



Folsom City Council Meeting

Revised Staff Report Transmittal

MEETING DATE:	3/8/2022
AGENDA SECTION:	Public Hearing
STAFF REPORT TITLE	Item #11 - Ordinance No. 1325 - An Ordinance Repealing and Re-Enacting Chapter 17.61 of the Folsom Municipal Code Pertaining to Home Occupations (Introduction and First Reading)
FROM:	Community Development Department

Staff has prepared the attached additional documents for the above-referenced agenda item.

The additional documents attached are as follows:

- **Attachment 1A:** Ordinance No. 1325 - An Ordinance Repealing and Re-Enacting Chapter 17.61 of the Folsom Municipal Code Pertaining to Home Occupations [CORRECTED VERSION]
- **Attachment 2A:** An Ordinance Repealing and Re-Enacting Chapter 17.61 of the Folsom Municipal Code Pertaining to Home Occupations [STRIKEOUT VERSION]
- **Attachment 3A:** Supplemental Public Comment Letters and Emails

There were minor typographical corrections made to Ordinance No. 1325. The ordinance with those corrections is in Attachment 1A. The version showing the corrections in underline and strikeout format is included in Attachment 2A. Finally, public comment letters and emails received after the original staff report publication date are included in Attachment 3A.

**ATTACHMENT 1A
ORDINANCE NO. 1325
AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE
PERTAINING TO HOME OCCUPATIONS**

[CORRECTED CLEAN VERSION]

ATTACHMENT 1
ORDINANCE NO. 1325
AN ORDINANCE OF THE CITY OF FOLSOM
REPEALING AND RE-ENACTING
CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE
PERTAINING TO HOME OCCUPATIONS

The City Council of the City of Folsom hereby does ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend the Folsom Municipal Code to update the home occupation permit regulations to clarify the standards for the operation of home-based businesses in residential neighborhoods in Folsom.

SECTION 2 REPEAL AND RE-ENACTMENT TO CODE

Chapter 17.61 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

Chapter 17.61 HOME OCCUPATIONS

Sections:

- 17.61.010 Purpose**
- 17.61.015 Definitions**
- 17.61.020 Applicability**
- 17.61.025 Business License Certificate**
- 17.61.030 Home Occupation Permit**
- 17.61.035 Prohibited Uses**
- 17.61.040 Standards**
- 17.61.045 Permit Application and Procedure**
- 17.61.050 Fees**
- 17.61.055 Appeals**
- 17.61.060 Permit Revocation**
- 17.61.065 Enforcement**
- 17.61.070 Penalties**
- 17.61.075 Enforcement Procedures**
- 17.61.080 Time Limit.**

17.61.010 Purpose

The purpose of this chapter is to recognize the residence as a viable location for certain types of occupations and to ensure the compatibility of home occupations with principal residential uses, protecting the integrity and character of the residential neighborhood by minimizing negative impacts of commercial uses being conducted in residential areas.

In support of that purpose, this chapter provides locational, developmental, and operational standards for the conduct of home occupations to ensure that home occupations are compatible with, and do not have an adverse effect on, adjacent residential properties; ensure that public and private services and utilities are not burdened by the home occupation; and preserve the character and livability of residential areas.

17.61.015 Definitions

“Home occupation” means any business-related use carried on within a residential structure or accessory structure by the residents of the property, which use is secondary to the residential use of the structure, and involves the sale or storage of goods or the provision of services on the property. The home occupation must not substantially or materially change the residential character of the surrounding neighborhood.

17.61.020 Applicability

The provisions of this chapter shall apply to home occupations as defined in Section 17.61.015 subject to the issuance of a home occupation permit in compliance with the standards in Section 17.61.040. A home occupation shall only be allowed as an accessory use on a parcel with a residential dwelling unit.

17.61.025 Business License Certificate

If a business license certificate is required for the occupation to operate within the City, the home occupation may not begin operation until a business license certificate has been obtained as required by Chapter 5.04 (Business Licenses).

17.61.030 Home Occupation Permit

A. No person shall conduct a home occupation without first obtaining a permit from the director of the community development department or the director's designee. The home occupation permit is personal to the resident named on the permit and specific to the occupation to be conducted and the location stated on the permit. The permit is not transferable.

B. A home occupation permit is not required for any resident to work at their residence, so long as that work does not involve:

1. The sale or storage of goods; or
2. Providing services to customers on the property.

17.61.035 Prohibited Uses

The following uses and similar activities, as determined by the director of the community development department, are prohibited as home occupations:

- A. Adult entertainment activities/businesses.
- B. Alcohol beverage manufacturing or on-site sales business.
- C. Animal kennels except for pet sitting and training businesses that have no more than three dogs or cats over the age of four months old at the home at any one time.
- D. Automobile/vehicle service, repair or paint shops.
- E. Firearm sales involving the sale of more than four firearms to a customer at one time.

- F. Medical offices, clinics, and laboratories, except that counseling is allowed when no more than one client visit or group session is held at one time.
- G. Metal working or welding shops.
- H. Storage, repair, reconditioning or manufacture of large equipment on-site
- I. Tobacco or electronic cigarette shop involving on-site sales.

17.61.040 Standards

Home occupations shall comply with all of the following standards in order to be granted a home occupation permit:

- A. **Visibility.**
 - 1. No exterior modification to the residential structure or accessory structure that results in a change to the residential character of the home shall be permitted for the home occupation; and
 - 2. Aside from visiting clients and pick-ups or deliveries to the home occupation business, the home occupation activity shall not be conspicuously visible from a public right-of-way or from neighboring residential properties such that it results in a change to the residential character of the home.
- B. **Maximum Size.** The space exclusively devoted to the home occupation (including any associated storage) shall not exceed 25 percent of the residential unit's floor area. In calculating the amount of space devoted exclusively to the home occupation, all storage and activities associated with the home occupation shall be included. Rooms used for both residential uses and the home occupation shall be considered dedicated to the home occupation for purposes of this calculation.
- C. **Signage.** The operator of a home occupation may display signage with the business name and address at the residence or accessory structure, provided that the signage is less than one square foot in area, is not illuminated, and is attached flat against the building or in the window on the front of the residence or accessory structure facing the street or alley.
- D. **Employees.** Employment is limited to the resident permit holder, other residents in the residence, and no more than two non-resident employees on-site. The home occupation may not have more non-resident employees than resident employees.
- E. **Client/Customer Visits.** No more than four clients shall be present at the home occupation business at any one time, and no more than ten clients shall visit the home occupation business per day. Clients are allowed at the home occupation business location only from 8:00

a.m. to 8:00 p.m.

F. Vehicles. One commercial vehicle is allowed, not to exceed a one-ton capacity. Regardless of the number of home occupations at a residence, only two additional vehicles (including commercial, employee, and client vehicles) can be present at any one time. One off-street parking space shall be provided for any vehicle associated with the home occupation.

G. Pickups and Deliveries. The home occupation shall not have more than a total of four (4) pickups or deliveries each day. All pickups and deliveries shall occur during the hours of operation of the home occupation identified in Section 17.61.040(E). The type of commercial vehicle(s) used for pickup or delivery of materials to or from the home occupation business location shall be similar in size and type to those typically used for pickup and delivery in residential neighborhoods.

H. Off-Site Effects. No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances.

I. Storage or Display of Materials. Storage, operation, or display of materials, goods, supplies, or equipment related to the operation of a home occupation, may not be visible from outside the residence, with the exception of office equipment and supplies inside the residential structure.

J. Storage of Hazardous Materials. On-site storage of hazardous materials (including toxic, explosive, combustible or flammable materials) associated with the home occupation is prohibited unless the storage of such materials has been reviewed and approved by the Folsom Fire Department.

K. Storage of Firearms. Unless prohibited by Section 17.61.035(E), a home occupation involving the sale or storage of firearms is subject to review and approval of the Folsom Police Department and shall comply with the following conditions:

1. All firearms and ammunition shall be stored in a locked fireproof safe or vault located on the premises. Under no circumstances shall firearms or ammunition be stored in a structure detached from the main structure of the residence. All windows, doors, and entry points to the location where firearms and ammunition are stored must be securely locked and equipped with an operable alarm and camera. All locks shall be secured, and the alarm shall be activated whenever an individual listed as a responsible person, or an individual authorized by him/her, under the Federal Firearms License is not present.

a. Minimum Safe Requirements: 60 minutes at 1200-degree fire-rating; and a TL-15 security rating

b. Minimum Alarm Requirements: 24 hour/7 days per week monitoring with exterior and interior audible. Smart home alarm systems do not satisfy this

requirement.

c. Minimum Camera Requirements: 1080p High Definition (HD) video with at least 7 days (168 hours) of recording capability.

2. No firearms or ammunition shall be delivered to a purchaser or sold from the premises before 8am or after 8pm. Upon sale, all firearms and ammunition shall be packaged separately. All firearms must be delivered to the purchaser unloaded and securely wrapped.

3. No signage advertising the presence of firearms or ammunition shall be displayed on or in the premises if it can be seen from the outside.

4. All authorized employees of the City shall have the right to enter the premises upon reasonable notification to inspect for compliance of these conditions. If these conditions are not met, notification will be given to the Bureau of Alcohol, Tobacco, Firearms and Explosives.

5. Permittee shall comply with all other applicable state and federal law and city ordinances.

6. Permittee shall file a report with the Folsom Police Department within twenty-four (24) hours of any criminal activity that occurs on the premises and provide video recorded during the timeframe of the crime.

7. Violation of these provisions shall constitute grounds for revocation.

L. Storage of Inventory. Rooms used for both residential uses and the home occupation shall be considered dedicated to the home occupation for purposes of the maximum size calculation in Section 17.61.040(B). Storage of inventory shall not occupy any of the parking required in Section 17.61.040(F).

M. Other Conditions. The director of the community development department may place additional conditions on the permit in order to carry out the intent of this chapter.

17.61.045 Permit Application and Procedure

A. Application for a home occupation permit shall be made to the community development department on a form provided by the department. A home occupation permit shall be issued when the director of the community development department or the director's designee finds that the home occupation applied for can be conducted pursuant to this chapter.

B. State and Federal Licenses. When the federal government or the State of California requires a state or federally-issued license, permit or certification in association with any occupation, such as a masseuse, firearm seller, or a barber/hair stylist, the state or federal license, permit or certification shall be obtained prior to and submitted for verification in

conjunction with an application for a home occupation permit. Such state or federally-issued license, permit or certification must be maintained at all times for the home occupation permit to be valid.

17.61.050 Fees

Upon approval of the home occupation permit by the community development department, the applicant shall pay the designated current fee amount established to cover administrative costs, as well as any other applicable fees established by city resolution.

17.61.055 Appeals

The decision of the community development department concerning the issuance or denial of a home occupation permit shall be final unless an appeal is submitted in writing to the community development director accompanied by the current nonrefundable home occupation permit appeal fee and is filed within 10 days of the decision. The appeal shall be heard by the planning commission. The planning commission may attach such conditions as it deems necessary to the issuance of such a permit to ensure compliance with the intent of this section. The decision of the planning commission may be appealed to the city council within 10 days of the decision. The appeal shall be submitted in writing to the city clerk, accompanied by the current non-refundable home occupation permit appeal fee.

17.61.060 Permit Revocation

A home occupation permit may be revoked or modified by the director of the community development department if any of the standards for approval listed in Section 17.61.040 are not met by the home occupation.

17.61.065 Enforcement

A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, of the Folsom Municipal Code.

