

ORDINANCE NO. ____
OF THE CITY COUNCIL OF THE TOWN OF COLMA

**ORDINANCE ADDING COLMA MUNICIPAL CODE SUBCHAPTER 2.09 TO REQUIRE
SAFE STORAGE OF FIREARMS IN A RESIDENCE**

The City Council of the Town of Colma does ordain as follows:

ARTICLE 1. RECITALS.

(a) Having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death. 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%.

(b) Firearm injuries have a significant public health impact. According to a 2015 study, researchers conservatively estimate that gun violence costs the American economy at least \$229 billion every year, including \$8.6 billion in direct expenses such as those for emergency and medical care. In California, the direct costs of hospital use for firearm assault injuries alone was estimated at \$87.4 million in 2010. 65% of these costs were borne by taxpayers.

(c) 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. 89% 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.

(d) 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.

(e) More local community action is needed to prevent gun violence. In San Mateo County, there have been 301 gun-related deaths over the past 10 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. A large number of respondents (27% in May 2018 and 60% in December 2018) reported that they surrendered the firearms for "safety reasons," and nearly half of respondents indicated that they did not know how to properly store an inherited firearm.

ARTICLE 2. INCORPORATION OF RECITALS.

The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

ARTICLE 3. CMC SUBCHAPTER 2.09 ADDED.

A new subchapter 2.09, Safe Storage of Firearms in a Residence, is hereby added to Chapter 2, Prohibited Activities, to read as follows:

Subchapter 2.09: Safe Storage of Firearms in a Residence

2.09.010 Application of Subchapter.

The provisions of this subchapter shall apply within the jurisdictional boundaries of the Town of Colma.

2.09.020 Definitions.

For the purpose of this subchapter, the following words shall have the meaning set forth herein:

- (a) "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 subchapter, 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, condominiums, rooms, accessory dwelling units, motels, hotels, single room occupancy units, 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 California Penal Code Section 23635.

2.09.030 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).

2.09.040 Enforcement.

A violation of any provision of this subchapter is an infraction, punishable as set forth in subchapter 1.05 of the Colma Municipal Code. It can also be enforced through the Administrative Citation process contained at Colma Municipal Code Section 2.01.090(c).

ARTICLE 4. SEVERABILITY.

Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE 5. NOT A CEQA PROJECT.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

ARTICLE 6. EFFECTIVE DATE.

This ordinance, or a summary thereof prepared by the City Attorney, shall be posted on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and is to take force and effect thirty (30) days after its passage.

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Certificate of Adoption

I certify that the foregoing Ordinance No. ____ was duly introduced at a regular meeting of the City Council of the Town of Colma held on November 12, 2020 and duly adopted at a regular meeting of said City Council held on December 9, 2020 by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
<i>Voting Tally</i>					

Dated _____

Mayor

Attest: _____
Caitlin Corley, City Clerk