ORDINANCE NO. ______

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY ADDING CHAPTER 37A (SAFE STORAGE OF FIREARMS IN A RESIDENCE) TO THE REDWOOD CITY CODE

WHEREAS, on April 8, 2019, the City Council for the City of Redwood City (“City”) directed staff to return at a future meeting with a proposed ordinance adopting new rules for firearm storage aimed at reducing gun injuries and making the City safer; and

WHEREAS, the City recognizes that firearm injuries have a significant public health impact and more local community action is needed to prevent gun violence. In San Mateo County, there are been over 301 gun-related deaths over the past ten years. According to data collected in 2018 by the Citizens for a San Mateo County Gun Buy Back from participants at two separate gun buy back events, a majority of respondents reported “hiding [the gun] in a discrete location” and/or “keeping it unloaded” as a safety measure, even though these methods are not generally considered safe storage; and

WHEREAS, having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death. Guns kept in the home are more likely to be involved in an unintentional shooting, criminal assault, or used in suicides and against family and friends rather than in self-defense. According to a 2008 report published in the New England Journal of Medicine, living in a home where guns are kept increased an individual's risk of death by homicide by between 40% and 170%. Similarly, a 2004 national study determined that the presence of guns in the home increased an individual's risk of death by homicide by 90%; and

WHEREAS, children are particularly at risk of injury and death from firearms when firearms are not safely secured in their own homes or in homes they visit. According to national data, children and young adults (24 years of age and under) constitute 38% of all firearm deaths and non-fatal injuries. More than 75% of guns used in suicide attempts and unintentional injuries of children and young adults (0-19 years of age) were stored in the residence of the victim, a relative, or a friend. Eighty-nine percent of accidental shooting deaths among children occur in the home, and most of these deaths occur when children are playing with an unsecured loaded gun in their parents’ absence; and

WHEREAS, applying trigger locks or using lock boxes when storing firearms in the home reduces the risk of firearm injury and death. Keeping a firearm locked when it is not being carried ensures that it cannot be accessed and used by others without the owner's knowledge or permission. This simple measure significantly decreases the risk that the gun will be used to commit suicide, homicide, or inflict injury, whether intentionally or
unintentionally. Safe storage measures have a demonstrated protective effect in homes with children and teenagers where guns are stored.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDWOOD CITY DOES ORDAIN AS FOLLOWS:

Section 1. The recitals set forth above are true and correct, constitute findings in this matter, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The City Council adopts this ordinance adding a new Chapter 37A to the Redwood City Municipal Code entitled “Safe Storage of Firearms in a Residence,” as shown as Exhibit A attached hereto and incorporated herein by reference.

Section 3. This proposed Ordinance has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). This proposed Ordinance is not a project under California Environmental Quality Act (CEQA) as defined in CEQA Guidelines, section 15378, because it has no potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment.

Section 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of Redwood City hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 5. This Ordinance shall go into effect 30 days following its adoption.

Section 6. The City Clerk shall publish this Ordinance in accordance with the provisions of the City Charter.

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CHAPTER 37A - SAFE STORAGE OF FIREARMS IN A RESIDENCE

Sec. 37A.1 - Application of Chapter:

The provisions of this Chapter shall apply within the jurisdictional boundaries of the City of Redwood City.

Sec. 37A.2 - Definitions:

(a) For the purpose of this Chapter, “Firearm” means a firearm as defined in California Penal Code, Section 16520.

(b) “Locked Container” means a locked container, as defined in California Penal Code, Section 16850, listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. For purposes of this chapter, a Locked Container does not include a bag or other container made of fabric or other penetrable material, such as a regular purse, backpack, or gym bag.

(c) “Residence” means any structure intended or used for human habitation, including but not limited to houses, apartments, condominiums, rooms, accessory dwelling units, motels, hotels, single room occupancy housing, time shares, recreational vehicles, and other vehicles where human habitation occurs.

(d) “Trigger lock” means a trigger lock that is listed on the California Department of Justice’s roster of approved firearms safety devices and that is identified as appropriate for that firearm by reference to either the manufacturer and model of the firearm or to the physical characteristics of the firearm that match those listed on the roster for use with the device under Penal Code Section 23635.

Sec. 37A.3 - Safe storage of firearms in a residence required:

(a) Except when carried on the person, no person shall keep a Firearm in any Residence unless the Firearm is stored in a Locked Container or is disabled with a Trigger Lock.

(b) To encourage reporting of lost or stolen Firearms, a person who complies with California Penal Code Section 25250 by reporting the loss or theft of a Firearm they own or possess to a local law enforcement agency within five days from the time they knew or reasonably should have known the Firearm...
had been lost or stolen shall not be prosecuted for violation of subsection (a).

Sec. 37A.4 - Penalty:

A violation of this section shall be subject to enforcement through criminal prosecution and/or civil penalties, as provided herein.

(a) Violation a Misdemeanor. Pursuant to City Code Section 1.7 (General Penalty; Continuing Violations), a person who violates this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months or by fine not exceeding one thousand dollars ($1,000.00), or by both.

(b) Civil Penalties. The City may assess civil penalties pursuant to City Code Chapter 1, Article II (Administrative Code Enforcement) Sections 1.30.1 - 1.30.13 in addition to any other administrative or judicial remedy established by law which may be pursued to address violations of the City Code.

(c) Each violation shall be deemed a distinct and separate offense.