

Published January 23rd, 2019

Firearm sale zones go before Moraga Town Council

By Vera Kochan



During the Jan. 9 Moraga Town Council meeting, the Sale of Firearms Ordinance regarding the regulations and permitting of sales of firearms throughout the town was discussed. Sales would only be permitted in Commercial Zones.

Senior Planner Steve Kowalski of the Planning Department said the purpose of the ordinance was "to establish land use regulations to govern where firearm sales dealers can locate in the town and create a separate permitting or licensing process for all firearms dealers that would be administered through the police department." He added, "If these amendments are approved, a firearms dealer wishing to open a business in Moraga, would first be required to undergo the police permit process which would include a thorough background check conducted by the police chief or his/her designee, and then obtain approval of a conditional use permit from the Planning Commission before he/she could set up shop in town."

In January 2017, due to two gun-related suicides that had occurred the prior year in Moraga and another tragedy involving a teen in an accidental gun death in 1991, citizens requested that the town council adopt ordinances to increase gun safety.

Nearly a year later, in February 2018, the town council voted 4-1 to adopt an ordinance regulating storage of firearms in all Moraga residences. Some current regulations include the prohibition of discharging of any firearms in town except by peace officers or in acts of self-defense, and prohibition of discharging any firearms in all town parks.

Kowalski's presentation also quoted references from Moraga's General Plan: "We value living in a safe environment"; "Protect public health and safety"; "A community that is free from crime."

The proposal is to designate two Commercial Zone Districts where the town would consider issuing a permit at the Moraga and Rheem Valley shopping centers, while also considering a Limited Commercial District from the 7-Eleven store north to Rheem Boulevard.

Moraga's Police Chief, Jon King stated, "Police permits shall only be issued for firearms sales within permitted zones within the town. Firearms sales would be permitted as proposed by staff in these two zones, and the police chief would be prohibited from issuing a police permit to a lot in any other zone in town." He made it clear that, "There's nobody beating down the door, looking at us to set up in town."

A permit from the police department is based on at least 15 factors of approval and the applicant must be in compliance with state and federal law. The Planning Commission would then examine where the applicant wants to sell firearms and any safety factors such as the proximity to schools or locations where minors congregate.

During the public comment portion of the town council meeting, most residents were in favor of an ordinance with designated zones, but pointed out that children were always located in or near the two Commercial Zone areas at all times of the business day.

Council Member Steve Woehleke pointed out that even the Limited Commercial District included areas where children were apt to be, stating, "There is no good location in Moraga."

Mayor Roger Wykle said, "I support at this point, along with Renata (Sos) and Mike (McCluer) and maybe Steve (Woehleke), the Limited Commercial Zone as a start."

Before concluding the discussion, Vice Mayor Kymberleigh Korpus proposed that police permits shall only be issued for firearms sales within the Limited Commercial District, and in no event shall be issued for use in a home-based business. Council approved a motion to continue the issue after staff had time to make revisions before bringing it back to a consent calendar, where items are typically approved without council or public discussion.

Reach the reporter at: vera@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA