

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, STATE OF CALIFORNIA, AMENDING TITLE 9 OF CITY OF AMERICAN CANYON MUNICIPAL CODE TO ADD CHAPTER 8.19 SAFE FIREARM STORAGE

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

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

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

WHEREAS, in California, numerous people die each year from injuries related to firearms, and many more are hospitalized for non-fatal gunshot wounds;

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;

WHEREAS, a firearm stored while loaded or unlocked increases the risk of an accidental shooting;

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

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;

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;

WHEREAS, both gun control and gun rights activists, including the National Rifle Association, 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;

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;

WHEREAS, the proposed locking requirements apply to firearms that are not being legally carried. Legal firearm owners and adults over 18 may still carry loaded and unlocked firearms in their home at any time consistent with applicable law. The safe storage requirements also permit legal owners to store their firearms fully loaded consistent with applicable law if they wish;

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

NOW THEREFORE, THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are incorporated as set forth in this section.

SECTION 2. Adoption. City Municipal Code Title 8, Chapter 8.19 is hereby adopted as set forth below. Accordingly, the Table of Contents for the City of American Canyon Municipal Code Title 8 is hereby amended to add reference to Chapter 8.19 "Safe Firearm Storage."

Chapter 8.19, 8.19.010, 8.19.020 and 8.19.030 Safe Firearm Storage are hereby added to the American Canyon Municipal Code, to read as follows:

Chapter 8.19.010 Storage of Firearms in a Residence

Except when carried on his or her person, or otherwise in his or immediate control and possession, no person shall keep a firearm (as defined in California Penal Code section 16520, as it may be amended from time to time) in any residence in American Canyon owned or controlled by that person unless the firearm is stored in a locked container (as defined in California Penal Code section 16850, as it may be 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 California Penal Code sections 16540 & 23635, as may be amended from time to time).

Chapter 8.19.020 Violations

The violation of this Chapter shall constitute an infraction. This Chapter may be enforced as described in Title 1 of this Code.

Chapter 8.19.030 Exceptions and Other Laws

The requirements of section 8.19.010 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, and/or federal laws.

This Chapter 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 may be amended from time to time).

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.

SECTION 3. CEQA. The adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be determined that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. This Ordinance sets requirements for safe storage of firearms in residential locations, and does not propose nor authorize any action or specific project that would have the potential to cause a significant adverse effect on the environment.

SECTION 4. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. Publication; Effective Date. This Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

The foregoing Ordinance was introduced at a Regular Meeting of the City Council of the City of American Canyon, State of California, held on the 16th day of May 2023, by the following vote:

Ayes: Councilmember Mark Joseph, Councilmember Mariam Aboudamous, Councilmember David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

Nays: None

Abstain: None

Absent: None

Excused: None

The foregoing Ordinance was adopted at a Regular Meeting of the City Council of the City of American Canyon, State of California, held on the 6th day of June 2023 by the following vote:

Ayes: Councilmember Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

Nays: None

Abstain: None

Absent: None

DocuSigned by:

Leon Garcia

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Leon Garcia, Mayor

ATTEST:

DocuSigned by:

Taresa Geilfuss

669347683BC94DC

Taresa Geilfuss, CMC, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

William D. Ross

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William D. Ross, City Attorney