

Agenda Report



MEETING DATE: Tuesday, February 27, 2024

TO: City Council

FROM: CITY ATTORNEY ZUTLER

THROUGH: CITY MANAGER MENDEZ

SUBJECT: SAFE FIREARM STORAGE REQUIREMENTS

RECOMMENDED ACTION:

Introduce, for first reading only, waiving full reading of the text, an Ordinance adding Section 4-7.06 (Safe Firearm Storage) to Chapter 7 (Weapons) of Title 4 (Public Safety) of the Watsonville Municipal Code relating to the safe storage of firearms.

BACKGROUND:

This item was initially brought forward by Councilmember Dutra as an item to add to the agenda that was subsequently directed by the City Council as part of the process to bring forward. Part of that discussion was the idea to bring forward an ordinance regarding safe storage of firearms.

DISCUSSION:

Safe Storage Ordinances require that firearms be securely stored within private residences. Generally, to comply with a safe storage ordinance, owners must store firearms in a locked container or disable the firearm with a trigger lock. Owners must also timely report missing or stolen firearms to law enforcement.

Safe storage ordinances are in effect in at least 20 California municipalities, including Morgan Hill, San Francisco, San Jose, Santa Cruz, and Saratoga.

Watsonville Municipal Code section 4-7-05 requires firearm dealers to equip all firearms sold or transferred with an effective trigger lock, but the WMC does not currently regulate residential storage of firearms.

Proposed Safe Storage Ordinance

State law requires that firearms be stored securely if the firearms can be accessed by a child or if a person who is prohibited from possessing a firearm is likely to gain access to the firearm. If adopted, this ordinance would require all firearms be stored in a locked container or

disabled with a trigger lock, regardless of potential access by a child or prohibited person. The ordinance includes exceptions for when a police officer or firearm owner is carrying the firearm or exerts immediate control and possession of the firearm.

State law requires a firearm owner, within 5 days of suspecting or learning a firearm is missing, to report the missing firearm. If adopted, this ordinance would require any person who owns or possesses a firearm to report a missing firearm to the Watsonville Police Department within 48 hours of the time they suspect or know the firearm is missing if the person is a resident of Watsonville or the firearm went missing in Watsonville.

A violation of the proposed ordinance would be subject to enforcement through the City's municipal code enforcement procedures outlined in Watsonville Municipal Chapter 2 (Penalty Provisions) of Title 1 (General Provisions). The procedures allow for a violation to be handled as an administrative, civil, or criminal matter. The ordinance would not permit Police Department staff to enter a private residence to ensure compliance or take proactive enforcement action without a warrant. Enforcement would thus typically occur in conjunction with another incident or crime wherein a person is found to have gained access to a firearm unlawfully stored.

Requiring safe firearm storage is intended to decrease the risk of harm to children and the entire community from unauthorized access to firearms. The proposed ordinance extends current safe storage requirements to all gun owners, providing more protection than State law, and aims to further reduce accidental gun shootings, gun-related homicides and suicides, and theft of unsecured firearms.

FINANCIAL IMPACT:

There is no financial impact as a result of this item, beyond the minimal costs to update the ordinance.

ALTERNATIVE ACTION:

The City Council could decline to introduce the ordinance, or direct staff to revise the draft presented.

ATTACHMENTS AND/OR REFERENCES (If any):

None.