B. The director of community development and the code enforcement officer shall enforce the provisions of this chapter.

17.61.070 Penalties

The penalties set forth in Section 17.03.020 of this title shall not apply and the following penalties shall be applicable for any violation of this chapter:

A. A violation of this chapter shall be an administrative violation as defined in Section 1.08.020.

B. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter.

C. Based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of this chapter shall be deemed a Level C violation, as that term is described in Section 1.09.012. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A)(3).

17.61.075 Enforcement Procedures

A. Prior to the suspension, revocation or denial of any home occupation permit, or the assessment of any monetary sanction, penalty or fine, or the commencement of any other enforcement action pursuant to this chapter, the director of the community development department and the code enforcement officer shall follow the procedures set forth in Sections 1.09.020 through 1.09.048. The rights to judicial review set forth in Sections 1.09.050 through 1.09.052 shall apply.

B. A notice to correct shall be served in accordance with the provisions of Section 1.09.023.

17.61.080 Time Limit

All home occupation permits shall be valid for a period of one (1) year from the date of approval. Requests for renewal shall be submitted to the finance department in writing on a form provided by the finance department, accompanied with the appropriate fee.

SECTION 3 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 NO MANDATORY DUTY OF CARE

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 8, 2022 and the second reading occurred at the regular meeting of the City Council on March 22, 2022.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this day of 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

**ATTACHMENT 2A
ORDINANCE NO. 1325
AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE
PERTAINING TO HOME OCCUPATIONS**

[CORRECTED STRIKEOUT VERSION]

ATTACHMENT 1
ORDINANCE NO. 1325
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- 17.61.075 Enforcement Procedures**
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17.61.010 Purpose

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In support of that purpose, this chapter provides locational, developmental, and operational standards for the conduct of home occupations to ensure that home occupations are compatible with, and do not have an adverse effect on, adjacent residential properties; ensure that public and private services and utilities are not burdened by the home occupation; and preserve the character and livability of residential areas.

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17.61.020 Applicability

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17.61.025 Business License Certificate

If a business license certificate is required for the occupation to operate within the City, the home occupation may not begin operation until a business license certificate has been obtained as required by Chapter 5.04 (Business Licenses).

17.61.030 Home Occupation Permit

A. No person shall conduct a home occupation without first obtaining a permit from the director of the community development department or the director's designee. The home occupation permit is personal to the resident named on the permit and specific to the occupation to be conducted and the location stated on the permit. The permit is not transferable.

B. A home occupation permit is not required for any resident to work at their residence, so long as that work does not involve:

1. The sale or storage of goods; or
2. Providing services to customers on the property.

17.61.035 Prohibited Uses

The following uses and similar activities, as determined by the director of the community development department, are prohibited as home occupations:

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- B. Alcohol beverage manufacturing or on-site sales business.
- C. Animal kennels except for pet sitting and training businesses that have no more than three dogs or ~~eate~~cats over the age of four months~~s~~ old at the home at any one time.
- D. Automobile/vehicle service, repair or paint shops.
- E. Firearm sales involving the sale of more than four firearms to a customer at one time.

- F. Medical offices, clinics, and laboratories, except that counseling is allowed when no more than one client visit or group session is held at one time.
- G. Metal working or welding shops.
- H. Storage, repair, reconditioning or manufacture of large equipment on-site
- I. Tobacco or electronic cigarette shop involving on-site sales.

17.61.040 Standards

Home occupations shall comply with all of the following standards in order to be granted a home occupation permit:

- A. **Visibility.**
 - 1. No exterior modification to the residential structure or accessory structure that results in a change to the residential character of the home shall be permitted for the home occupation; and
 - 2. Aside from visiting clients and pick-ups or deliveries to the home occupation business, the home occupation activity shall not be conspicuously visible from a public right-of-way or from neighboring residential properties such that it results in a change to the residential character of the home.
- B. **Maximum Size.** The space exclusively devoted to the home occupation (including any associated storage) shall not exceed 25 percent of the residential unit's floor area. In calculating the amount of space devoted exclusively to the home occupation, all storage and activities associated with the home occupation shall be included. Rooms used for both residential uses and the home occupation shall be considered dedicated to the home occupation for purposes of this calculation.
- C. **Signage.** The operator of a home occupation may display signage with the business name and address at the residence or accessory structure, provided that the signage is less than one square foot in area, is not illuminated, and is attached flat against the building or in the window on the front of the residence or accessory structure facing the street or alley.
- D. **Employees.** Employment is limited to the resident permit holder, other residents in the residence, and no more than two non-resident employees on-site. The home occupation may not have more non-resident employees than resident employees.
- E. **Client/Customer Visits.** No more than four clients shall be present at the home occupation business at any one time, and no more than ten clients shall visit the home occupation business per day. Clients are allowed at the home occupation business location only from 8:00

a.m. to 8:00 p.m.

F. Vehicles. One commercial vehicle is allowed, not to exceed a one-ton capacity. Regardless of the number of home occupations at a residence, only two additional vehicles (including commercial, employee, and client vehicles) can be present at any one time. One off-street parking space shall be provided for any vehicle associated with the home occupation.

G. Pickups and Deliveries. The home occupation shall not have more than a total of four (4) pickups or deliveries each day. All pickups and deliveries shall occur during the hours of operation of the home occupation identified in Section 17.61.040(E). The type of commercial vehicle(s) used for pickup or delivery of materials to or from the home occupation business location shall be similar in size and type to those typically used for pickup and delivery in residential neighborhoods.

H. Off-Site Effects. No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances.

I. Storage or Display of Materials. Storage, operation, or display of materials, goods, supplies, or equipment related to the operation of a home occupation, may not be visible from outside the residence, with the exception of office equipment and supplies inside the residential structure.

J. Storage of Hazardous Materials. On-site storage of hazardous materials (including toxic, explosive, combustible or flammable materials) associated with the home occupation is prohibited unless the storage of such materials has been reviewed and approved by the Folsom Fire Department.

K. Storage of Firearms. Unless prohibited by Section 17.61.035(E), a home occupation involving the sale or storage of firearms is subject to review and approval of the Folsom Police Department and shall comply with the following conditions:

1. All firearms and ammunition shall be stored in a locked fireproof safe or vault located on the premises. Under no circumstances shall firearms or ammunition be stored in a structure detached from the main structure of the residence. All windows, doors, and entry points to the location where firearms and ammunition are stored must be securely locked and equipped with an operable alarm and camera. All locks shall be secured, and the alarm shall be activated whenever an individual listed as a responsible person, or an individual authorized by him/her, under the Federal Firearms License is not present.

a. Minimum Safe Requirements: 60 minutes at 1200-degree fire-rating; and a TL-15 security rating

b. Minimum Alarm Requirements: 24 hour/7 days per week monitoring with exterior and interior audible. Smart home alarm systems do not satisfy this

requirement.

c. Minimum Camera Requirements: 1080p High Definition (HD) video with at least 7 days (168 hours) of recording capability.

2. No firearms or ammunition shall be delivered to a purchaser or sold from the premises before 8am or after 8pm. Upon sale, all firearms and ammunition shall be packaged separately. All firearms must be delivered to the purchaser unloaded and securely wrapped.

3. No signage advertising the presence of firearms or ammunition shall be displayed on or in the premises if it can be seen from the outside.

4. All authorized employees of the City shall have the right to enter the premises upon reasonable notification to inspect for compliance of these conditions. If these conditions are not met, notification will be given to the Bureau of Alcohol, Tobacco, Firearms and Explosives.

5. Permittee shall comply with all other applicable state and federal law and city ordinances.

6. Permittee shall file a report with the Folsom Police Department within twenty-four (24) hours of any criminal activity that occurs on the premises and provide video recorded during the timeframe of the crime.

7. Violation of these provisions shall constitute grounds for revocation.

L. Storage of Inventory. Rooms used for both residential uses and the home occupation shall be considered dedicated to the home occupation for purposes of the maximum size calculation in Section 17.61.040(B). Storage of inventory shall not occupy any of the parking required in Section 17.61.040(F).

M. Other Conditions. The director of the community development department may place additional conditions on the permit in order to carry out the intent of this chapter.

17.61.045 Permit Application and Procedure

A. Application for a home occupation permit shall be made to the community development department on a form provided by the department. A home occupation permit shall be issued ~~where~~ when the director of the community development department or the director's designee finds that the home occupation applied for can be conducted pursuant to this chapter.

B. State and Federal Licenses. When the federal government or the State of California requires a state or federally-issued license, permit or certification in association with any occupation, such as a masseuse, firearm seller, or a barber/hair stylist, the state or federal license, permit or certification shall be obtained prior to and submitted for verification in

conjunction with an application for a home occupation permit. Such state or federally-issued license, permit or certification must be maintained at all times for the home occupation permit to be valid.

17.61.050 Fees

Upon approval of the home occupation permit by the community development department, the applicant shall pay the designated current fee amount established to cover administrative costs, as well as any other applicable fees established by city resolution.

17.61.055 Appeals

The decision of the community development department concerning the issuance or denial of a home occupation permit shall be final unless an appeal is submitted in writing to the community development director accompanied by the current nonrefundable home occupation permit appeal fee and is filed within 10 days of the decision. The appeal shall be heard by the planning commission. The planning commission may attach such conditions as it deems necessary to the issuance of such a permit to ensure compliance with the intent of this section. The decision of the planning commission may be appealed to the city council within 10 days of the decision. The appeal shall be submitted in writing to the city clerk, accompanied by the current non-refundable home occupation permit appeal fee.

17.61.060 Permit Revocation

A home occupation permit may be revoked or modified by the director of the community development department if any of the standards for approval listed in Section 17.61.040 are not met by the home occupation.

17.61.065 Enforcement

A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, of the Folsom Municipal Code.

B. The director of community development ~~department~~ and the code enforcement officer shall enforce the provisions of this chapter.

17.61.070 Penalties

The penalties set forth in Section 17.03.020 of this title shall not apply and the following penalties shall be applicable for any violation of this chapter:

A. A violation of this chapter shall be an administrative violation as defined in Section 1.08.020.

B. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter.

C. Based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of this chapter shall be deemed a Level C violation, as that term is described in Section 1.09.012. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A)(3).

17.61.075 Enforcement Procedures

A. Prior to the suspension, revocation or denial of any home occupation permit, or the assessment of any monetary sanction, penalty or fine, or the commencement of any other enforcement action pursuant to this chapter, the director of the community development department and the code enforcement officer shall follow the procedures set forth in Sections 1.09.020 through 1.09.048. The rights to judicial review set forth in Sections 1.09.050 through 1.09.052 shall apply.

B. A notice to correct shall be served in accordance with the provisions of Section 1.09.023.

17.61.080 Time Limit

All home occupation permits shall be valid for a period of one (1) year from the date of approval. Requests for renewal shall be submitted to the finance department in writing on a form provided by the finance department, accompanied with the appropriate fee.

