

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE CITY OF SANTA CRUZ
ADDING CHAPTERS 9.29 “SAFE FIREARM STORAGE” AND 9.30 “REPORTING LOST
OR STOLEN FIREARMS” TO THE SANTA CRUZ MUNICIPAL CODE

THE CITY COUNCIL of the City of Santa Cruz does hereby find, determine and declare as follows:

Safe Firearm Storage

- A. Firearm injuries have a significant public health impact both nationally and locally, inasmuch as:
1. In the United States, firearm injuries accounted for 6.6 percent of premature deaths from 1999-2007. Shootings are a leading cause of injury deaths in the nation, second only to motor vehicle crashes. On average, there were 30,125 firearm deaths in the United States annually between 2000 and 2007, inclusive. In 2007, 31,224 Americans died in firearm-related homicides, suicides, and unintentional shootings—the equivalent of 85 deaths each day and more than three deaths each hour.
 2. Nationally, more than two thirds of homicides and over half of all suicides are committed with firearms.
 3. Unintentional shootings killed over 5,700 people in the U.S. between 2000 and 2007. In 2009, over 18,000 people were treated for unintentional gunshot wounds in the United States.
 4. The firearm-related homicide, suicide, and unintentional death rates for children 5-14 years old in the United States are significantly higher than those other industrialized nations.
- B. Having a loaded or unlocked firearm in the home is associated with an increased risk of firearm-related injury and death.
1. A firearm stored loaded or unlocked increases the risk of an accidental shooting.
 2. Numerous U.S. case control studies have found that people who die by suicide are more likely to have lived in a home with a firearm than similar people who did not die by suicide. Studies have also shown that the risk of suicide increases in homes where firearms are kept loaded or unlocked.

3. A 2007 study compared the 40 million people who live in the states with the lowest firearm prevalence (Hawaii, Massachusetts, Rhode Island, New Hampshire, Connecticut, and New York) to about the same number living in the states with the highest firearm prevalence (Wyoming, South Dakota, Alaska, West Virginia, Montana, Arkansas, Mississippi, Iowa, North Dakota, Alabama, Kentucky, Wisconsin, Louisiana, Tennessee, and Utah). Although non-firearm suicides were about equal in the two groups, total suicides were almost twice as high in the high-firearm states.
 4. Keeping unsecured firearms in the home increases the flow of illegal firearms into the community. More than half a million firearms are stolen each year in the United States and many are subsequently sold illegally.
- C. Children are particularly at risk of injury and death, or causing injury and death, when they can access firearms in their own homes or homes that they visit.
1. The authors of a 2005 study found that an estimated 1.69 million children age 18 and under are living in households with loaded and unlocked firearms. Many young children, including children as young as three years old, are strong enough to fire a firearm.
 2. A significant majority of the firearms used in youth suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or a friend. Of youths under 18 who died by firearm suicide, the vast majority used a family member's firearm, usually a parent's. And more than two thirds of school shooters obtained their firearm(s) from their own home or that of a relative.
 3. Quick access to loaded firearms heightens the risk that a young person's impulsive decision to commit suicide will be carried out without reflection or seeking help, and that the impulsive attempt will be fatal. One third of youths who died by suicide had faced a crisis within the previous 24 hours. Among people who nearly died in a suicide attempt, almost a quarter indicated that fewer than five minutes had passed between deciding on suicide and making the attempt. While fewer than 10 percent of suicide attempts by other means are fatal, at least 85 percent of firearm suicide attempts end in death.
- D. Firearms kept in the home are most often used in suicides and against family and friends rather than in self-defense.
1. Firearms kept in a home are more likely to be involved in an unintentional shooting, criminal assault, or suicide attempt than to kill or injure in self-defense.
 2. Only one in ten firearm homicides in the shooter's home is considered justifiable, meaning the shooter was not the assailant. Of every ten firearm homicide victims killed at the shooter's residence, six were intimate partners or family members of

the shooter, three were friends or acquaintances of the shooter, and only one was a stranger to the shooter.

- E. Applying trigger locks or using lock boxes when storing firearms in the home reduces the risk of firearm injury and death.
1. 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 firearm will be used to commit suicide, homicide, or inflict injury, whether intentionally or unintentionally.
 2. Safe storage measures have a demonstrated protective effect in homes with children and teenagers where firearms are stored.
- F. There is a wide consensus among medical professionals, police chiefs, gun control advocates and gun rights groups that applying trigger locks or using lock boxes to store unsupervised firearms in the home promotes health and safety.
1. The International Association of Chiefs of Police recommends that state and local governments mandate safe storage of firearms.
 2. The American Academy of Pediatrics recommends that if families must have firearms in their homes, the firearms should be stored locked, unloaded, and separate from locked ammunition.
 3. Both gun control and gun rights advocates endorse the use of locking devices when storing firearms to ensure that unauthorized or untrained persons cannot use the firearm to inflict injury or death. For example, the National Rifle Association's Home Firearm Safety Handbook, developed and used as part of the National Rifle Association (NRA) Basic Firearm Training Program, emphasizes that "there is one general rule that must be applied under all conditions: Store firearms so they are not accessible to untrained or unauthorized persons." The NRA Guide To The Basics Of Personal Protection In The Home further explains that "all storage methods designed to prevent unauthorized access utilize some sort locking method."
- G. Requiring unsupervised firearms stored to be secured with trigger locks or in a locked container does not substantially burden the right or ability to use firearms for self-defense in the home.
1. The locking requirements apply only to firearms that are not being carried. Firearm owners and adults over 18 may carry loaded and unlocked firearms in the home at any time. The safe storage requirements also permit owners who wish to do so to store their firearms fully loaded.

