

**CITY OF HUNTINGTON BEACH
LEGAL NOTICE**

**ORDINANCE NO. 4048
Adopted by the City Council on APRIL 06, 2015**

“AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 9.76 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO DISCHARGING WEAPONS”

SYNOPSIS:

As a result of reviewing the City's current Municipal Code, among other items within Chapter 9.76, it was determined that the use of air guns discharging paintballs was a prohibited activity as strictly interpreted under the code. The use of facilities on the beach for limited duration special events, such as the Surf City Paintball Open, is allowed under subsection D., based on receiving a permit issued by the Police Chief. However, any recreational facility offering paintball, even if such a facility receives entitlement through the City's Planning process (including approval by the Planning Commission), did not qualify as a special event and therefore was not exempted from the code prohibitions. Additionally, it was noted that the Huntington Beach police range ceased to exist many years ago and therefore that specific subsection was also marked for update.

Accordingly, City Staff, working with the City Attorney's Office and the Chief of Police, met to review the current code and to draft amendments. Subsection B. was amended to delete reference to the former Huntington Beach police range and, instead, provide an exception for "Businesses with a permitted land use entitlement and written approval by the Police Chief." This amendment would therefore allow for the use of a property that has submitted a qualified land use application and received entitlements through the City's land use and zoning approval process. Additionally, the Police Chief will need to provide written approval of the proposed use. The entitlement process ensures the proposed use is compatible with the land use and zoning designation; has the appropriate discretionary review; and is found to be acceptable to the Police Chief. Conditions of approval placed on the business during the entitlement process would regulate the use of paintball guns.

Subsection C. was amended to read, "Any training exercise that has received the prior authorization of the Police Chief."

Finally, subsection E. was added to exempt children's toys which may "emit a projectile as a result of pressure exerted at the breach," but are deemed not to be weapons. This exception maintains the Police Department's discretion in the field for ensuring public protection, but otherwise updates the current code.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held April 6, 2015 by the following roll call vote:

AYES: Posey, O'Connell, Katapodis, Hardy, Sullivan, Delgleize, Peterson

NOES: None

ABSTAIN: None

ABSENT: None

THE FULL TEXT OF THE ORDINANCE IS AVAILABLE IN THE CITY CLERK'S OFFICE.

This ordinance is effective 30 days after adoption.

**CITY OF HUNTINGTON BEACH
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HUNTINGTON BEACH, CA 92648
714-536-5227
JOAN L. FLYNN, CITY CLERK**