SECTION 3 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 NO MANDATORY DUTY OF CARE

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 8, 2022 and the second reading occurred at the regular meeting of the City Council on March 22, 2022.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this day of 2022, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

**ATTACHMENT 3A
SUPPLEMENTAL PUBLIC COMMENT
LETTERS AND EMAILS**

Desmond Parrington

From: LJ Laurent [REDACTED]
Sent: Tuesday, March 8, 2022 4:11 PM
To: Desmond Parrington
Cc: Kelly Mullett; Lydia Konopka; firearms.bureau@doj.ca.gov; daoffice@sacda.org; Rick Hillman; Ken Cusano; Sarah Aquino; ernest.conant@usbr.gov; Drew Lessard; Dale Kasler; news@kcra.com; Scott Rafferty; Steven Wang
Subject: Re: City Council must be nutsy Ord. 1325 WEAPONS, AMMO at HOMES
Attachments: Ord. 1325 Home Occ REWRITE.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Parrington,

Subject: Attached Ordinance 1325 which we never saw in Public Notice, or Published Notice. With respect to Ord. 1325 on agenda tonight for approval -- with residents ignorant of this new re-write. It is Ord.1325, a proposal to make Weapons & Ammunition Manufacture and Sale a qualifying "home occupation" in Folsom,

Were you the person responsible for informing this city council 5 that there is NO OTHER jurisdiction undertaking such a rash and wrong-headed move as manufacture and sale of Weapons and ammunition in residential homes?

That question is for the Record, in case the CA AG Office or the federal agencies operating within city limits are interested. Public always like to know from whence stems a voice of sanity in a wilderness of scoff-law behaviors.

Perhaps one day someone will tell higher agencies the SPONSOR of such a Proposal -
- legalizing Weapons manufacture and Sale in Residential Homes in this city.

Or is this group of five and their chosen city top employees, just operating in a distinct, but separate, America? What kind of licensed city lawyer would fail to offer Professional Advice on this proposal which involves **FEDERAL PERMITS and Oversight our understaffed FPD could never possibly afford to provide?**

Frankly, it seems this city 5 might never learn of "violations" of FMC 17.61 -- unless the ammo factory exploded, or the proprietor/weapon seller/manufacture -- killed his entire neighborhood.

This Proposed Law goes beyond Dangerous, into an entirely new realm. If you know the Reasons for which your Department head chose this wording, please share it. We truly need to Identify the Source.

I never even noticed the wording included, shown below in picture.

the one exception to this is the remaining issue of the inconsistency between home occupations but prohibited or subject to conditional use in commercial zones.

All other changes to the existing ordinance were minor and related to formatting. Given the change in organization and formatting, providing an underline/strikeout version of the original ordinance was infeasible given the length of the document to read and understand the scope of proposed change. Instead, staff has provided a side-by-side comparison version of Chapter 17.61 in Attachment 2 for comparison with the new ordinance in Attachment 1.

Community Outreach: Several weeks prior to this meeting, staff sent information about the upcoming Council meeting to over 500 persons including businesses, homeowners' associations, community and religious groups, historic preservationists, etc. In addition, staff also emailed approximately 1,000 businesses active in Folsom. Furthermore, in addition to email, staff also posted information about the hearing in the City's weekly electronic newsletter and used social media to inform the public about this meeting. Finally, a public hearing notice was published in the Folsom Telegraph 10 days prior to this meeting. City staff received several emails in response to the changes to home occupations ordinance. All of these responses were related to home-based businesses involved in the sale of firearms. The responses are included in Attachment 4.

In Att. 4, Ms. P. Johns actually put her Signature as a Non-Professional with NO LICENSE at all -- onto this entire package of Legal Wording, including this section. Weapons and Ammunition Manufacture are NOT even a Prohibited Use in 17.61. Who the devil is this person to make such Recommendations when she lacks any Expertise or License whatsoever? She is either a rubber stamper, or a person in dire need of immediate termination -- at the demand of residents.

2. Providing services to customers on the property.

17.61.035 Prohibited Uses

The following uses and similar activities, as determined by the director of development department, are prohibited as home occupations:

- A. Adult entertainment activities/businesses.
- B. Alcohol beverage manufacturing or on-site sales business.
- C. Animal kennels except for pet sitting and training business; more than three dogs or cats over the age of four months old at any time.
- D. Automobile/vehicle service, repair or paint shops.
- E. Firearm sales involving the sale of more than four firearms at any time.

Ordinance No. 1325
Page 3 of 9

And who is Ms. Johns to arbitrarily SUGGEST LEGISLATING STANDARDS for operation, enforcement, appearance, Limitation, Compliance with Federal, State, County, and other higher agency Laws? I sincerely hope this type of employee is terminated for cause, before the shooting begins.

17.61.040 Standards

Home occupations shall comply with all of the following standards in order to obtain a home occupation permit:

A. Visibility.

1. No exterior modification to the residential structure or accessory structure that results in a change to the residential character of the home shall be permitted for the home occupation; and

2. Aside from visiting clients and pick-ups or deliveries to the home occupation business, the home occupation activity shall not be conspicuously visible from the public right-of-way or from neighboring residential properties such that it results in a change to the residential character of the home.

B. Maximum Size. The space exclusively devoted to the home occupation (including any associated storage) shall not exceed 25 percent of the residential unit's floor area. In calculating the amount of space devoted exclusively to the home occupation, all storage areas and activities associated with the home occupation shall be included. Rooms used for both residential uses and the home occupation shall be considered dedicated to the home occupation for purposes of this calculation.

C. Signage. The operator of a home occupation may display signage with the business name and address at the residence or accessory structure, provided that the sign is no larger than one square foot in area, is not illuminated, and is attached flat against the building. The sign shall be placed in the window on the front of the residence or accessory structure facing the street or alley.

D. Employees. Employment is limited to the resident permit holder, other family members residing in the residence, and no more than two non-resident employees on-site. The home occupation shall not be operated for the primary purpose of generating income.

And to claim Violation is an "administrative" violation of city Zoning Chapter -- that is sheer insanity to Law Enforcement, Licensed Lawyers, Judges, and right-minded Americans who Obey and Enforce the laws.

Finally,

I read the 6 or 7 letters and wondered how in hell this city council and its chosen Ms. Johns could possibly consider passing this law SECRETLY -- with only Minimal Circulation of it prior to passage tonight.

This city is mad with rampant, damaging, and now, possibly deadly Killing opportunities.

Where is it written in higher Law of this state, of this Nation, that a dumb little city council can decide WHERE and HOW a Weapon and Ammunition Manufacturing Business can be located in a Residential District?

You are LIMITED by what the US Government and State Government PERMIT a city to do.

And believe me, Permitting, setting Standards, and "Regulating & Controlling" Weapons/Ammunition Manufacture and Sales is NOT allowed.

Why is there NO City attorney Office Signature and Formal Statement of Approval, Legality, and Federal/State/County Permission to legislate and issue "permits" for such uses in Residential Zones.

LJ Laurent

On Tuesday, March 8, 2022, 02:59:23 PM PST, Desmond Parrington <dparrington@folsom.ca.us> wrote:

Hi Ms. Laurent:

Your email has been added to the staff report supplement that will be presented to Council tonight along with all the other emails and letters that City staff have received.

-Desmond

Desmond Parrington, AICP
Principal Planner

Community Development Department
50 Natoma Street, Folsom, CA 95630
O: 916.461.6233 | C: 916.216.2813



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From: Lydia Konopka <lkonopka@folsom.ca.us>
Sent: Tuesday, March 8, 2022 2:56 PM
To: LJ Laurent [REDACTED]
Cc: Desmond Parrington <dparrington@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>
Subject: RE: City Council must be nutsy Ord. 1325 WEAPONS, AMMO at HOMES

Hi Laurie, I am forwarding your email to Principal Planner Desmond Parrington to be added to the comment letters for tonight's City Council meeting.

Lydia

From: LJ Laurent <ljl Laurent@att.net>
Sent: Tuesday, March 8, 2022 1:33 PM
To: Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; YK Chalamcherla <ykchalamcherla@folsom.ca.us>; Kerri Howell <khowell@folsom.ca.us>; firearms.bureau@doj.ca.gov
Cc: daoffice@sacda.org; The HFRA <thehfra@gmail.com>; ernest.conant@usbr.gov; Drew Lessard <dlessard@usbr.gov>; Ken Cusano <kcusano@folsom.ca.us>; news@kcra.com; Dale Kasler <dkasler@sacbee.com>; Lydia Konopka <lkonopka@folsom.ca.us>
Subject: City Council must be nutsy Ord. 1325 WEAPONS, AMMO at HOMES

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To city council members

cc: Sacramento District Attorney office, CA AG office

From: Laurie Laurent

Re RE WRITE again Home Occupations Ord.

Bet you never did, and never will bother to read the State of California Laws on ammunition manufacture/sale of Weapons and ammo. You must absolutely desperate to take in some tainted money -- if you're willing to do this insanity.

No other entity does it. Will you make this city a warzone, or a slum first?

How do you 5 dare to enact such a "law" when **YOU HAVE NO WAY to enforce it?**

How do you 5 dare to introduce such "uses" when you have NO EXPERTISE testifying to its Safety and Enforcement?

And NO PUBLIC DISCUSSION of this insane proposal that making & selling Weapons and their Ammo can be done in private homes -- next to schools, churches, neighbors....

You are crossing a despicable line here.

[**Ammunition Regulation in California | Giffords**](#)

Table 1
Regional Comparison of Home Occupation Regulations Related to Unco

Jurisdiction	On-Site Firearm Sales	On-Site Ammo Sales	On-Site Ammo Manufacture/ Reload	Manufact- uring	Tatto Body
<i>Folsom (Existing)</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>	<i>Y</i>
<i>Folsom (Proposed)</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>
Auburn	N*	N	N	N	N
Citrus Heights	N*	N	N	N**	N
Rancho Cordova	N	N	N	Y	N
Rocklin	N*	N	N	N	N
Roseville	N	N	N	N	N
Sacramento City	N*	N	N	N**	N
Sacramento County	N*	N	N	N**	N

Notes:

*Online, mail order, or off-site sales only

**Limited to repair of home electronics and small appliances only.

***Kennels not allowed but pet services, such as pet sitting, pet grooming, pet training, and veterinarian services are allowed under additional conditions.



From: Lydia Konopka <lkonopka@folsom.ca.us>

Sent: Thursday, March 3, 2022, 02:43:42 PM PST

Subject: Folsom City Council March 8 Special Meeting Workshop and City Council Agendas and Packets

Hello,

Attached are the agendas for the upcoming March 8 City Council meetings.

Please note that the Folsom City Council is now returning to in-person meetings. Members of the public wishing to participate in this meeting remotely may still participate either online or by telephone via WebEx. WebEx participation details may be found on the agenda.

The complete agenda packet may be viewed on the City Council Meeting [webpage](#).

Live and archived meetings may be viewed online on the City Council [webcast](#) page.

Have a nice evening!

Lydia Konopka, CMC

Deputy City Clerk

City Clerk's Department

50 Natoma Street, Folsom, CA 95630

O: 916.461.6037



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Desmond Parrington

From: Tony Oliver [REDACTED] >
Sent: Tuesday, March 8, 2022 4:58 PM
To: Folsom Democrats; Kristine; Desmond Parrington; Mike Kozlowski; Sarah Aquino; YK Chalamcherla; [REDACTED]; Rosario Rodriguez
Subject: Weapon and ammunition sales in Folsom residences---opposition letter

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Where were you in 1997?

It was a different world. Most of us accessed the Internet via slow dial-up connections, GPS was not widely accessible, cell phones were costly and their usage charged per minute, and Folsom boasted less than half of our current 80,000+ residents. Our demographics were different, with an older average age before successive waves of families triggered the expansion of existing, and building of new, schools.

Since our home has changed so much, should our charter and laws be static? Many of them have changed to reflect needs and new realities. Others remain in the books, undisturbed because their impact has not been fully felt or examined.

As the pandemic has uprooted our lives, driven many of us to work from home full-time and caused countless others to seek new careers, many of us spend more time in our houses and neighborhoods than ever before.

