

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SONOMA COUNTY CODE SECTION 1-7.2 TO ADD A PRIVATE RIGHT OF ACTION FOR VIOLATIONS OF THE FIREARMS SAFETY ZONE RESTRICTION IN SONOMA COUNTY CODE SECTION 19A-5

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose and Authority. The purpose of this Ordinance is to establish a private right of action for those impacted by violations of the of the safety zone restriction that prohibits the use of firearms near certain areas and structures on neighboring properties and to authorize the provision of attorney's fees to a prevailing party. This Ordinance is adopted pursuant to California Government Code Section 25120 et seq.

Section II. Findings.

- A. Sonoma County Code Section 19A-5 prohibits firearm use within 150 yards of any building, dwelling house, camp, or other place where human beings inhabit assemble, frequent, or pass, excepting publicly maintained roads.
- B. Determining which areas on a property are protected by a safety zone and where the outer bounds are from which to measure requires a factual inquiry into whether and how areas of a property are used, which can be particularly challenging when it comes to outdoor spaces such as backyards, fields, orchards and gardens, hiking trails, and picnic areas.
- C. Property owners are likely to have the factual information necessary to determine the boundaries of the areas on their property that are used in such a way to qualify for a safety zone under the provision, and so a private right of action is an appropriate and valuable tool for enforcing the firearms safety zone restriction.

Section III (CODIFIED). Chapter 1 Section 1-7.2 is retitled and amended as follows:

Private right of action for certain violations of ~~certain building, zoning and public health regulations~~

Any person damaged by any violation of Sections 7-5, 7-13, 7-17, 19A-5, 24-33 or 26-92-200 of this code may institute a civil proceeding for injunctive relief against such violation, for money damages, and for whatever other or additional relief the court deems appropriate. In any action brought pursuant to this section, the prevailing party shall be entitled to reasonable attorneys' fees and costs pursuant to order of the court. The remedies available under this section shall be in addition to, and shall not in any way restrict, any other rights or remedies available under law.

Section IV. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section III. Effective Date. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the 28th day of February, 2023, and finally passed and adopted this ____ day of March, 2023, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Gore: Hopkins: Coursey:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Christina Rivera
Clerk of the Board of Supervisors