonoma’s prohibition for carrying a loaded weapon in its parks by a person licensed under state law is subject to the same preemption analysis as this case.</p>

<p>Stanislaus County Ordinance § 18.06.090 prohibits the possession of any firearm in a recreational area unless for the purpose of hunting in compliance with state and county law.</p> <p>§ 18.12.080 creates an infraction for possession of a firearm in any county park unless also in possession of a valid hunting license.</p> <p>§18.12.090 prohibits the discharge (but not possession) of a firearm near any dwelling, barn or outbuilding except from authorized waterfowl blinds.</p>	<p>Stanislaus County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Sutter County Ordinance § 470-080 prohibits the discharge (but not possession) of firearm in county parks.</p> <p>§ 480-010 prohibits the discharge (but not possession) of firearms in unincorporated areas of the county, except when discharged when lawfully defending person or property.</p>	<p>Sections 425-020, 425-030, 425-040, 425-050, 425-060 prohibit or regulate certain conduct while in possession of a concealed weapon upon his person (e.g., loitering, drinking intoxicating liquors, engage in any fight or disorderly conduct, enter a school ground,...) – thus impliedly recognizing the right to licensed carrying of firearms. Therefore this County appears to default to state law with regard to licensed possession of a firearm.</p>

<p>Tehama County Ordinance § 10.04.010 prohibits the discharge (but not possession) in certain designated areas described by the ordinance.</p> <p>§ 13.20.020 prohibits the discharge (but not possession) of any firearms on the premises of any public cemetery, unless as a portion of any traditional funeral or burial service.</p> <p>§ 13.24.010 prohibits the discharge and possession of any firearm in any county park.</p>	<p>Tehama County’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Trinity County Ordinance § 9.28 prohibits the discharge (but not possession) of firearm in designated areas, but makes exceptions for self-defense and hunting.</p> <p>§ 9.32.020 prohibits any person from carrying concealed, or being on possession of a firearm in county owned or leased buildings or property.</p>	<p>§ 9.32.030 acknowledges that § 9.32.020 does not limit or alter applicable state laws. This appears to be a recognition that Trinity County’s ordinances are preempted by state law with respect to the licensed carrying/possession of firearm.</p>

<p>Tulare County Ordinance § 2-05-1215 prohibits the discharge (but not possession) of firearms in county parks.</p>	<p>N.A. This County appears to default to state law with regard to licensed possession of a firearm.</p>
<p>Tuolumne County Ordinance § 8.28.010 is the County’s Gun Safety Ordinance. It prohibits the discharge (but not possession) in designated areas.</p> <p>§ 8.28.20 prohibits reckless shooting.</p> <p>§ 8.28.030 prohibits the discharge and possession of loaded weapons in unincorporated areas “for the purposes of Penal Code Section 12031...”</p>	<p>By conditioning its prohibition of carrying and possession of firearm on (former) Penal Code § 12031, Tuolumne County defaults to state law with regard to licensed possession of a firearm.</p>

<p>Ventura County Ordinance § 5211 <i>et seq.</i>, prohibits the discharge (but not possession) near dwellings, highly restricted areas and in certain unincorporated areas. This ordinance exempts self-defense and destruction of predatory or dangerous animals.</p> <p>§ 6307-4 prohibits the possession of firearms without exception in any county park unless authorized by the Director.</p>	<p>To the extent that Ventura County’s general weapons ordinance does not supercede its park regulations, this county’s ordinances are subject to the same preemption analysis as this case.</p>
<p>Yolo County Ordinance § 5-10 <i>et seq.</i>, is the county’s general weapon statute and prohibits the discharge (but not possession) of firearms in designated areas. § 5-10.04 excepts persons pursuant to Penal Code § 12031 and persons acting in the lawful defense of persons or property.</p>	<p>By referencing Penal Code § 12031 and exempting self-defense, Yolo County defaults to state law with regard to licensed possession of a firearm.</p>

Yuba County Ordinance §§ 8.76.050 and 8.80.010 prohibits the discharge (but not possession) of any firearm in any county park and/or unincorporated area of Yuba County. The ordinance exempts defense of life or property.

N.A.
This County appears to default to state law with regard to licensed possession of a firearm.

