

ORDINANCE NUMBER 2757 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA  
ADDING CHAPTER 3.29 TO THE SANTA MONICA MUNICIPAL CODE PROHIBITING  
THE OPEN CARRY OF KNIVES, DAGGERS, AND SWORDS IN PUBLIC AREAS

WHEREAS, Penal Code Section 417 prohibits brandishing a deadly weapon in a rude, angry, or threatening manner, in a public place; and

WHEREAS, a city's police power includes the power to regulate deadly weapons, including, knives, daggers, swords, and other sharp pointed objects; and

WHEREAS, the City is a popular destination for tourism and travel because the City strives to maintain clean, safe, and secure public areas and streets; and

WHEREAS, openly carrying knives, daggers, swords, and other sharp pointed objects in public areas impacts public health, safety, and security; and

WHEREAS, the City Council desires to prohibit the open carry of knives, daggers, swords, and other sharp pointed objects in public areas to protect the health and safety of City residents, public safety professionals, and visitors to the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.29 is hereby added to the Santa Monica Municipal Code to read as follows:

**CHAPTER 3.29 CARRYING OR WEARING OF KNIVES, DAGGERS, AND SWORDS  
IN PLAIN VIEW IN PUBLIC AREAS PROHIBITED**

**3.29.010 Definitions**

(a) “Knife” or “Dagger” shall include any knife, dirk, or dagger having a blade three inches or more in length, any ice pick or any other similar sharp pointed tool, including a sharpened wooden stick or sharpened metallic rod, any straight edge razor or any razor blade fitted to a handle.

(b) “Sword” shall include a thrusting, striking, or cutting weapon with a blade longer than a knife or dagger, having one or two cutting edges and a hilt, including, but not limited to, a longsword, broadsword, rapier, saber, cutlass, machete, or katana. “Sword” shall not include a fencing foil without a sharpened blade or tip, when used for the sport of fencing or fencing demonstrations.

(c) “Plain View” shall mean carried or possessed in such a manner that the item may be plainly seen and recognized, whether in a protective sleeve, sheath, or covering, or not.

(d) “Public Area” includes any public street, public place, or other area or facility open to the public.

### **3.29.020 Open Carry of Knives, Daggers, and Swords Prohibited**

(a) No person shall wear or carry in Plain View any knife, dagger, or sword in or upon any Public Area.

(b) This chapter shall not apply to the following:

- (1) Sworn law enforcement or public safety personnel on duty;
- (2) Sworn law enforcement or public safety personnel off duty, upon showing law enforcement identification upon demand;
- (3) Armed security under contract with the City and pursuant to the terms of the contract, or as may be permitted by the Police Chief;

(4) Retired law enforcement officers authorized to carry weapons pursuant to 18 U.S.C. 926C, with proper identification;

(5) When a person is wearing or carrying a knife, dagger, or sword as follows:

(i) For use in a lawful occupation;

(ii) Knives carried or used lawfully in restaurants or other dining facilities;

(ii) For lawful recreational purposes;

(iii) As a recognized religious practice, for example, a kirpan;

(iv) While the person is directly traveling to or returning from participation in such activities as identified in this subsection 5.

(c) The Council, by resolution, and/or the City Manager, may provide for and publish further security regulations and/or exceptions to implement this chapter, including, but not limited to, posting of signage to provide notice of these regulations.

### **3.27.030 Penalties**

(a) The Police Chief is authorized to seize and impound any knife, dagger, or sword that is kept, possessed, or used in violation of this Chapter, and to hold the same for a period of up to thirty days or until claimed by its owner. Such articles may not be returned to any person under the age of eighteen years but may be returned that person's legal guardian or parent.

(b) This Chapter shall not be deemed to make punishable an act or acts which are expressly allowed or preempted by any law of the State or the United States Constitution.

(c) Enforcement and Penalties. Any person who violates any provision of this Chapter shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months or by both such fine and imprisonment. Any person who violates any provision of this Chapter shall be subject to administrative fines and administrative penalties pursuant to Chapters 1.09 and 1.10 of this Code. The remedies provided in this section are not exclusive, and nothing in this section shall preclude the use or application of any other remedies, penalties or procedures established by law

SECTION 2. Any provision of the Santa Monica Municipal Code inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. This Ordinance shall take effect 30 days from its adoption.

APPROVED AS TO FORM:

DocuSigned by:  
*DOUGLAS SLOAN*  
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Douglas Sloan, City Attorney

Approved and adopted this 26<sup>th</sup> day of September, 2023.

DocuSigned by:  
*Gleam Davis*  
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Gleam Davis, Mayor

State of California            )  
County of Los Angeles       ) ss.  
City of Santa Monica        )

I, Nikima Newsome, Assistant City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2757 (CCS) had its introduction on August 22, 2023 and was adopted at the Santa Monica City Council meeting held on September 26, 2023, by the following vote:

AYES:     Councilmembers de la Torre, Torosis, Brock, Parra, Zwick  
          Mayor Davis, Mayor Pro Tem Negrete

NOES:     None

ABSENT:   None

ATTEST:

DocuSigned by:  
*Nikima Newsome*  
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\_\_\_\_\_  
Nikima Newsome, Assistant City Clerk

\_\_\_\_\_  
10/4/2023  
Date

A summary of Ordinance No. 2757 (CCS) was duly published pursuant to California Government Code Section 40806.