Expanding home-based businesses is wise, but we must recognize different types have different traits. Services offered by lawyers, massage therapists, speech pathologists, and other professionals are well-suited for the home; typically, only one client is seen at a time. On the other hand, a higher-volume, transactional business selling goods yields more congestion in our residential streets, an unpleasant result when schools are resuming full-time in-person instruction.

But beyond this key distinction, we must draw starker ones based on the type of goods sold.

I am firmly opposed to the expansion of home-based gun sales. I recognize the Second Amendment's right to own firearms. However, expanding home-based gun sales raises further questions, many of which have not been carefully considered.

- Burglaries tend to focus on high-value items. Guns are in demand in the black market, often to be used in crimes. Bringing more targets into our city is ill-advised. Additionally, a house tends to have more entry points than a commercial building, making it harder to secure. Homes are typically within short range of each other, making neighboring houses likely to suffer from damages.
- Many Folsom residents live in neighborhoods with Homeowners' Associations (HOAs) that expressly prohibit or restrict home-based businesses. Has the city taken the time to consider the impact of conflict with these statutes? Is the city prepared to address the inevitable legal complications? Would the city be willing to burden the challenges from individual residents, if the HOA compacts are nullified?
- For those residents not living in HOA-governed zones, would the city be creating lower-property value areas? Apartheid could follow, with insurance rates increasing in those neighborhoods, causing unnecessary economic stress during these times of high inflation. Existing owners would see their home values depreciate, and in turn the schools serving these neighborhoods would suffer.
- What technology and enforcement will the city provide for the necessary background checks to would-be buyers? Could business owners refuse or limit the proper verification due to their ownership of the land and the building? Could stock be properly stored in designated portions of the home-business, without proper access?

- Would these types of businesses be required to carry additional insurance? Would these costs be passed onto other types of businesses engaging in other types of commerce? Or perhaps to their neighbors, who may be unaware of the reason? Has the city studied the possible impact of a “tax of living in Folsom” compared to other cities?
- Would renters be allowed to run these home-based businesses? How would their rights be reconciled with the homeowners’, who may be unaware of the gun sales being conducted? Would further rental agreements be allowed to explicitly limit such sales?

We request the city council remove gun-sales from the list of permissible home-based businesses. This is something Folsom neither needs nor seeks.

Sincerely,

Kristine Mooreland, Penelope Oliver, Tony Oliver



To the Folsom City Council:

My name is Muriel Brounstein. I live in Natoma Station.

I would like to speak on the issue of changes to the home occupation ordinance that will have a significant impact on our residential neighborhoods, by allowing more customers at a time, more customers per day, and the manufacturing of ammunition.

I am so disappointed that the Folsom City Council would even consider these changes since the Council and Chamber of Commerce tout Folsom as a family-friendly city.

Neighboring cities such as Auburn, Citrus Heights, Rancho Cordova, Rocklin, Roseville and Sacramento City and County prohibit home sales of firearms and ammunition and ammunition manufacturing altogether.

Allowing an increase in these activities would make our city and neighborhoods less safe for all of us.

Having one of these businesses in my neighborhood, in close proximity to my house, might have the potential to lower my property value.

Not only should we NOT be increasing the number of hours that sales are allowed and the number of people allowed daily to purchase guns, but we should be prohibiting the sale of firearms and ammunition from homes altogether, like the aforementioned family-friendly cities.

I do not know anything about ammunition manufacturing, but I would think that it has the potential to be dangerous.

It is especially interesting that Folsom prohibits no more than one client or group for a counseling session, but wants to allow four gun clients at a time.

Please consider the safety of our citizens and our home values and vote NO on this increase in gun-related activity.

I can only wonder who is behind this change, and why.

Desmond Parrington

From: BETH CARLSEN [REDACTED]
Sent: Monday, March 7, 2022 4:13 PM
To: Desmond Parrington
Subject: Home based sales of ammunition and firearms

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

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Dear Mr. Partington,
Below is a copy of the email I sent to all 5 of our City Council members:
Mike, Sarah, YK, Kerri, and Rosario.

I have been a Folsom resident for over 25 years. I think our City is well run. Because I have such faith in how well run our city is, I was shocked to learn the city allows sales of firearms from home based businesses. AND the council is considering allowing the sale of ammunition from home based businesses. These types of businesses belong on commercial property. There are no other cities near us who allow these types of home businesses. Please restore my faith in our city and vote no on ammunition sales from homes. I'd also like to see a change to prohibit sales of fire arms from homes.

Thank you,
Beth Carlsen

[REDACTED]
Sent from my iPhone

Desmond Parrington

From: regis cauley [REDACTED]
Sent: Monday, March 7, 2022 8:24 AM
To: Desmond Parrington
Subject: Fw: Proposed Home Occupation Permit Ordinance Changes

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Regis Cauley

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Sent: Sunday, March 6, 2022, 06:46:45 PM PST
Subject: Proposed Home Occupation Permit Ordinance Changes

Dear City Council Members,

I am writing to the Folsom City Council to express my concern for the proposed adoption of ammunition and firearm sales from private residences.

As a resident and homeowner in Folsom, I cannot see the need for this. It does not fall within the parameters of the tried and true adage "what would a reasonable person do?". I do not think that it is reasonable to adopt an ordinance that would allow people to sell and store firearms and ammo at a private residence.

In addition, it is my understanding that the information concerning having a neighbor that has a home arsenal which is located in my neighborhood would have to be disclosed when I sell my house. I don't think that I would have bought my house at 102 Laurelwood Drive if it was disclosed to me that there was a gun and ammo store in the neighborhood. I don't think that it is a good thing for resale value.

One of the existing businesses that was permitted by The City of Folsom for such sales (from the website under licensing) is located in a duplex. This seems to show that someone has a gun store in a rental. Once again, this does not pass the reasonable test.

Please align our ordinances and codes in Folsom to be in line with other cities in California that do not allow such nonsense. Please do not allow the sale of firearms and ammo to be permitted in our city from private residences.

Sincerely,
Regis Cauley



Folsom, CA



Americans Against Gun Violence
[REDACTED]
Sacramento, CA 95814
(916) 668-4160
aagunv.org / info@aagunv.org

March 6, 2022

Folsom City Council Members
50 Natoma Street
Folsom, California 95630

Dear Folsom City Council Members:

I am writing on behalf of Americans Against Gun Violence in opposition to allowing gun dealers in Folsom to sell firearms from their private residences.

There is no shortage of guns and gun stores in our country, our state, or in the Folsom area. It's estimated that there are currently approximately 400 million privately owned guns in circulation in the United States, which amounts to more than one gun for every man, woman, and child in the country.¹ There are currently more than 50,000 federally licensed firearm dealers in the United States.² A Google search of "gun stores near Folsom" comes up with 16 stores where you can buy guns. At the Folsom Planning Commission meeting on November 17, it was announced that there were at least five additional gun dealers who operated from their private residences. A Google search of "grocery stores near Folsom" comes up with 19 stores where you can buy groceries. In other words, including Folsom's residential gun dealers, there are currently more places in and around Folsom where you can buy guns than groceries.

The American people are paying a horrendous price for the plethora of guns in our country. Every year, approximately 40,000 Americans are killed by guns,³ and two to three times this number of U.S. residents suffer non-fatal but often devastating gunshot wounds.⁴ Since 1968, more American civilians have died of gunshot wounds than all the U.S. soldiers killed by any means in all the wars in which our country has ever been involved.⁵

Gun related deaths and injuries are far more common in the United States than in any other high income democratic country in the world. Lumping gun related suicides, homicides, and accidental deaths together, the rate of gun deaths in the United States is 10 times higher than the average rate in other advanced democracies.⁶ For gun homicides alone, the U.S. rate is 25 times higher.⁷ And for

high school age youth, the U.S. rate of gun homicides is 82 times higher than the average rate for high school age youth in other high income democratic countries.⁸

Our country's extraordinarily rate of gun violence is not a result of Americans being more violent in general than people in other democratic countries. On the contrary, the U.S. rate of violent assault by any means is below the average for the other high income democratic countries of the world.⁹ Our rate of homicide by any means, though, is 7 times higher than the average rate in the other high income democratic countries of the world as a result of the fact that because of their easy availability, guns are used in assaults far more frequently in our country,¹⁰ and guns are far more lethal than fists, knives, and other weapons commonly used in assaults in other countries.¹¹

International comparisons show a direct relationship between rates of gun related deaths and the numbers of privately owned guns in circulation, and the United States is an outlier in both categories (see appended graph). The extraordinarily high number of guns in circulation in our country is a direct result of our extraordinarily lax gun control laws as compared with the laws in other advanced democracies.¹²

Proponents of allowing gun sales from private residences may argue that permitting such sales makes it more convenient for neighbors to purchase "guns for protection." There is no basis, however, for the claim that honest, law-abiding people derive any net protective value from owning or carrying a gun. On the contrary, there is extensive evidence that guns in the homes and in the communities of honest, law-abiding people are far more likely to be used to kill, injure, or intimidate them than to protect them. In one of the best known studies on this subject, it was shown that for every one time a gun in the home was used to kill an intruder, there were 43 gun-related deaths of a household member.¹³ Another study showed that someone who was carrying a gun at the time of an assault was four times more likely to be killed than someone who was not carrying a gun.¹⁴

Law enforcement data confirm that guns are used far more often to kill innocent people than to kill attackers. In 2018, the most recent year for which expanded homicide data are available from the FBI, there were 14,123 criminal homicides in the United States, with guns being the weapons used in 73% of these murders.¹⁵ In the same year, there were just 298 justifiable homicides committed with guns by civilians in self defense.¹⁶ In other words, FBI data show that in 2018, guns were used by private citizens to commit murders 34 times more often than they were used to kill someone in self defense.

Proponents of allowing gun sales from private residences may also argue that permitting such sales is an extension of a Second Amendment "right to bear arms." The Second Amendment states, however, in its entirety:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.¹⁷

The Second Amendment obviously says nothing about a right to sell guns from one's private residence. Moreover, prior to 2008, there was no constitutional right, Second Amendment or otherwise, for any individual person in the United States to own or carry any kind of a gun unrelated to service in a "well regulated militia." The Supreme Court had ruled in all four Second Amendment cases that it had considered prior to 2008 that the Second Amendment did not confer such a right.¹⁸ As the Supreme Court stated succinctly in the 1980 *Lewis* decision, quoting a phrase from the Court's earlier 1939 *Miller* decision:

[T]he Second Amendment guarantees no right to keep and bear a firearm that does not have "some reasonable relationship to the preservation or efficiency of a well regulated militia."¹⁹

As the late Supreme Court Justice John Paul Stevens wrote in his autobiography, *The Making of a Justice*, the proper interpretation of the Second Amendment as conferring a collective right of the people of the states to maintain armed militias, such as the current day National Guard, had been "so well settled" that the late Supreme Court Chief Justice Warren Burger had called the gun lobby's misrepresentation of the Second Amendment as conferring an individual right to own guns "One of the greatest pieces of fraud, I repeat the word, 'fraud,' on the American public by special interest groups that I have ever seen in my lifetime."²⁰

Sadly, however, in the 2008 case of *District of Columbia v. Heller*, a narrow 5-4 majority of Supreme Court justices became a party to that fraud in ruling that Washington DC's partial handgun ban violated the Second Amendment.²¹ The *Heller* decision has been criticized by respected authorities as "gun rights propaganda passing as scholarship"²² and as "evidence of the ability of well-staffed courts to produce snow jobs."²³ In his autobiography, Justice Stevens, who authored a dissenting opinion in *Heller*, described the decision as "unquestionably the most clearly incorrect decision that the Court announced during my [35 year] tenure on the bench."²⁴ Further discussion of the *Heller* decision is beyond the scope of this letter, but suffice it to say that as egregiously flawed as the *Heller* decision is, even the rogue *Heller* decision doesn't confer a right to sell guns from one's private residence.