Title 3 - PUBLIC SAFETY, MORALS AND WELFARE
Chapter 3.68 - COUNTY PARK AND RECREATION AREA RULES
San Mateo County, California, Code of Ordinances

Chapter 3.68 - COUNTY PARK AND RECREATION AREA RULES

Sections:

- 3.68.010 - Violations, a misdemeanor.
- 3.68.020 - Exceptions.
- 3.68.030 - Definitions.
- 3.68.040 - Permits and fees—Violation as infraction.
- 3.68.050 - Method of payment of fees.
- 3.68.060 - Camping regulations.
- 3.68.070 - Fires.
- 3.68.080 - General protective regulations.
- 3.68.090 - Motor vehicles.
- 3.68.100 - Parking.
- 3.68.110 - Motor vehicle speed limits.
- 3.68.120 - Operation of bicycles; violation.
- 3.68.130 - Noise.
- 3.68.140 - Unlawful assembly.
- 3.68.150 - Dangerous activities.
- 3.68.160 - Hiking and riding trails.
- 3.68.170 - Beaches and swimming areas.
- 3.68.180 - Dogs on Sheep Camp Trail.

3.68.010 - Violations, a misdemeanor.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of a misdemeanor.

(Prior code § 3385; Ord. 415, 06/25/34; Ord. 2394, 09/21/76)

3.68.020 - Exceptions.

The provisions of this ordinance shall not apply to employees of the San Mateo County Parks and Recreation Department, or the San Francisco Water Department, or other public officials acting within the scope of their authorized duties and concession activities. However, Department employees, public officials and concessionaires and their employees shall abide by the laws of the State of California and all applicable County and/or municipal ordinances.

(Prior code § 3385.1; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82)

3.68.030 - Definitions.

"Commission" shall mean the San Mateo County Parks and Recreation Commission.

(a)

"County Park" shall mean any park, recreation area, reserve or preserve, historical site or any other facility operated

(b)

by the San Mateo County Parks and Recreation Department.

"Department" shall mean the San Mateo County Parks and Recreation Department.

(c)

"Director" shall mean the Director of the San Mateo County Parks and Recreation Department.

(d)

"General Manager and Chief Engineer" shall mean the General Manager and Chief Engineer of the San Francisco

(e)

Water Department of the City and County of San Francisco.

(f) "San Francisco Fish and Game Refuge" means that area defined in the State of California Fish and Game Code, division 7 REFUGES, chapter 2, article 1, section 10772 and under the jurisdiction of the San Francisco Water Department.

(g) "Hiking and Riding Trail" shall mean all trails which have been dedicated to the County or other public agency for hiking or horseback riding purposes, or both, or any trail which is open to the general public for such purpose.

(h) "Motor Vehicle" shall mean any automobile, truck, bus, van, motorcycle, off-road vehicle, four-wheel drive vehicle, dirt bike, motor-driven vehicle, or any vehicle which is self-propelled.

(i) "Person" as used in this chapter shall be construed to mean and shall include natural persons, firms, co-partnerships, corporations, clubs and all associations or combinations of persons whatever, whether acting by themselves or by a servant, agent or employee.

(j) "Recreation Area" as used in this chapter shall be construed to mean and shall include all land, facilities and other property for public recreation owned and/or operated by the County of San Mateo, or the San Francisco Water Department, including parks, playgrounds, camping areas, swimming pools, golf courses, picnic grounds, athletic fields, beaches, parkways, public squares, hiking and bicycling paths, horse trails, roadside viewing areas, rest stops, historical monuments, and all grounds surrounding public buildings, all planting and areas for planting along roads, streets and highways, and all other recreation areas, including all buildings, structures, improvements, monuments, apparatus and equipment existing in or that may be erected in any of such areas.

(k) "Sound Amplifying Equipment" shall mean any machine or device for the amplification of the human voice, music, or any other sound, but shall not include standard automobile radios or automobile tape decks when used and heard only by the occupants of the vehicle in which the automobile radio or tape deck is installed, nor radio receiving sets, non-electrical musical instruments, or television sets. "Sound Amplifying Equipment" as used in this chapter, shall not include warning devices or sound amplification equipment on Parks and Recreation Department, or San Francisco Water Department vehicles, or other authorized emergency vehicles, or horns, or other warning devices on any vehicle used only for traffic safety purposes.

(l) "Vessel" shall be used to describe any water craft, board or similar equipment capable of being used as transportation in or on water.

