

**BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE
IN THE MATTER OF:**

An Ordinance of the City Council of the City)
of Lafayette Adding Article 3 "Storage of)
Firearms" to Chapter 8-6 "Firearms" of the)
Lafayette Municipal Code to require safe)
storage of firearms in a residence)

Ordinance 685

WHEREAS, the City of Lafayette ("City") does not presently regulate firearm storage within residential locations; and

WHEREAS, firearm injuries have a 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, in California, numerous people die each year from injuries related to firearms, and many more are hospitalized for non-fatal gunshot wounds; 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 unlocked increases the risk of an accidental shooting; and

WHEREAS, quick access to a loaded firearm heightens the risk that a young person's impulsive decision to commit suicide may be carried out without reflection or seeking help, and that the impulsive attempt will be fatal; and

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

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

WHEREAS, both gun control and gun rights activists endorse the use of locking devices when storing firearms to ensure that unauthorized and untrained persons cannot access firearms to inflict injury or cause death; 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 locking requirements apply to firearms that are not being legally carried. Legal firearm owners may still carry loaded and unlocked firearms in their home at any time. The safe storage requirements also permit legal owners to store their firearms fully loaded if they wish; and

WHEREAS, firearm security does not preclude quick access. Portable lockboxes with simplex or biometric locks can store loaded firearms such that they are always within easy reach on counters, tables, or nightstands. Such safely stored firearms may be more quickly and easily retrieved for use in self-defense than unlocked firearms hidden away in seldom- used or remote locations; 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; and

WHEREAS, the City Council wishes to add Article 3 to Chapter 8-6 of Title 8 of the Lafayette Municipal Code to require the safe storage of firearms in a residence.

NOW, THEREFORE, the City Council of the City of Lafayette does ordain as follows:

Section 1. 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.

Section 2. Addition of Article 3 and Section 8-617 to Municipal Code. Article 3 "Storage of Fire Arms" and Section 8-617 "Storage of Firearms in a Residence" is hereby added to Chapter 8-6 "Firearms" of Title 8 "Public Welfare, Morals and Safety" of the Lafayette Municipal Code as provided below:

"Article 3. – Storage of Firearms

Sec. 8-617 – Storage of Firearms in a Residence.

(a) No person shall keep a firearm (as defined in California Penal Code section 16520, as amended from time to time) in any residence located within the City of Lafayette owned or controlled by that person unless the firearm is stored in a locked container (as defined in California Penal Code section 16850, as amended from time to time) or the firearm is disabled with a safety device listed on the California Department of Justice's roster of firearm safety devices (as defined in the California Penal Code sections 16540 & 23635, as amended from time to time).

(b) Exceptions:

(i) Subsection (a) does 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, and/or federal laws.

(ii) Subsection (a) 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 sections 830, et. seq., as amended from time to time).

(iii). To encourage reporting of lost or stolen firearms (as defined in California Penal Code section 16520, as amended from time to time), 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 (5) 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).

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

Section 3. CEQA. This Ordinance is not subject to the California Environmental Quality Act under the general rule in CEQA Guidelines Section 15061(b)(3) requiring that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Based on the facts set forth in this Ordinance, there is no possibility that this ordinance would have a significant effect on the environment.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 6. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within fifteen (15) days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within fifteen (15) days after its adoption.

The foregoing Ordinance was PASSED AND ADOPTED by the City Council of the City of Lafayette at a regular meeting of said Council on December 12, 2022, by the following vote:

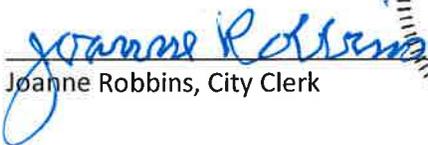
AYES: **Anduri, Dawson, Candell, Gerringer and Kwok**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

ATTEST:


Joanne Robbins, City Clerk



APPROVED:


Carl Anduri, Mayor