Finally, I'd like to address the argument that banning gun sales from private residences would adversely affect the income of some Folsom residents who currently profit from selling guns from their homes. In responding to this argument, I'd like to call the attention of the City Council to my November 7, 2021 interview with Dr. Michael North of Scotland. [A link to this interview](#) is posted on the Americans Against Gun Violence website.

Dr. North lost his five year old daughter, Sophie, in the 1996 mass shooting at the elementary school in Dunblane, Scotland, in which 15 other students and their

teacher were also murdered and three other teachers and 12 other students were wounded by a man who legally owned the handguns he used to commit the massacre. Dr. North and other grieving parents subsequently led a successful campaign to completely ban civilian ownership of handguns in Great Britain. (Britain already had a ban on automatic and semi-automatic long guns, including so-called "assault rifles.") There have been no further school shootings since the handgun ban went into effect in 1998,²⁵ and the rate of gun deaths in Britain is currently 1/60th the rate in the United States.²⁶ Some opponents of the British handgun ban who were in the gun business complained that the ban would adversely affect their incomes, to which Dr. North and his fellow grieving parents replied that these opponents could find other sources of income, but Sophie, her classmates, and their teacher couldn't find other lives.

In the November 7 interview, Dr. North lamented the fact that the United States has not followed Britain's example, even after repeated mass school shootings, including the 2012 Sandy Hook Elementary School mass shooting in which 20 first graders, their school principal, and five other female staff members were murdered. If members of the Folsom City Council believe that a mass school shooting on the scale of the Sandy Hook, Columbine, Virginia Tech, or Marjory Stoneman Douglas massacres could not occur in Folsom, they are badly mistaken, for unlike Britain, Australia, New Zealand, and other high income democratic countries that took prompt and definitive action after mass shootings to prevent them from happening again, the United States has taken no significant action to prevent our children and youth from becoming victims of such massacres.

Similarly, members of the City Council are badly mistaken if they believe that the threat of gun violence, including the trauma of being required to participate in regular school lockdown drills, has not already caused significant harm to Folsom children and youth. Americans Against Gun Violence sponsors an essay contest for high school students across the country every year. One of last year's winners was a student at Folsom High School. The student noted that for the first time in many years, there were no school shootings in 2020, not because elected officials had adopted stringent gun control laws, but because schools had been physically closed in response to the Covid-19 pandemic. The student went on to write:

It is shameful that it took a pandemic-induced shutdown to quell mass shootings in America. It especially pains me when I hear stories of students breathing sighs of relief when they learned they no longer had to go to school in-person. Now more than ever, it has become excruciatingly clear that guns cause widespread fear and unease in the population. A school should be a safe haven for students and a hub for collaborative education, not a site of trauma and worry. Because of the presence of guns in their communities, young people in America have experienced great harm.

In a country with approximately 400 million privately owned guns in circulation, with more than 50,000 gun dealers already in business, and with 40,000 or more

annual gun deaths, the Folsom City Council's decision concerning whether to ease restrictions on sales of guns from private residences, leave the restrictions as they are, or ban sales of guns from private residences altogether will have little overall effect on our country's shameful epidemic of gun violence. Nevertheless, easing restrictions would be a step in the wrong direction, while banning sales of guns from private residences would be a step, however small, in the right direction toward curbing the shameful epidemic. More significantly, however, will be the values reflected in how members of the Folsom City Council vote on this issue.

I attended the Folsom City Planning Commission meeting on November 17, and after waiting more than three hours, I was allowed to speak for three minutes in opposition to the Commission's recommendation to allow gun sales from private residences. The members of the Planning Commission staff made their values clear at the meeting. They described how they had made a special effort to ensure that all of Folsom's current residential dealers were informed about the fact that the question of whether to ban gun sales from private homes would be on the agenda. The Planning Commission staff had made no special effort to ensure that neighbors of the gun dealers, parents of Folsom and children and youth, or other Folsom residents were aware of that the issue of residential gun dealers would be on the agenda.

The seven members of the Folsom City Planning Commission, with the lone exception of Commissioner Barbara Leary, also made their values clear. The other six members spoke and voted in favor of recommending to the City Council that residents of Folsom be allowed to sell guns from their private homes.

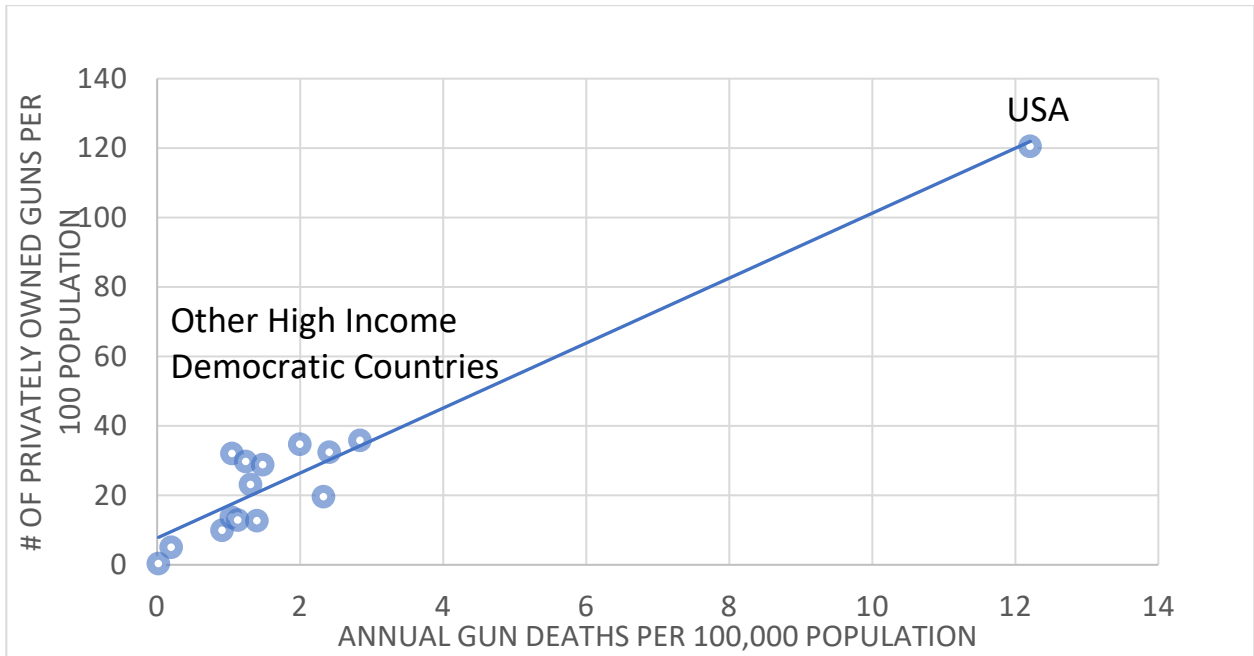
At the City Council meeting on March 8, the members of the Folsom City Council will have the opportunity to demonstrate which they value more – guns and the profits of city residents who sell them, or the safety and wellbeing of the city's children and youth? The members of Americans Against Gun Violence, which include many people living in and around the city of Folsom, hope that Folsom City Council will demonstrate the proper priorities by voting to ban gun sales from private residences.

Yours truly,

A handwritten signature in black ink that reads "Bill Durston M.D." in a cursive style.

Bill Durston, M.D.
President, Americans Against Gun Violence

Figure



Legend: Annual rates of gun deaths are plotted against estimated per capita gun ownership for the United States and 16 other high income democratic countries, all represented as circles. (Because of overlap, there appear to be fewer than 16 circles representing other high income democratic countries.) The line is a computer generated best fit line. Data used to construct the graph were taken from the most recently available data posted on the website, GunPolicy.org, hosted by the University of Sydney School of Public Health. In cases in which GunPolicy.org listed a range of per capita gun ownership estimates for a given country, the mean of the highest and lowest estimates was used. The 16 other high income democratic countries represented on the graph are, in alphabetical order, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, New Zealand, Norway, Sweden, Switzerland, and the United Kingdom.

References

-
- ¹ “United States – Rate of Civilian Firearm Possession per 100 Population,” GunPolicy.org, accessed October 15, 2018, https://www.gunpolicy.org/firearms/compareyears/194/rate_of_civilian_firearm_possession.
- ² “U.S. - Number of Federal Firearm Dealers 2020,” Statista, accessed November 15, 2021, <https://www.statista.com/statistics/215666/number-of-federal-firearm-dealers-in-the-us/>.
- ³ “Fatal Injury Data | WISQARS | Injury Center | CDC,” Centers for Disease Control and Prevention, accessed July 1, 2021, <http://www.cdc.gov/injury/wisqars/fatal.html>.
- ⁴ Statistics regarding annual numbers of non-fatal gunshot wounds were taken from “NonFatal Data | WISQARS | Injury Center | CDC,” Centers for Disease Control and Prevention, accessed September 11, 2016, <https://www.cdc.gov/injury/wisqars/nonfatal.html> For unknown reasons, the CDC stopped reporting non-fatal gunshot wounds beginning about 2015 and removed old data from its website.
- ⁵ Louis Jacobson, “More Americans Killed by Guns since 1968 than in All U.S. Wars, Columnist Nicholas Kristof Writes,” @politifact, August 27, 2015, <http://www.politifact.com/punditfact/statements/2015/aug/27/nicholas-kristof/more-americans-killed-guns-1968-all-wars-says-colu/>.
- ⁶ Erin Grinshteyn and David Hemenway, “Violent Death Rates: The US Compared with Other High-Income OECD Countries, 2010,” *The American Journal of Medicine* 129, no. 3 (March 1, 2016): 266–73, <https://doi.org/10.1016/j.amjmed.2015.10.025>.
- ⁷ Grinshteyn and Hemenway.
- ⁸ Ashish P. Thakrar et al., “Child Mortality In The US And 19 OECD Comparator Nations: A 50-Year Time-Trend Analysis,” *Health Affairs* 37, no. 1 (January 2018): 140–49, <https://doi.org/10.1377/hlthaff.2017.0767>.
- ⁹ “Assault Rate in OECD Countries: 2013 or Latest Year Available, % of Adults Assaulted in the Past 12 Months,” OECD, accessed September 18, 2016, <https://figure.nz/chart/yd9BelUz6xKnvNpW>.
- ¹⁰ Erin Grinshteyn and David Hemenway, “Violent Death Rates: The US Compared with Other High-Income OECD Countries, 2010,” *The American Journal of Medicine* 129, no. 3 (March 1, 2016): 266–73, <https://doi.org/10.1016/j.amjmed.2015.10.025>.
- ¹¹ Franklin E. Zimring and Gordon Hawkins, *Crime Is Not the Problem: Lethal Violence in America* (New York: Oxford University Press, 1997).
- ¹² “Gun Law and Policy: Firearms and Armed Violence, Country by Country,” GunPolicy.org, accessed July 1, 2021, <http://www.gunpolicy.org/>.
- ¹³ Arthur L. Kellermann and Donald T. Reay, “Protection or Peril? An Analysis of Firearm-Related Deaths in the Home,” *New England Journal of Medicine* 314, no. 24 (June 12, 1986): 1557–60, <https://doi.org/10.1056/NEJM198606123142406>.
- ¹⁴ Charles C. Branas et al., “Investigating the Link Between Gun Possession and Gun Assault,” *American Journal of Public Health* 99, no. 11 (November 1, 2009): 2034–40, <https://doi.org/10.2105/AJPH.2008.143099>.
- ¹⁵ “FBI: UCR - Crime in the United States; Murder” (Federal Bureau of Investigation, 2018), <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/murder> Table 10: Murder, by States, Types of Weapons.
- ¹⁶ “FBI: UCR - Crime in the United States: Expanded Homicide” (Federal Bureau of Investigation, 2018), <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/expanded-homicide> Justifiable Homicide, by Weapon, Private Citizen.
- ¹⁷ “The United States Constitution,” 17912nd Amendment.