(m) "Beach" shall mean the shore of any body of water within any County Park and Recreation Area or the San Francisco Fish and Game Refuge.

(Prior code § 3385.2; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.040 - Permits and fees—Violation as infraction.

(a) No person shall enter, occupy or use a County park or recreation area, or any area or facility therein, for which a user fee, deposit or permit is required without first obtaining any applicable permit and paying any applicable fees or deposits in the manner provided by this chapter. Any person obtaining a permit to enter or use a County park or recreation area shall display such permit in the manner provided by such permit.

(b) No person shall enter a self-registration fee payment area without first (1) depositing the applicable fees; and (2) completing and prominently displaying the permit, so that the permit number is clearly legible from the outside of the vehicle entering the park or recreation area, according to all applicable guidelines either posted at the fee collection vault or printed on the permit.

(c) A violation of this section shall be an infraction punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of this section within one year; and (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of this section within one year.

(Prior code § 3385.3; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 3651, 5/16/95)

3.68.050 - Method of payment of fees.

(a) Except as otherwise provided by this code, all fees and deposits established by the Parks and Recreation Commission for entry or use of County park and recreation areas or for designated privileges, services or materials, shall be paid to the Director or his or her designee in the manner determined by the Director. All fees collected shall be deposited in the Treasury of the County of San Mateo and shall be credited to the appropriate fund.

(b) The Director may, subject to approval by the Parks and Recreation Commission, designate any recreation area or county park a "self-registration fee payment area." Payment of applicable fees for entry or use of a self-registration fee payment area shall be by deposit into a fee collection vault located at the entrance to such park or recreation area. The Director may establish, subject to approval by the Parks and Recreation Commission, policies and procedures for collection of such fees including the hours and dates of collection. Pursuant to guidelines approved by the Parks and Recreation Commission, the Director may waive payment and suspend collection of applicable fees at any self-registration fee payment area.

(c) All fee deposit envelopes, permits and receipts shall remain the property of the County of San Mateo and shall be subject to inspection by, and surrendered upon demand to, the Director, or any County Park Ranger or law enforcement officer. Fees deposited in any fee collection vault, including any overpayment, are non-refundable. If the fee deposited is insufficient to pay in full the applicable fee, the remaining balance shall be due and payable to the Director or County Park Ranger upon demand.

(Prior code § 3385.4; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 3651, 5/16/95)

3.68.060 - Camping regulations.

(a) Permits. A permit must be obtained from the County Parks and Recreation Commission or its authorized staff before camping in any recreation area or in any County Park, and camping is not permitted outside the campsite or sites designated on said permit.

(b) Camping by Minors. Persons under the age of 18 are not permitted to camp overnight in any recreation area or in any County Park unless accompanied by an adult.

(Prior code § 3386; Ord. 415, 06/25/34; Ord. 976, 01/15/52; Ord. 2307, 05/06/75; Ord. 2394, 09/21/76)

3.68.070 - Fires.

(a) No person shall light, build, use or maintain a fire within any Recreation area or any County Park, or on the San Francisco Fish and Game Refuge, except in places specifically provided therefor, and said places shall not be used until user has removed all dead wood, moss, dry leaves or other combustible material which may have gathered around said place so that there is no possible danger of any fire spreading.

(b) No person responsible for an authorized fire in any Recreation area or in any County Park, or on the San Francisco Fish and Game Refuge, shall leave said fire unattended. When the user has finished with the fire, it shall be completely extinguished.

(Prior code § 3386.1; Ord. 1639, 02/25/64; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82)

3.68.080 - General protective regulations.

(a) Vegetative. No person shall willfully or negligently pick, dig up, cut, mutilate, destroy, injure, disturb, move, molest, burn, carry away, collect or gather any tree or plant or portion thereof, including but not limited to leaf mold, flowers, foliage, berries, fruit, grass, turf, humus, shrubs, cones, ferns, mushrooms and dead wood in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or on any hiking and riding trail. Nothing in this section shall prevent the taking of any tree or plant or portion thereof, including but not limited to leaf mold, flowers, foliage, berries, fruit, grass, turf, humus, shrubs, cones, ferns, mushrooms and dead wood in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, any hiking and riding trail by public officials pursuant to their official duties or by scientific permit from the San Mateo County Parks and Recreation Department, or San Francisco Water Department, for the areas under their respective jurisdictions.

