



Published February 20th, 2019

Sale of Firearms Ordinance passes in Moraga

By Vera Kochan

The Moraga Town Council, with a 4-1 vote, approved an ordinance for the sale of firearms to include only the Limited Commercial Zone. Vice Mayor Kymberleigh Korpus cast the no vote.

Moraga's senior planner, Steve Kowalski, presented the updated version of the ordinance during the Feb. 13 town council meeting. The original ordinance included two Commercial Zones located in the Moraga Center and Rheem Shopping Center, as well as the Limited Commercial Zone located from the 7-Eleven Store north to Rheem Boulevard.

The sales locations were reduced after public concern matched council members' observations during the Jan. 9 meeting, that Moraga Center and Rheem Center were deemed family-friendly zones during business hours of operation.

Anyone wishing to set up shop, according to the new Sale of Firearms Ordinance, in the Limited Commercial Zone must meet many stringent requirements, some of which include providing a floor plan of the proposed business detailing information regarding security provisions for the business. The business owner must also provide proof of compliance with all state and federal laws regarding licensing, and must provide information pertaining to any and all prior revocations of a license or permit to sell firearms. And, the applicant has to agree to hold the town and its officers, agents and employees harmless against any claims, losses or damages including legal fees due to the applicant's negligence or intentional misconduct. Additionally, the sale of firearms can only be carried on in the building at the street address shown on the permit.

Also noted in the ordinance, the police chief's investigation and issuance of a permit is based on the determination of whether there is no risk to public safety. The applicant would be required to provide fingerprints, a recent photo, a signed authorization for the release of pertinent records and provide personal history on a detailed questionnaire provided by the police chief or appointee.

Finally, if an applicant passes all of the qualifications and receives a police permit it must be displayed on the store premises. The applicant may not allow any person under 21 years of age to enter or remain on the premises without the accompaniment of a parent or other adult legally responsible for that minor, unless that minor is between the ages of 18 and 21 and meets one or more exemptions listed under Penal Code section 27510(b)(1) or (b)(2). The applicant also may not deliver a firearm to a purchaser earlier than allowed by state and federal law, and it must be unloaded and securely wrapped or in a locked container. According to the ordinance, any firearm transactions must be promptly processed and a register of all sales must be kept.

During the public comment portion of the discussion, four residents provided feedback to the council. All were in support of the ordinance, noting the importance of regulating gun dealers.

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