¹⁸ United States v. Cruikshank, 92 US 542 (Supreme Court 1876); Presser v. Illinois, 116 US (Supreme Court 1886); U.S. v. Miller, 307 U.S. 174 (1939) (n.d.); Lewis v. United States, No. 55 (U.S. 1980).

¹⁹ John Paul Stevens, *The Making of a Justice: Reflections on My First 94 Years* (New York: Little, Brown, 2019), 483; *Lewis*, 445 at 65n8.

²⁰ Stevens, *The Making of a Justice*, 483; Warren Burger, PBS News Hour, December 16, 1991, c.

²¹ District of Columbia v. Heller, 554 US (Supreme Court 2008).

²² Saul Cornell, "Originalism on Trial: The Use and Abuse of History in District of Columbia v. Heller," *Ohio State Law Journal* 69 (2008): 629.

²³ Richard Posner, "In Defense of Looseness," *The New Republic* 239, no. 3 (August 27, 2008): 35.

²⁴ Stevens, *The Making of a Justice*, 482.

²⁵ Michael J. North, "Gun Control in Great Britain after the Dunblane Shootings," in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis* (Baltimore: The Johns Hopkins University Press, 2013), 185–93.

²⁶ "Gun Law and Policy: Firearms and Armed Violence, Country by Country."

Desmond Parrington

From: Paul Hooks [REDACTED]
Sent: Monday, March 7, 2022 5:03 PM
To: Desmond Parrington
Subject: Re: March 8th Folsom Council Hearing on Changes to Home-Based Business Rules

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Desmond,

Sorry took me so long to follow up with you. I'll summarize my thoughts regarding residential firearm sales:

- First of all I am a supporter of the Second Amendment, I'm also a Vietnam Veteran.
- I DO NOT feel it is acceptable to allow residential firearm sales including reload ammunition. My concerns include:
 - Efficient and complete background checks of potential buyers and sellers. Including acceptable documentation filing and retention.
 - Potential traffic flow into residential neighbors that could lead to increased crimes and potential harm to residents.
 - I am in favor of sales, reloads, etc. associated with firearms being allowed in an appropriate business setting.
 - You might recall that couple years ago there was a gun store in Folsom (STI as I recall, I could be wrong) that had alarms, etc.
 - We do not need to allow sales of this nature in a residential home which in all probability is less secure.
- I am totally in favor of people's right to bear arms provided they are obtained in an appropriate and controlled manor.

I have shared details of the upcoming meeting with a number of neighbors and not one of them supported this proposal. I will try and make the meeting. I looked up the meeting details but I didn't see this addressed in the agenda, it is possible I missed it but I did want to follow up with you as I promised, sorry it took so long. Always feel free to contact me, I definitely appreciate the time you took to talk with me.

Regards,
Paul Hooks

On Monday, February 28, 2022, 02:48:27 PM PST, Desmond Parrington <dparrington@folsom.ca.us> wrote:

Summary: At the City Council's upcoming **March 8th meeting**, the Community Development Department will present the proposed changes, as recommended by the Planning Commission, to the City's Home Occupations Ordinance for adoption. This ordinance regulates home-based businesses in Folsom.

Meeting Date: March 8, 2022

Time: 6:30 pm

Location: Folsom City Hall (50 Natoma St, 1st Floor), Council Chambers

Participation: You can participate in person or remotely. If you wish to participate remotely, please refer to the instructions on the Council meeting agenda

Staff Report and Ordinance: The agenda, staff report and draft ordinance will be available for viewing and download no later than **Friday, March 4th** from the City Council [webpage](#) under the 2020-2022 Meetings – Agendas, Packets, and Minutes section.

Background: A home occupation is any business-related use within a residential structure or accessory structure that is secondary to the residential use. Given the nationwide increase in home-based business activity, staff was asked to look at whether the City should update its home occupation permit (HOP) regulations to provide more flexibility. The Home Occupations ordinance was last updated in 1997. Based on staff's review and input from the Planning Commission and public, it was determined that the ordinance needed to be updated to address flexibility, provide necessary clarifications, and to reduce inconsistencies with the rest of the Zoning Code. The new draft ordinance is designed to address these issues. Major changes include the addition of a prohibited uses list, an increase to the number of customers allowed, changes to the permitted hours of operation, and specific safety requirements for firearms and ammunition sales.

Past presentations and staff reports on the City's rules for home occupation permits are available on the Zoning Code Update website at www.folsom.ca.us/zoningcode under the Documents and Resources section.

Desmond Parrington, AICP

Principal Planner

Community Development Department

50 Natoma Street, Folsom, CA 95630

O: 916.461.6233 | C: 916.216.2813



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Desmond Parrington

From: Wes Jigour [REDACTED]
Sent: Monday, March 7, 2022 12:57 PM
To: [REDACTED]
Cc: Desmond Parrington
Subject: Home Occupation Ordinance Update

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,

We are writing to express our concerns over current and proposed Home Occupation rules. We do not support the current and proposed ordinance and believe it is matter for all of the residents of Folsom to decide by vote.

We have owned our home in Folsom for over 25 years and actively participate in our HOA. Unfortunately, due to family matters, we have been unable to attend the Planning Commission and other meetings where the current rules and proposed revisions were reviewed and discussed. We do appreciate the notifications we have received from the City Planning staff.

We are forwarding these comments in the event we cannot attend the meeting.

1. Sales of Firearms and Ammunition from a person's home. Most cities do not permit this activity other than by mail order, etc. That would be reasonable, having retail sales in residential neighborhoods is not in the best interest of the neighborhood and could be a problem for break-ins, etc.
2. Increased business trips per day to the residence of the home occupation bus. owner. Most cities historically do not allow client visits to residential zoned neighborhoods at all and in neighborhoods with private HOA maintained streets the additional traffic and wear and tear is not in the best interest of the HOA without being compensated. Additionally, there is not sufficient parking in private street communities and apartment complexes.
3. The ordinance permits up to 2 non-resident employees to work at the home based business. This is another deviation from typical rules for most cities and for apartment complexes and communities with small lots and private streets will compound parking problems
4. Customer visits can be up to 4 @ 1 time and 10 per day. Many cities do not allow any customer visits to a home based business as it is a residential neighborhood, we see the same issues as No. 2 & No. 3 above.

Overall, the new rules could enable a lot of vehicular traffic to residential neighborhoods beyond parking capacity, especially for small lot communities with private streets and limited parking. Additionally, there could be concerns from residents regarding firearms and ammunition sales from a home in a residential neighborhood. (i.e. Many home burglaries involve theft of weapons & ammunition, there could be potential for increased violent acts.)

Note: The questions raised are not anti-fire arm or anti-business perspective, it is more about placing undue impacts on residential zoned neighborhoods.

Sincerely,

Wes Jigour
Kim Easterling

Desmond Parrington

From: Donna Mcguire [REDACTED]
Sent: Monday, March 7, 2022 2:40 PM
To: Desmond Parrington
Subject: Fwd: March 8th Meeting

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Begin forwarded message:

From: Donna Mcguire <[REDACTED]>
Date: March 3, 2022 at 11:57:36 AM PST
To: [REDACTED]
Subject: March 8th Meeting

Hello YK as I'm told you go by?

I'm sending this to ask that the sale of ammunition from Folsom residences is denied. What are "they" thinking? that this is the Wild West? Anything goes? "They" can purchase that from a license retailer. Folsom has changed, some good, a lot "not so good. What we don't want is making it happen in our neighborhood, and near schools. Then what, we have a McDonalds next door to our homes.? for connivence?

We need to have an agenda to make our neighborhoods safe, our community safe, that is what we want. Priorities, that make this a community that has the best plans for our residents, this is not one! Thank you.

Sent from my iPad

Desmond Parrington

From: Catherine O'Mordha [REDACTED]
Sent: Sunday, March 6, 2022 10:26 PM
To: Desmond Parrington
Subject: Re: Vote on March 8th - Zoning Code

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Hello, Desmond!

Please include the following letter in the agenda packet for March 8th 22.

Thank you!

To Folsom Councilmembers Sarah, Rosario, Mike, YK, and Kerri:

Thank you for all the time and energy you put into keeping Folsom a wonderful place to live and raise a family! You are well known and respected within the community and your generosity touches many lives. Having met you each at several community events, I know you care deeply about this City, the quality of life here, and safety of its residents.

I write to you today specifically to ask you to *Prohibit* home-based sales of guns and ammunition in the City of Folsom.

The City Council meeting on March 8, 2022 is the perfect opportunity to make this critical change to our Zoning Code - before something unimaginable happens within our beautiful community.

Increasing allowances for home-based businesses in general is a good thing, however the suggestion to permit a gun seller *anywhere* in our city up to 10 customers a day, buying up to 4 guns each, is shocking! With as many horrific events as we have seen around our country, within our state, and locally I truly can't understand how this is even being considered.

To allow - and actually encourage - gun and ammunition sales in private homes, often with sub-standard - and difficult to enforce - security, is simply asking for trouble. It invites the potential for gun violence next door to us, to our streets and trails, in our homes, schools, churches, parks, and stores.

Do you want to know that you are responsible for not only allowing this risk, but increasing it? I sincerely hope your answer is no. I hope you will do your best to keep us safe. Please use your vote to **Prohibit** Gun and Ammunition sales from home-based businesses in Folsom.

I'll be attending the Council meeting on March 8th and I hope to see you take a stand to make Folsom an even safer place to live. We are counting on you!

Thank you.

Sincerely,
Catherine O'Mordha

Desmond Parrington

From: Phyllis Cauley [REDACTED]
Sent: Monday, March 7, 2022 9:12 AM
To: Desmond Parrington
Subject: Proposed Home Occupation Permit Ordinance Changes

Follow Up Flag: Follow up
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From: Phyllis Cauley [REDACTED]
To: [REDACTED]
Sent: Sunday, March 6, 2022, 05:46:51 PM PST
Subject: Proposed Home Occupation Permit Ordinance Changes

I am writing to you about the proposed revisions to the Folsom Municipal Code pertaining to home occupations. I am strongly opposed to on-site firearm and ammo sales and on-site ammo manufacture/reloading as home occupations and urge the City Council to add these activities to the prohibited list.

The Folsom City Council Staff report identifies several reasons why these activities should not be allowed as home occupations. While on-site firearm and ammo sales are currently allowed, the city's own zoning ordinance limits firearm sales to certain commercial zones with restrictions on proximity to residences and public and private schools. On-site ammo manufacture and reloading are currently prohibited in Folsom due to "hazards associated with the storage of black powder and smokeless powder." In addition, none of these activities are allowed as home occupations in our area by Sacramento County or the cities of Auburn, Citrus Heights, Rancho Cordova, Rocklin, Roseville or Sacramento. Given this information alone, the council should not proceed with permitting these activities as home occupations.