(b) Vandalism (Property). No person shall disturb, destroy, remove, deface or injure any property of the County of San Mateo or the City and County of San Francisco which is located in any Recreation area or in any County Park or hiking and riding trail, or on the San Francisco Fish and Game Refuge. No person shall cut, carve, paint, mark, paste, or fasten on any tree, fence, wall, building, monument or other property in any County Park or Recreation area, or hiking and riding trail, or other property in any County Park or Recreation area, or hiking and riding trail, or on the San Francisco Fish and Game Refuge, any advertisement, sign or inscription.

(c) Littering. No person shall place or throw bottles, broken glass, crockery, ashes, waste paper, cans or any decaying or putrid matter or other rubbish in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, except in a receptacle designated for that purpose, and no person shall import or deposit any rubbish into or in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or hiking and riding trail. No person shall transport or dump any rock, rubble, dirt, sand, fill or other similar material into or in any County Park or Recreation area without the permission of the Director, or the General Manager and Chief Engineer, or their representatives for the areas under their respective jurisdiction.

(d) Reserves and Preserves. All geological and archeological features, plants and animals (dead or alive) are protected and taking is prohibited except the taking of such plants and animals as are permitted by regulations specific to the area.

(e) Watershed Protection. No person shall contaminate in any way whatsoever any watershed or water supply in any Recreation area or in any County Park, or in the Watershed, or water supplies of any water purveyor holding a water purveyor's permit issued by the California Department of Health Services pursuant to Public Health Code, chapter 7, section 4011.

(f) Water Quality Protection. No person shall wash clothing or cooking utensils, bathe in, or in any other manner pollute the waters of any Recreation area or any County Park, or in the Watershed, or water supplies of any water purveyor holding a water purveyor's permit issued by the California Department of Health Services pursuant to Public Health Code, chapter 7, section 4011.

(g) Geological Features Protection. No person shall destroy, disturb, mutilate or remove earth, sand, gravel, oil, minerals, rocks, or features of caves, or lay, or set off any explosive material or cause to be done or assist in doing any of said things in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or hiking and riding trail without the specific permission of the Director or the General Manager and Chief Engineer, or their representative, for the areas under their respective jurisdictions.

(h) Protection of Historical Features. No person shall remove, injure, disfigure, deface or destroy any object of paleontological, archaeological, or historical interest or value in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or hiking and riding trail nor shall any person engage in any excavation for said objects without first receiving written permission from the Director, or the General Manager and Chief Engineer, or their representatives, for the areas under their respective jurisdictions.

(i) Domestic Animals. No dogs, cats, fowl or other domesticated animals shall be permitted to enter or go at large in any County Park or Recreation area, either with or without a keeper. Nothing in this section shall prohibit a guide dog under the control of a person with a vision or hearing impairment or "police dog" under the control of a peace officer from entering a County Park or Recreation area. No person shall release any captured wild animal within any County Park or Recreation area except authorized public officials pursuant to their duties.

(j) Abandoned Animals. No person shall abandon a dog, cat, fowl or other animal within any County Park or Recreation area, or in the San Francisco Fish and Game Refuge.

(k) Feeding Domesticated Animals. No person shall feed any abandoned domesticated animal in any County Park or Recreation area, or in the San Francisco Fish and Game Refuge.

(l) Grazing. The running at large, herding or grazing of livestock of any kind in any County Park or Recreation area, or driving of livestock over same, is prohibited unless a lease of the land has been granted for that purpose. Livestock found in any County Park or Recreation area may be impounded and held until claimed by the owner and payment made for any damages caused and for any expenses incurred by the County in impounding and holding such livestock.

(m) Horses Off Trails or Out of Designated Areas. No person shall ride, drive, lead, or keep a saddle horse, pony, mule or other such animal in any County Park or Recreation area except on such roads, trails or areas so designated and posted by the Department.

(n) Wildlife. All County Parks and Recreation Areas and the San Francisco Fish and Game Refuge are sanctuaries for wildlife. No person shall feed, approach, disturb, frighten, hunt, trap, capture, wound, kill, or disturb the natural habitat of, any wild bird, mammal, reptile, fish, amphibian or invertebrate within a County Park or Recreation Area or within any San Francisco Fish and Game Refuge area located within the County. This prohibition shall not apply to the following:

(1) Action taken by public officials or their employees or agents, within the scope of their authorized duties, to protect the public health and safety.