2. Gun security does not preclude quick access. For example, affordable lockboxes using Simplex-type locks, which pop open immediately when several keys or pushbuttons are touched in a preset sequence, are widely available. Users report that they can retrieve a loaded weapon in just two to three seconds, and that the locks are also easy to open in the dark. The NRA describes this type lockbox as providing “a good combination of security and quick access.” Some lockboxes also feature biometric locks, which provide immediate access when they scan the owner's fingerprint.
3. Portable lockboxes can store loaded weapons such that they are always within easy reach on counters, tables or nightstands. Such safely stored weapons are more quickly and easily retrieved for use in self-defense than unlocked guns that have been hidden away in seldom-used locations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Chapter 9.29 “Safe Firearm Storage” is hereby added to the Santa Cruz Municipal Code to read as follows:

“Chapter 9.29
SAFE FIREARM STORAGE

9.29.010 DEFINITIONS.

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) “Firearm” shall have the same meaning as set forth in Section 9.26.020.
- (b) “Locked container” means a secure container which is fully enclosed and locked by a padlock, key lock, combination lock or similar locking device.
- (c) “Residence” means any structure intended or used for human habitation including but not limited to houses, condominiums, rooms, in law units, motels, hotels, SROs, time-shares, recreational and other vehicles where human habitation occurs.
- (d) “Trigger lock” means a trigger lock that is listed in the California Department of Justice's list 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 12088(d).

9.29.020 FIREARMS LOCATED IN A RESIDENCE TO BE KEPT IN A LOCKED CONTAINER OR DISABLED WITH A TRIGGER LOCK.

(a) Prohibition. No person shall keep a firearm within a residence unless the firearm is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice.

(b) Exceptions. This Section shall not apply in the following circumstances:

(1) The firearm is lawfully carried on the person of an individual over the age of 18.

(2) The firearm is under the control of a person who is a peace officer under Penal Code Section 830.

9.29.030 PENALTIES

Any person or entity, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter, shall be guilty of an infraction for the first offense, or of a misdemeanor for any subsequent offense(s) occurring within the one year after the first offense. Upon conviction, the person convicted shall be punished in accordance with Chapter 1.08 of this code.”

Section 2. Chapter 9.30 “Reporting Lost or Stolen Firearms” is hereby added to the Santa Cruz Municipal Code to read as follows:

“Chapter 9.30
REPORTING LOST OR STOLEN FIREARMS

Section 9.30.010 REPORTING LOST OR STOLEN FIREARMS.

(1) Any person that owns or is otherwise in possession of a firearm shall report the theft or loss of such firearm to the Santa Cruz Police Department within five calendar days of becoming aware of the theft or loss whenever: (a) the owner resides in the City of Santa Cruz; or (b) the theft or loss of the firearm occurs in the City of Santa Cruz.

(2) The failure of an owner or person in possession of a firearm to report the theft or loss of the firearms within five calendar days of when the owner or person in possession becomes aware or should have become aware of the theft or loss shall be punishable in accordance with Section 9.30.020.

(3) The failure of an owner or person in possession of a firearm to report the theft or loss of the firearms in a timely manner shall create a rebuttable presumption that the owner or person remains in possession of the firearm.

(4) In order to encourage reports to law enforcement agencies of lost or stolen handguns pursuant to this Section, a person who files a report with a law enforcement agency notifying the agency that a handgun has been lost or stolen shall not be subject to prosecution for violation of Section 9.29.020, above.

Section 9.30.020 PENALTIES.

Any person violating any provision of this Chapter shall be guilty of a misdemeanor unless it is charged by the city attorney as an infraction and, upon conviction, shall be punishable in accordance with Section 4.04.010.”

Section 3. If any section or provision of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction within the State of California, such decision shall not affect the validity of the remaining provisions and sections and the City Council hereby declares that it would have adopted the remaining provisions and sections irrespective of the fact that a provision or provisions or section or sections are declared invalid or unconstitutional.

Section 4. This Ordinance shall be in force and take effect thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 24th day of November, 2015, by the following vote:

AYES: Councilmembers Chase, Terrazas, Comstock, Posner, Noroyan; Vice Mayor Mathews; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Don Lane, Mayor

ATTEST: ss/Bren Lehr, City Clerk Administrator

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PASSED FOR FINAL ADOPTION this day of , 2015, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2015-16 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

City Clerk Administrator