Thank you for your consideration of my recommendation.

Phyllis Cauley, Homeowner
[REDACTED]

Dear Folsom City Council members,

I have been a resident in Folsom for over 18 years. I have many concerns about the proposed changes to the home occupation ordinances. My first and biggest concern is regarding the allowance of gun sales from the home. Folsom's biggest draw, and what we try to claim on every website and newsletter is that we are all about being family-friendly and safe. People move here because they want a safe and quiet place to settle or raise a family. I don't see any reason why gun sales could not be done in a business center where everything could be more easily monitored and away from our homes and our children. I think you are all aware of the very dangerous smash and grab robbery incident that took place at the gun shop off of East Bidwell street a while back. A home on my court was just robbed a few weeks ago, what if they had been a house with guns stock piled for sale? A robbery of a home gun shop could create dangerous gunfire in our neighborhoods. We are so lucky to live in a community where we feel safe letting our kids play out front and walk to and from school.

As you know, no other city in our county (and no other nearby city at all) allows home based gun sales, let alone the addition of ammunition sales and the allowance of re-loading. I understand that this practice is currently being allowed, but that doesn't make it a good idea. No resident that I spoke to realized this was happening, and none of them wanted a new gun shop near their home. What kind of message does that send about Folsom? If a family was shopping for a home and found out that neighbor was selling guns and ammunition and that there could be multiple cars parks out front from 8am to 8pm (which is longer than most storefronts are open for any business) why would they purchase a house in Folsom, when they can go to any nearby city where this would not be an issue and houses might even be a little bit cheaper? There aren't even any restrictions noted about what types of guns area allowed, and I have not received any answers from you or the police chief about how these businesses will be checked on and monitored.

The bottom line is no one I have spoken to in town would want to live next to a gun shop, and many had additional concerns about increased parking and traffic for all of these businesses. We did not buy homes in the city for a reason, we wanted a quieter atmosphere. While there are a lot of disruptive businesses that I would not want to neighbor, a gun shop is extremely high on my list. Please remember that in Folsom, we are living very closely with our neighbors. I hope you really take a close look at what you decide to allow for home based businesses in general and take a long look at what you want our neighborhoods to become. No one wants noisy manufacturing, lots of traffic/extra cars parked in front of their houses, or potentially dangerous businesses next to their home or near schools that are tucked into our neighborhoods throughout our city. I am asking you, for the safety and quality of our community, to please put gun and ammunition sales on the prohibited list and also to take a close look at the traffic and noise of the other businesses that you choose to allow. Please encourage local business owners to fill the empty shopping centers that continue to grow in our community, especially when safety is a concern. While doing some light research, your restrictions that you have listed in your safety report are actually "easier" than the restrictions placed on storefronts, and you area allowing longer business hours than most storefronts. So you are actually making it easier for these businesses to run in our neighborhoods versus in a business center where they belong. You see the importance of not allowing the sale of things such as cigarettes and alcohol, so why are you allowing guns and ammunition?

If it is so important for you not to upset the three people currently running these gun stores and you would rather upset a LARGE number of your constituents whom you will need to re-elect you for your position soon, then grandfather these business in and stop this practice so that it is

not something that continues or becomes a potential liability in our “family-friendly” community. Or after grandfathering these three in, do what the few other cities in our state have done and allow for the transactions and business side to be handled at home, but the actual transfer of the guns and ammunition takes place off site, out of the neighborhoods.

I really hope you will consider all of these concerns and the disruption to the character of our neighborhoods. Would you actually want a gun shop next to your house?

Sincerely,
Leah Schering
Folsom resident

Desmond Parrington

From: City of Folsom - Website Admin <webmaster@folsom.ca.us>
Sent: Monday, March 7, 2022 11:44 AM
To: Desmond Parrington
Subject: Home-based gun sales

Follow Up Flag: Follow up
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Message submitted from the <Folsom, CA> website.

Site Visitor Name: Bernard Treanton

Site Visitor Email: [REDACTED]

Please share my comments with the City Council for their meeting on March 8th. Thank you.

I understand that home-based sales are being changed to increase traffic in Folsom neighborhoods. I'm especially concerned about the gun and ammunition sales. I don't like the fact that these sales are even being allowed at all because it can invite people into our neighborhoods who could be dangerous with a gun in their hands. I live in a gated community for a reason - to keep these kinds of people out!

Anything related to gun and ammunition sales, manufacturing, and loading ammunition should be placed on the prohibitive list for home-based sales. Thank you

Desmond Parrington

From: Cassandra Whetstone [REDACTED]
Sent: Monday, March 7, 2022 8:39 AM
To: Desmond Parrington; Sarah Aquino; Mike Kozlowski; YK Chalamcherla; [REDACTED]; Rosario Rodriguez
Subject: Home Business Ordinance, Agenda Item #11

Follow Up Flag: Follow up
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Good Morning, City Council and Desmond,

(Desmond, thank you so much for keeping me updated regarding the home business times on the City Council docket. I'm asking that these comments please be added to the packet for Tuesday's meeting.)

As long-time residents of Folsom, my family and I were shocked to learn that Folsom does not currently prohibit residential gun sales. My husband and I have many concerns about this, from safety to traffic and parking, and the addition of adding ammo sales and reloading to what is allowed only adds to our concerns. After reading the agenda and information that was released on Friday, I only have more questions. I'm wondering if this is something we can have a community forum about to discuss with staff and council? I understand there were forums before, but since I'm not a home business, I wasn't aware of these meetings, however as a resident of Folsom who is impacted by neighborhood home businesses, I'm equally a stakeholder in this discussion.

There is a place in Folsom for home businesses that add to our community. I love that we have a piano teacher around the block. When my kids were little it was so nice to get to walk over there on a sunny day and drop them off for an activity that they enjoyed. However, we can see that during that short window of time when there may be two extra cars because one student is coming and another is going, it impacts the parking on that street. I cannot imagine what it would be like if there were four cars there at the same time, which is allowed in this ordinance. Or, I think about when we did school pick-up from Carl Sundahl at the back entrance, which was already heavily congested with cars and kids and parents. There is no assumption that the buyers purchasing these guns will have had any safety training and yet we are allowing them to buy both weapons and ammunition anywhere in our neighborhoods. Imagine inexperienced folks coming and going carrying guns and ammo in that mix? It's simply a dangerous idea and there is not need for us to put our neighborhood communities at this kind of risk.

One of the glaring issues that I'd like to see addressed immediately however is the allowance of reloading ammunition. I spoke to Fire Chief Cusano about this and he was surprised to learn that this was going to be allowed because he told me he'd already expressed to the staff that this would be a fire risk. He was very clear about why this was risky to our community. I don't understand how in 2022, with all of the fire risk we have every single year, our city would override the Fire Chief's position for the sake of gun sellers? Our ordinances should serve to benefit our community, not add risk and liability. The number one risk to my family's safety in here in ARC, is fire. Please move to strike the reloading of ammo from what is allowed in Folsom.

Allowing residential gun and ammo sales in Folsom does not add to our community's safety or our quality of life. I've talked to lots of friends (residents) and neighbors about this, including folks in real estate and teachers, and including hunters and other gun owners, and not one thinks this is a good idea. Not one could say that it benefits our community. Multiple people asked, "Why can't they use a retail space-we have plenty!" and would rather see a high-target for theft item be sold in commercial areas removed from our neighborhoods. Just as the Hinkle Creek discussions motivated folks in my neighbors with that election year, this will be the issue that motivates us for the election this year.

Please move residential gun and ammunition sales to the prohibited list.

Thank you for your consideration,
Cassandra Whetstone
Folsom, ARCN

Desmond Parrington

From: City of Folsom - Website Admin <webmaster@folsom.ca.us>
Sent: Monday, March 7, 2022 8:16 AM
To: Desmond Parrington
Subject: Home-based businesses and gun sales

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Message submitted from the <Folsom, CA> website.

Site Visitor Name: Darlene Wilcox

Site Visitor Email: [REDACTED]

Please add my comments below to the packet for the City Council meeting tomorrow regarding home-based businesses (agenda item #11). Thank you

Dear City Council Members,

I want you to know that I oppose any changes to regulations regarding home-based businesses in the sale of guns and ammunition, manufacturing, and ammunition loading, particularly those that will increase the number of deliveries/pickups per day, the number of customers allowed at one time, and the number of firearms sold at one time. For that matter, all gun and ammunition sales should be on the prohibition list.

Not only will it increase traffic in my neighborhood for a product that is not safe, but it invites more people into my neighborhood who may have questionable backgrounds and could be dangerous. If someone wants to buy a gun, they can go to a gun store in a commercial district. I can choose to go or not go to that area; but if there's a gun seller next to my home, I don't have a choice to avoid the business. Where are my rights to feel safe in my own home?

All these changes don't address the real problem and that's because all gun and ammunition sales, manufacturing, and ammunition loading should be on the prohibition list for home-based businesses.

Desmond Parrington

From: Rosemary Yoshikawa [REDACTED]
Sent: Monday, March 7, 2022 10:42 AM
To: Desmond Parrington
Subject: Please add to March 8 Council Meeting Packet

Follow Up Flag: Follow up
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To the Folsom City Council Members,

I am writing to you about the proposed Zoning ordinance regarding Firearm/Ammo sales as a home business in Folsom. This proposal brings up many concerns and questions like-

- Will neighbors be notified when an application is submitted for home gun sales?
- Will the Folsom PD have the resources to check on home gun sellers re: illegal guns, customer's qualifications to own a gun, safe ammo storage, firearm storage, number of guns sold, etc.? (see violation report attached)
- Guarantee homeowners their home value will not be impacted by a gun business in close proximity?
- Will the city guarantee neighborhoods will be safer with guns/ammo dealers?
- Will the gun sales be near schools/daycare/churches?

This is your opportunity to add Firearms/ammo to the Prohibited list of home businesses.

Currently, there are several gun dealers in Folsom. One of these gun dealers, Smitty's Firearms and Gunsmithing at [REDACTED] Folsom, CA has a Report of Violations by the ATF in 2015. See report and warning letter attached.

Please give this important decision serious thought and consider adding Firearms/Ammo to the restricted list. Let's keep Folsom family friendly and SAFE. Thank you.

Respectfully submitted,
Rosemary Yoshikawa

[Click here for Report of Violations SMITTY'S GUNSMITHING.](#) **

**Report above is from gunstoretransparency.org , largest database of ATF inspection reports released to the public GunStoreTransparency.org

WARNING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Roger T. Smith
Smitty's Firearms & Gunsmithing
[REDACTED]
Folsom, CA 95630

REF: FFL # 9-68-067-07-8M-03484

Dear Mr. Smith:

During a recent compliance inspection at your firearms business covering the period November 25, 2014 through November 25, 2015, you were cited for violations of Title 27, Code of Federal Regulations, Part 478. A copy of the Report of Violations, Form 5030.5, issued at the time of the inspection, is enclosed.

All violations were fully explained to you by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Investigator (b)(6) [REDACTED]. You understood the requirements of the firearms laws and regulations, and that corrective actions would be taken to eliminate future violations.

To the Folsom City Council:

My name is Muriel Brounstein. I live in Natoma Station.

I would like to speak on the issue of changes to the home occupation ordinance that will have a significant impact on our residential neighborhoods, by allowing more customers at a time, more customers per day, and the manufacturing of ammunition.