(2) The taking of fish as permitted by State Fish and Game Regulations.

(3) The capturing and/or taking of park wildlife for scientific research purposes when done with written permission from the Director of the San Mateo County Division of Parks and Recreation or, in the San Francisco Fish and Game Refuge, from the San Francisco Water Department.

(o) Firearms and Dangerous Weapons. Except as provided in subsection (p) and subsection (q), no person shall have in his possession within any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, and no person shall fire or discharge, or cause to be fired or discharged, across, in, or into any portion of any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, any gun or firearm, spear, bow and arrow, cross bow, slingshot, air or gas weapon or any other dangerous weapon.

(p) Shooting Ranges. The discharge or firing of firearms is permitted in areas designated by the Parks and Recreation Commission, or San Francisco Water Department, specifically for the purposes of rifle and/or pistol and/or shotgun shooting, and the transportation of such firearms through the County Park or Recreation area, or on the San Francisco Fish and Game Refuge, in which said area(s) is/are located is permitted providing said firearms are unloaded. "Unloaded" shall mean that there is no ammunition in either the chamber or magazine of the gun.

(q) Archery Ranges. The use of a bow and arrow, but not a crossbow, is permitted in areas designated by the Parks and Recreation Commission specifically for the purpose of archery, but all bows must be unstrung during transportation to and from such designated areas.

(r) Loitering After Closing Time. It shall be unlawful for any person to remain in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, or in any facility within any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, after the posted closing time, unless said person has lawful business therein.

(s) Gambling. Gambling in any form, or the operation of gambling devices for merchandise or otherwise in any County Park or Recreation area is prohibited.

(t) Alcoholic Beverages. No person shall possess or consume alcoholic beverages, other than beer or wine, in any form within any County Park or Recreation area, or on the San Francisco Fish and Game Refuge. Alcoholic beverages as described herein are permitted at Coyote Point County Park only in designated areas and during designated times. No person shall possess or consume any alcoholic beverages in any form at the Coyote Point Rifle and Pistol Range, or within twenty-five feet (25') of the San Francisco Watershed vehicle parking lots or areas. This section shall not prohibit the dispensing of all types of alcoholic beverages by a licensee under the laws of the State of California, under a food and bar concession from the County or the consumption of such beverages on the premises of such concessionaire, or the consumption of alcoholic beverages by persons holding a written occupancy permit issued by the Parks Director, or his or her representative, for areas under his or her jurisdiction.

(u) Private Operations. It shall be unlawful for any person to engage in the business of soliciting, selling or peddling of any liquids or edibles for human consumption or to distribute circulars or to hawk, peddle or vend any goods, wares or merchandise of any kind, except upon specific concession or permit secured from the Commission, or the General Manager and Chief Engineer, or his representative, for areas under his jurisdiction.

(v) Authorized Operations. All persons, firms, or corporations holding concessions shall keep the grounds used by them properly policed and shall maintain the premises in a sanitary condition to the satisfaction of the Director or General Manager and Chief Engineer for areas under their respective jurisdictions. No operator of any concession shall retain in

his employment any person whose presence is deemed by the District or General Manager and Chief Engineer for their respective jurisdictions not to be conducive to good order and management.

(w) Commercial Filming. No person shall operate a still, motion picture, video or other camera for commercial purposes in any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, except pursuant to a written permit from the Director or the General Manager and Chief Engineer, or their representative, for the areas under their respective jurisdictions authorizing such activity. This section shall not apply to the commercial operation of cameras as part of the bonafide reporting of news.

(x) Closed Areas. No person shall enter any road, trail or area that is posted as closed or restricted without permission from the County Parks and Recreation Director.

(Prior code § 3387; Ord. 415, 06/25/34; Ord. 976, 01/15/52; Ord. 1287, 05/06/58; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90; Ord. 3796, 11/4/97; Ord. 3863, 12/1/98)

3.68.090 - Motor vehicles.

No person shall operate any motor vehicle except upon established paved roads or other established paved areas specifically designated and maintained for normal ingress, egress, and parking. This section shall not apply to any emergency or County vehicle, physically handicapped persons operating wheelchairs or similar devices, or to any person acting in compliance with the directions of a Park Ranger or Peace Officer.

(Prior code § 3388; Ord. 415, 06/25/34; Ord. 976, 01/15/52; Ord. 2394, 09/21/76)

3.68.100 - Parking.

