

DATE: May 6, 1988

TO: Lieutenant Chuck Ellison, San Diego Police
Department

FROM: City Attorney

SUBJECT: Possession of Firearms in City Parks

Reference is made to your memorandum asking for an advisory opinion on the question posed by Mr. Al Haun in his letter dated April 22, 1988 which is attached.

Mr. Haun asked whether the "new gun law" adopted by the City Council applies to his organization and others ". . . that carry weapons in parades or set up displays in the city parks while waiting for the parades to start or end." Mr. Haun described his group as a Civil War living history organization of over 30 members, portraying G Company 6th U.S. Infantry, the first unit stationed at San Diego Barracks in 1858, just across from the old police station. The members purchased their own uniforms, period weapons and equipment at considerable expense and participate in parades.

It is assumed that "new gun law" refers to the San Diego Municipal Code as recently amended by adding section 63.08 to read as follows:

SEC. 63.08 POSSESSION OF FIREARMS AND OTHER
DEVICES IN PARKS AND OPEN SPACE
AREAS

No persons other than those persons specifically authorized by law or City permit so to do, shall use, possess, transport, carry, fire, or discharge any fireworks, firearm, air gun, archery device, slingshot or explosive of any kind across, on, or into any City park or designated open space area. . . .
(Emphasis added.)

In the absence of specific authorization, Mr. Haun's organization is prohibited by section 63.08 from possessing or carrying firearms in any City park or designated open space area. However, his organization could obtain approval to parade with firearms conditioned upon obtaining a permit, permission or consent from the City Manager following the procedure outline in San Diego Municipal Code section 63.02, a copy of which is attached.

Please contact me if I can be of further assistance to you in this matter.

JOHN W. WITT, City Attorney

By
Joseph M. Battaglino
Deputy City Attorney

JMB:ifs:263(x043.2)
Attachments
ML-88-45