I am so disappointed that the Folsom City Council would even consider these changes since the Council and Chamber of Commerce tout Folsom as a family-friendly city.

Neighboring cities such as Auburn, Citrus Heights, Rancho Cordova, Rocklin, Roseville and Sacramento City and County prohibit home sales of firearms and ammunition and ammunition manufacturing altogether.

Allowing an increase in these activities would make our city and neighborhoods less safe for all of us.

Having one of these businesses in my neighborhood, in close proximity to my house, might have the potential to lower my property value.

Not only should we NOT be increasing the number of hours that sales are allowed and the number of people allowed daily to purchase guns, but we should be prohibiting the sale of firearms and ammunition from homes altogether, like the aforementioned family-friendly cities.

I do not know anything about ammunition manufacturing, but I would think that it has the potential to be dangerous.

It is especially interesting that Folsom prohibits no more than one client or group for a counseling session, but wants to allow four gun clients at a time.

Please consider the safety of our citizens and our home values and vote NO on this increase in gun-related activity.

I can only wonder who is behind this change, and why.

Desmond Parrington

To: Desmond Parrington
Subject: RE: City Council must be nutsy Ord. 1325 WEAPONS, AMMO at HOMES

From: LJ Laurent <[REDACTED]>
Sent: Tuesday, March 8, 2022 1:33 PM
To: Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; YK Chalamcherla <ykchalamcherla@folsom.ca.us>; Kerri Howell <khowell@folsom.ca.us>; firearms.bureau@doj.ca.gov
Cc: daooffice@sacda.org; The HFRA <thehfra@gmail.com>; ernest.conant@usbr.gov; Drew Lessard <dlessard@usbr.gov>; Ken Cusano <kcusano@folsom.ca.us>; news@kcra.com; Dale Kasler <dkasler@sacbee.com>; Lydia Konopka <lkonopka@folsom.ca.us>
Subject: City Council must be nutsy Ord. 1325 WEAPONS, AMMO at HOMES

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To city council members
cc: Sacramento District Attorney office, CA AG office
From: Laurie Laurent
Re RE WRITE again Home Occupations Ord.

Bet you never did, and never will bother to read the State of California Laws on ammunition manufacture/sale of Weapons and ammo. You must absolutely desperate to take in some tainted money -- if you're willing to do this insanity.

No other entity does it. Will you make this city a warzone, or a slum first?

How do you 5 dare to enact such a "law" when **YOU HAVE NO WAY to enforce it?**
How do you 5 dare to introduce such "uses" when you have NO EXPERTISE testifying to its Safety and Enforcement?

And NO PUBLIC DISCUSSION of this insane proposal that making & selling Weapons and their Ammo can be done in private homes -- next to schools, churches, neighbors....

You are crossing a despicable line here.

[Ammunition Regulation in California | Giffords](#)

Table 1
Regional Comparison of Home Occupation Regulations Related to Unco

Jurisdiction	On-Site Firearm Sales	On-Site Ammo Sales	On-Site Ammo Manufacture/Reload	Manufacturing	Tatto Body .
<i>Folsom (Existing)</i>	Y	Y	N	Y	Y
<i>Folsom (Proposed)</i>	Y	Y	Y	Y	Y
Auburn	N*	N	N	N	N
Citrus Heights	N*	N	N	N**	N
Rancho Cordova	N	N	N	Y	N
Rocklin	N*	N	N	N	N
Roseville	N	N	N	N	N
Sacramento City	N*	N	N	N**	N
Sacramento County	N*	N	N	N**	N

Notes:

*Online, mail order, or off-site sales only

**Limited to repair of home electronics and small appliances only.

***Kennels not allowed but pet services, such as pet sitting, pet grooming, pet training, and veterinarian additional conditions.



----- Forwarded Message -----

From: Lydia Konopka <lkonopka@folsom.ca.us>

Sent: Thursday, March 3, 2022, 02:43:42 PM PST

Subject: Folsom City Council March 8 Special Meeting Workshop and City Council Agendas and Packets

Hello,

Attached are the agendas for the upcoming March 8 City Council meetings.

Please note that the Folsom City Council is now returning to in-person meetings. Members of the public wishing to participate in this meeting remotely may still participate either online or by telephone via WebEx. WebEx participation details may be found on the agenda.

The complete agenda packet may be viewed on the City Council Meeting [webpage](#).

Live and archived meetings may be viewed online on the City Council [webcast](#) page.

Have a nice evening!

Lydia Konopka, CMC

Deputy City Clerk

City Clerk's Department

50 Natoma Street, Folsom, CA 95630

O: 916.461.6037



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



www.folsom.ca.us

Desmond Parrington

From: Yolanda Ratermann <[REDACTED]>
Sent: Tuesday, March 8, 2022 12:46 PM
To: Mike Kozlowski; Sarah Aquino; YK Chalamcherla; [REDACTED];
Rosario Rodriguez; Desmond Parrington
Subject: Gun sales next door ≠ Best Place to Raise a Family in California

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a resident of Folsom and I support moving residential gun and ammunition sales to the prohibited list for home based businesses.

As a parent and home owner, my two largest concerns regarding this issue are first and foremost, the safety of our children in residential/school zones; and second, the resale value of my home. Will this still be the "Best Place to Raise a Family in California" when the first incidence of gun violence occurs in one of our neighborhoods? All it will take will be one for the media to tarnish our pristine reputation. I strongly urge that these types of sales be added to the prohibited list quickly and quietly before it blows up to a much larger issue.

Respectfully,

Yolanda Ratermann
Director of Finance

Shores of Hope

[REDACTED]
West Sacramento, CA 95605
Congressional District: CA-006



Desmond Parrington

From: Claudia Guinovart [REDACTED]
Sent: Tuesday, March 8, 2022 1:05 PM
To: Mike Kozlowski; Sarah Aquino; YK Chalamchela; [REDACTED]
Rosario Rodriguez; Desmond Parrington
Subject: Gun sales next door ≠ Best Place to Raise a Family in California

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a resident of Folsom and I support moving residential gun and ammunition sales to the prohibited list for home-based businesses.

I am a parent and a recent new owner in Folsom. We choose to live here not only for its beauty and great schools but most importantly because it is a family-friendly area. Now I am deeply concerned for the safety of our children in residential/school zones.

I strongly urge that these types of sales be added to the prohibited list quickly and quietly before it blows up to a much larger issue.

Respectfully,

Claudia Guinovart

Desmond Parrington

From: Diane Rodes <[REDACTED]>
Sent: Monday, March 7, 2022 11:57 AM
To: Desmond Parrington
Subject: Concerns about changes to the home occupation ordinance regarding Gun Sales in Homes

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr Parrington,

I would like to express my concern about the upcoming vote regarding allowing Folsom residents to sell guns and ammunition in their homes. As a 27 year resident living in Folsom, I have always been happy with the law enforcement and safety in our community.

Here are some of my concerns regarding this issue:

- proximity to schools/ home day cares
- safety concerns/ possible risk of explosion- there was already a smash and grab robbery at one of the gun shops in Folsom (which has since closed), what is to stop this from happening in a neighborhood?
- traffic and parking concerns
- there are no restrictions on the types of guns that can be sold
- what does this say about the "family friendly" message that Folsom is always trying to convey

My question to the City Council is why Folsom would allow the sale of guns from homes in residential neighborhoods when most other cities do not allow it. I do not believe that the sale of guns in homes aligns with the community spirit that makes Folsom a special place to live.

Please share my concerns with the City Council members prior to the March 8th meeting. Thank you.

Diane Rodes

[REDACTED]
Folsom, CA 95630
[REDACTED]

Desmond Parrington

From: Kristine Mooreland [REDACTED]
Sent: Monday, March 7, 2022 7:44 PM
To: Desmond Parrington; Mike Kozlowski; Sarah Aquino; YK Chalamcherla; [REDACTED] Rosario Rodriguez
Subject: PLEASE: No Home-Based Firearms Sales & No Increase in Home Business traffic

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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City Council Members & City Manager-

Is Folsom Distinctive By Nature? NO- not if gun sales are allowed at homes and if home based businesses are allowed additional "clients" to be at their residence. I support moving residential gun and ammunition sales to the prohibited list.

Will anyone feel safe walking in neighborhoods if the above 2 pass? Not only do we have to look for normal neighborhood traffic but now we should check for gun sales, random people at homes and increased traffic! Homes and high density apartments are being built on every free space of land which has created bottlenecks in once tranquil areas.

For both of the above, please think of how "safe" Folsom will be if gun sales are allowed in any home. How "safe" will police feel when they are responding to an incident regarding any incidents if guns are easier to access and in the hands of not only residents but anyone who wants to buy a gun from anywhere. Where will these people who are buying guns go? Probably to local stores, parks etc.

How about commercial traffic going in and out of residential neighborhoods? Will anyone be safe to walk to school or to a park in a neighborhood if it is riddled with cars pulling in and out who may not be paying attention? We have had enough traffic fatalities in Folsom in the last few years as it is. Please don't bring this to neighborhoods. This isn't a hypothetical. I happen to live on a street - one block from where someone was walking and killed on Bowen Drive a number of years ago.

Please restrict home-based firearms sales to off-site sales only - restricted to commercial zones. Not only does this endanger the community at large but it also will devalue homes and neighborhoods once this is approved.

No one wants to have their neighbor (renter or homeowner) selling guns. There are plenty of places to buy guns locally in commercial zones so I am unsure WHY this is needed especially during a time when domestic, school and suicide shootings are at a high.

Additionally, please retain the current rules on how many clients are allowed at each place of residence based on the above.

Thank You,

Kristine Mooreland



Folsom, CA 95630

Desmond Parrington

From: City of Folsom - Website Admin <webmaster@folsom.ca.us>
Sent: Monday, March 7, 2022 10:53 PM
To: Desmond Parrington
Subject: Comments on the Proposed Changes to the Zoning Code

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Message submitted from the <Folsom, CA> website.

Site Visitor Name: Jennifer Hageman

Site Visitor Email: [REDACTED]

There is not currently, nor proposed, a definition of a “firearm” in the Zoning Code. I believe it would be prudent to add such a definition given the availability of military style weapons and to be clear the type of firearms the City intends to allow for sale in home occupations.

I am concerned that the proposed changes would allow for the sale of up to 40 firearms a day. This more than doubles the number of firearms that could be sold per the current Zoning Code - 16. I am basing this comment on information in the staff report. I have been unable to find in the current Zoning Code that two guns per client per day is currently allowed in a home occupation.

The proposed changes would allow the manufacture and reload of ammunition in a residence. The City’s current zoning code does not allow the on-site storage of hazardous materials associated with a home occupation. This proposed change seems to allow a clear violation of the City’s code.

As proposed, there is no limit to the amount of ammunition that can be stored or sold at one time. This would allow a resident in an apartment, duplex, or condominium to store unlimited amounts of ammunition. This puts families at risk simply because they live in a multifamily situation.

I am not sure I see the logic in allowing firearm sales in residential neighborhoods and multifamily dwellings, but not in the commercial zones or in commercial properties near residences and schools.

The proposed changes allowing a doubling of the number of firearms sold, the lack of limits on the amount of ammunition that can be stored and sold, and allowing the manufacture of ammunition in residential neighborhoods and multifamily dwellings all seem destined to have dire unintended consequences.

The City should follow the examples set by our neighboring communities and not allow the on-site sale of up to 40 firearms per day, on-site ammunition sales, and on-site ammunition manufacturing.