No person shall park any motor vehicle as defined in this chapter within a County Park or Recreation area, or on the San Francisco Fish and Game Refuge, except upon areas designated for such use. No person shall park a motor vehicle, except an authorized emergency vehicle or when in compliance with the directions of a Peace Officer or Park Ranger in any of the following places: In areas where prohibited by "NO PARKING" signs. On any fire trail, road or access. On any equestrian or hiking trail. Blocking or obstructing any gate, entrance or exit. On any lawn or grassy area. In any picnic area. On any beach. In such a manner as to take up more than one "Marked" space in any authorized parking area. In any area where such vehicle blocks or obstructs the free flow of traffic. Within 15 feet of a fire hydrant. Adjacent to any curb painted red. In any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, after closing time except pursuant to a valid permit.

(Prior code § 3388.1; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.110 - Motor vehicle speed limits.

No person shall drive a motor vehicle within any County Park or Recreation area, or the San Francisco Fish and Game Refuge, at a speed greater than is reasonable or prudent, having due regard for traffic and the surface and width of the road, and in no event at a speed which endangers the safety of person, property, or wildlife, provided, however, that in no event shall a motor vehicle be driven at a speed greater than the posted speed limit for that area as designated by the Parks and Recreation Commission.

(Prior code § 3388.2; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.120 - Operation of bicycles; violation.

No person shall operate a bicycle in any County Park or Recreation Area, including but not limited to Sawyer Camp (a) Trail or San Francisco Fish and Game Refuge, other than on a path designated and signed for that purpose or on a paved vehicular road meant for motor vehicles. All bicyclists shall ride in single file, except to pass. No bicyclist shall exceed a safe speed.

(b) No bicyclist on Sawyer Camp Trail shall exceed a speed of 5 miles per hour within one-eighth-mile from each end of Sawyer Camp Trail. No bicyclist on Sawyer Camp Trail shall exceed a speed of 15 miles per hour on the rest of Sawyer Camp Trail.

(c) A violation of the provisions of this section shall be an infraction. Any person to whom a citation is issued for a violation of this section shall be subject to a fine of Fifty Dollars (\$50) for a first violation within a period of one year, One Hundred Dollars (\$100) for a second violation within a period of one year, and Three Hundred Dollars (\$300) for each additional violation within a period of one year.

(Prior code § 3388.3; Ord. 415, 06/25/34; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90; Ord. 3272, 10/23/90; Ord. 3351, 12/10/91; Ord. 3471, 02/02/93)

3.68.130 - Noise.

(a) Declaration of Noise Policy. It is hereby declared to be the policy of the Parks and Recreation Commission, and the San Francisco Water Department, to prohibit unnecessary, excessive, and annoying noises in all County Parks, and the San Francisco Fish and Game Refuge. At certain levels, noises are detrimental to the health and welfare of persons using County Parks or Recreation areas, and it is in the public interest to proscribe such noises.

(b) Sound Amplifying Equipment. It shall be unlawful for any person to operate any sound amplifying equipment as defined in section 3.68.030 in any County Park or Recreation area, or the San Francisco Fish and Game Refuge. This section shall not apply to a person operating sound amplifying equipment under a permit granted by the Parks and Recreation Department, or the San Francisco Water Department, as provided in section 3.68.140

(c) Peace and Quiet. It shall be unlawful for any person within any County Park or the San Francisco Fish and Game Refuge to use or operate any radio receiving set, musical instrument, machine or device for producing or reproducing sound or any device which produces noise in such a manner as to disturb the reasonable peace, quiet and comfort of persons using any County Park or Recreation area or the San Francisco Fish and Game Refuge.

Noise, Absolute Prohibition. No person shall use or operate any of the devices mentioned in subsection (c) within the (d) campgrounds of any County Park or Recreation area and the San Francisco Water Department area(s) between the hours of 10:00 P.M. and 8:00 A.M.

(Prior code § 3389; Ord. 415, 06/25/34; Ord. 976, 01/15/52; Ord. 1287, 05/06/58; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.140 - Unlawful assembly.

It shall be unlawful for any person or group to conduct a group meeting, rally, or similar gathering in any County Park or Recreation area without first obtaining a permit from the Parks and Recreation Department for the use of the area or facility involved. The division shall grant such permit unless it finds that the time and/or place and/or size of the meeting, rally, or similar gathering may unreasonably interfere with the normal use or operation of the area or facility requested. Said permit shall be obtained at least ten days prior to such activity.

