

ORDINANCE NO. Introduction (CM)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE ADDING SECTION 4-7.06 (SAFE FIREARM STORAGE)
TO CHAPTER 7 (WEAPONS) OF TITLE 4 (PUBLIC SAFETY) OF THE
MUNICIPAL CODE RELATING TO SAFE STORAGE OF FIREARMS**

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WHEREAS, the City of Watsonville, California (“City”) does not presently regulate firearm storage within residential locations; and

WHEREAS, firearm injuries have significant adverse public health and safety impact nationally, regionally, and locally; and

WHEREAS, improperly stored firearms may result in accidental firearm injuries and/or deaths, particularly in homes with children; and

WHEREAS, having a loaded or unlocked firearm in the home has been associated with an increased risk of firearm-related injury and death, as well as theft of the firearm; and

WHEREAS, a firearm stored while loaded or unloaded increases the risk of an accidental shooting, and has been associated with higher risks of suicide; and

WHEREAS, utilizing gun locks or lock boxes when storing firearms in the home reduces the risk of firearm injury, death, and firearm theft; and

WHEREAS, keeping a firearm locked when it is not being carried ensures that it

cannot be accessed or used by others without the owner’s knowledge or permission, decreasing the risk that the gun will be used to commit suicide, homicide, or inflict injury, whether intentionally or unintentionally; and

WHEREAS, the International Association of Chiefs of Police and the American Academy of Pediatrics recommend the safe storage of firearms; and

WHEREAS, requiring stored, unsupervised firearms to be secured with gun locks or in a locked container does not substantially burden the right or ability to use firearms for self-defense in the home; and

WHEREAS, the City Council finds that requiring safe storage of firearms would constitute a sensible safety regulation and would not be unduly burdensome for firearm owners.

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

SECTION 1. FINDINGS.

The City Council of the City of Watsonville does hereby find that the above referenced recitals are true and correct and incorporated into this Ordinance.

SECTION 2. ENACTMENT.

Chapter 7 (Weapons) of Title 4 (Public Safety) of the Watsonville Municipal Code is hereby amended by adding a new Section 4-7.06 (Safe Firearm Storage) to read in words and figures as follows:

CHAPTER 7 WEAPONS

Sec. 4-7.06 Safe firearm storage.

(a) No person shall keep a firearm within any residence unless the firearm is stored in a locked container or disabled with a trigger lock.

(1) For purposes of this Section, "Firearm" shall mean any gun, rifle, pistol, or any other firearm as defined in California Penal Code section 16520, as amended from time to time.

(2) For purposes of this Section, "Locked Container" shall mean a locked container as defined in California Penal Code Section 16850, as amended from time to time, and is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.

(3) For purposes of this Section, "Trigger Lock" shall mean 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 California Penal Code Section 23635.

(4) For purposes of this Section, "Residence" shall mean any structure intended or used for human habitation, including but not limited to tents, tent-like structures, houses, apartments, condominiums, rooms, in-law units, accessory dwelling units, motels, hotels, single-room occupancy units (SROs), time-shares, mobile homes, and recreational and other vehicles where human habitation occurs.

(b) The requirements of Section 4-7.06(a) do not apply when a firearm is carried on the person of or is otherwise in the immediate control and possession of, an individual in accordance with applicable local, state, or federal laws.

(c) This Section does not apply when a firearm is carried on the person of, or is otherwise in the immediate control and possession of, a peace officer (as defined in California Penal Code Section 830 *et seq.*, as may be amended from time to time).

(d) It is not the intention of this chapter to regulate any conduct if the regulation of such conduct has been preempted by state or federal law.

(e) Every violation of this chapter shall constitute an infraction and shall be punished in accordance with Watsonville Municipal Code Section 1-2.01 *et. seq.*

(f) Any person who owns or possesses a firearm shall report the theft or loss of the firearm to the City of Watsonville Police Department within forty-eight (48) hours of the time the person suspected or knew that the firearm had been stolen or lost, if:

(1) the person who owns or possessed the stolen or lost firearm resides in the City; or

(2) the theft or loss of the firearm occurred in the City.

SECTION 3. ENVIRONMENTAL REVIEW

The City Council finds and determines that this Ordinance, which regulates the safe storage of firearms, is not subject to the provisions of the California Environmental Quality Act ("CEQA") because it is not a project, since it will not have a direct or reasonably foreseeable indirect impact on the environment.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. PUBLICATION

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in force and take effect thirty (30) days after its final adoption.