(Prior code § 3390; Ord. 976, 01/15/52; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.150 - Dangerous activities.

Except in areas specifically designated and set aside from time to time by the Parks and Recreation Commission, or the San Francisco Water Department for such activities, no person shall engage in any of the following activities within any County Park or Recreation area, or on the San Francisco Fish and Game Refuge, and in no case shall any person engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person:

1. Use or possess fireworks of any kind.
2. Drive, chip, or in any other manner play or practice golf, or hit golf balls.
3. Operate self-propelled model airplanes, boats, automobiles, or other model craft of any kind or description.

4. Throw, release, or discharge missiles, rockets, or similar projectiles.
5. Hang-glide or parachute.
6. Operate any gas or hot air balloon (other than a toy balloon).

(Prior code § 3391; Ord. 415, 06/25/34; Ord. 2307, 05/06/75; Ord. 2394, 09/21/76; Ord. 2807, 10/26/82; Ord. 3252, 07/31/90)

3.68.160 - Hiking and riding trails.

The following regulations shall apply to any and all persons using hiking and riding trails in the County of San Mateo.

- (a) No loaded firearm shall be carried on any hiking and riding trail, except by Peace Officers, nor shall any person discharge across, in or into any portion of a hiking and riding trail any firearm or other device capable of injuring or killing any person, animal or damaging or destroying any public or private property.
- (b) No person shall disturb, destroy, remove, deface or injure any property on a hiking and riding trail. No person shall cut, carve, paint, mark, paste or fasten on any tree, fence, wall, building, monument or other property along or on such trail any bill, advertisement or inscription.
- (c) No person shall use threatening, abusive, boisterous, insulting or indecent language or make indecent gestures on a hiking or riding trail; nor shall any person conduct or participate in a disorderly assemblage thereon.
- (d) No person shall operate a vehicle on a hiking and riding trail other than a vehicle used for emergency or maintenance purposes or such other vehicle as may be especially designated by the Director of Parks and Recreation Department, unless the trail traverses a common right-of-way.
- (e) No person shall molest livestock encountered on or adjacent to a hiking and riding trail.

(f) No person shall ride any saddle animal on a hiking and riding trail in a manner that might endanger life or limb of any person or animal, and no person shall allow his/her saddle or pack animal to stand unattended or insecurely tied.

(g) All persons using a hiking and riding trail shall respect the rights of property owners along the trail and shall not trespass on their property or invade their privacy in any way.

(h) Every person using a hiking and riding trail shall promptly report any uncontrolled fire in sight of the trail to the nearest Peace Officer, Park Ranger or fire station.

(i) All persons opening a closed gate on or near a hiking and riding trail shall securely close same after passing through it.

(j) No campfire shall be built on or adjacent to a hiking and riding trail except in areas specifically provided and marked for that purpose.

(k) Smoking on hiking and riding trails is prohibited.

(Prior code § 3392; Ord. 2394, 09/21/76; Ord. 3252, 07/31/90)

3.68.170 - Beaches and swimming areas.

(a) No motor or wind-powered vessel shall be permitted in any designated swimming area in any San Mateo County Park or Recreation area.

(b) No vessel with motor or capable of carrying a motor may be launched in any San Mateo County Park or Recreation area except in designated launching areas.

(Prior code § 3393; Ord. 3252, 07/31/90)

3.68.180 - Dogs on Sheep Camp Trail.

(a) Dogs shall be permitted on the portion of Sheep Camp Trail located between Canada Road and Highway 280 subject to the conditions and requirements of this section.

(b) No person shall cause or allow any dog under his or her ownership, possession or control to enter or remain on Sheep Camp Trail unless the dog is licensed as provided in section 6.04.040(a), is wearing around its neck a collar and valid license tag and the owner or possessor of the dog complies with all other conditions of this section 3.68.180

(c) No person shall cause or allow any dog under his or her ownership, possession or control to enter or remain on Sheep Camp Trail unless such person restrains such dog with a leash not to exceed six (6) feet in length and insures that the leash and control by the person are sufficient to prevent endangering other persons or animals.

(d) No person shall cause or allow any dog under his or her ownership, possession or control to enter or remain on or to defecate upon any part of Sheep Camp Trail including the path, parking area or any property abutting on Sheep Camp Trail (including but not limited to the San Francisco Watershed, Canada Road and any state right-of-way) used by the general public unless the owner or person with control or custody of the dog immediately removes the feces and properly disposes of it in a sanitary manner.

(e) No person shall walk a dog on Sheep Camp Trail or allow or cause a dog under his or her ownership, possession or control to enter Sheep Camp Trail without carrying at all times a suitable container or other suitable instrument for the removal and disposal of canine feces.

(Prior code § 3387.5; Ord. 3370, 02/11/92; to be in effect for one year)

Title 3 - PUBLIC SAFETY, MORALS AND WELFARE
Chapter 3.53 - FIREARM ON COUNTY PROPERTY
San Mateo County, California, Code of Ordinances

Chapter 3.53 - FIREARMS ON COUNTY PROPERTY

Sections:

[3.53.010 - Possession of firearms on County property prohibited.](#)

[3.53.020 - Definitions.](#)

[3.53.030 - Exceptions.](#)

3.53.010 - Possession of firearms on County property prohibited.

Every person who brings onto or possesses on County property a firearm, loaded or unloaded, or ammunition for a firearm is guilty of a misdemeanor.

(Ord. 4146, 12/17/02)

3.53.020 - Definitions.

For purposes of this chapter, the following definitions shall apply:

(a) County Property. As used in this section, the term County property means real property, including any buildings thereon, owned or leased by the County of San Mateo (hereinafter "County"), and in the County's possession, or in the possession of a public or private entity under contract with the County to perform a public purpose, including but not limited to real property owned or leased by the County in the unincorporated and incorporated portions of the County, and the San Mateo County Expo Center in the City of San Mateo, but does not include any "local public building" as defined in Penal Code Section 171b(c), where the State regulated possession of firearms pursuant to Penal Code Section 171.

(b) Firearm. "Firearm" is any gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from

which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. "Firearm" does not include imitation firearms or BB guns and air rifles as defined in Government Code Section 53071.5.

- (c) Ammunition. "Ammunition" is any ammunition as defined in Penal Code Section 12316(b)(2).

(Ord. 4146, 12/17/02)

3.53.030 - Exceptions.

This section does not apply to the following:

- (a) A peace officer as defined in Title 3, Part 2, Chapter 4.5 of the California Penal Code (sections 830 et seq.);
- (b) A guard or messenger of a financial institution, a guard of a contract carrier operating an armored vehicle, a licensed private investigator, patrol operator, or alarm company operator, or uniformed security guard as these occupations are defined in Penal Code section 12031(d) and who holds a valid certificate issued by the Department of Consumer Affairs under Penal Code section 12033, while actually employed and engaged in protecting and preserving property or life within the scope of his or her employment;
- (c) A person holding a valid license to carry a firearm issued pursuant to Penal Code section 12050;
- (d) An authorized participant in a motion picture, television, video, dance, or theatrical production or event, when the participant lawfully uses the firearm as part of that production or event, provided that when such firearm is not in the actual possession of the authorized participant, it is secured to prevent unauthorized use;
- (e) A person lawfully transporting firearms or ammunition in a motor vehicle on County roads;
- (f) A person lawfully using the target range operated by the San Mateo County Sheriff;
- (g) A federal criminal investigator or law enforcement officer; or
- (h) A member of the military forces of the State of California or of the United States.

(Ord. 4146, 12/17/02)

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1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
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San Jose, CA 95125
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):
Appellants' Opening Brief w/ Appendix
 - a. **Mail.** I mailed a copy of the document identified above as follows:
 - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
 - (a) **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
 - (b) **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
 - (2) Date mailed: January 2, 2013
 - (3) The envelope was or envelopes were addressed as follows:
 - (a) Person served:
 - (i) Name: County of San Mateo (Attn: David Silberman)
 - (ii) Address: 400 County Center, 6th Floor
Redwood City, CA 94063
 - (b) Person served:
 - (i) Name: Superior Court
 - (ii) Address: 400 County Center
Redwood City, CA 94063
 - (c) Person served:
 - (i) Name:
 - (ii) Address:

Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).

 - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (*city and state*): San Jose, CA

CASE NAME: Calguns Foundation, Inc., et al v San Mateo County

CASE NUMBER: CIV 509185

3. b. **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 2, 2013

Christina Kilmer

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)