

ORDINANCE NO. 1510

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA ADDING CHAPTER 5, SAFE FIREARM STORAGE, TO TITLE III, PUBLIC SAFETY, OF THE ARCATA MUNICIPAL CODE

WHEREAS, 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, accounting for the same rate of injury deaths as motor vehicle accidents, and second only to poisonings. There were 36,252 firearm deaths in 2017 in the United States—the equivalent of 99 deaths each day and more than four deaths each hour.
- 2) Nationally, nearly three-quarters of homicides and half of all suicides are committed with firearms.
- 3) Unintentional shootings killed 6,885 people in the United States between 2006 and 2016. In 2015, nearly 85,000 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.
- 5) The death rate due to firearm-related injuries for California was 7.7 per 100,000 people, according to a three-year average number from 2013 through 2015. Humboldt County, conversely, had a death rate due to firearm-related injuries of 17.1 per 100,000, nearly 10 points higher than the statewide average.
- 6) According to the California Department of Public Health’s County Health Status Profiles 2018, Humboldt County had an average of 27.7 firearm-related deaths per year between 2014 and 2016.
- 7) In Arcata, from November 2014 through September 2018, there have been 97 total police cases reported and investigated involving firearms in Arcata, and which included: 13 cases involving a felon in possession of a firearm, 32 cases of theft of a firearm, 21 felonies committed with the use of a firearm, and 13 cases involving suicide or mental health detentions.

WHEREAS, having a loaded or unlocked gun in the home is associated with an increased risk of gun-related injury and death as shown by the following:

- 1) A firearm stored loaded or unlocked increases the risk of an accidental shooting;

- 2) All U.S. case control studies (12 to date) have found that people who die by suicide are more likely to have lived in a home with a gun than similar people who did not die by suicide. Studies have also shown that the risk of suicide increases in homes where guns 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-gun states.
- 4) Keeping unsecured guns in the home increases the flow of illegal guns into the community. More than half a million firearms are stolen each year in the United States and many are subsequently sold illegally.

WHEREAS, children are particularly at risk of injury and death, or causing injury and death, when they can access guns in their own homes that they visit:

- 1) The authors of a 2018 study found that an estimated 4.6 million children age 18 and under are living in households with at least one loaded and unlocked firearm. Many young children, including children as young as three years old, are strong enough to fire handguns. Eighty-nine percent of accidental shooting deaths among children occur in the home.
- 2) A significant majority of the guns 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 gun, usually a parent's. And more than two-thirds of school shooters obtained their gun(s) from their own home or that of a relative.
- 3) The American Academy of Pediatrics makes three well-established observations: (1) the source of most of the firearms involved in suicide (and unintentional firearm deaths) among children is their home; (2) the presence of guns in a child's home substantially increases the risk of suicide (and unintentional firearm death); and (3) the risk of unintentional and self-inflicted firearm injury is lower in homes that store firearms unloaded (compared with loaded) and locked (compared with unlocked).
- 4) 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.

WHEREAS, guns kept in the home are most often used in suicides and against family and friends rather than in self-defense:

- 1) Guns 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) The crude death rate from suicide for California was 10.6 deaths per 100,000 population during a three-year average from 2013 through 2015. Humboldt County, conversely, had a crude death rate from suicide of 26.3 per 100,000, over 15 points higher than the statewide average.
- 3) Among suicide victims requiring hospital treatment, suicide attempts with a firearm are much more deadly than attempts by jumping or drug poisoning—90 percent die when a firearm was used, compared to 34 percent and 2 percent respectively. About 90 percent of those that survive a suicide attempt do not go on to die by suicide.
- 4) Domestic violence is more likely to turn deadly with a gun in the home. An abusive partner's access to a firearm increases the risk of homicide eight-fold for women in physically abusive relationships.
- 5) In 2012, there were 259 justifiable gun-related homicides, compared with 8,342 criminal homicides using guns, 20,666 suicides with guns, and 548 fatal unintentional shootings. That same year, there were 232,000 thefts of guns, 172,000 of which occurred during burglaries.

WHEREAS, 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 gun 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 guns are stored.

WHEREAS, 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 guns 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 guns to ensure that unauthorized or untrained persons cannot use the gun to inflict injury or death. For example, the National Rifle Association's Home Firearm Safety Handbook, developed and used as part of the NRA Basic Firearm Training Program, emphasizes that "there is one general rule that must be applied under all conditions: Store guns 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 of locking method."

WHEREAS, requiring unsupervised firearms to be stored 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 handguns that are not being carried. Gun owners and adults over 18 may carry loaded and unlocked handguns in the home at any time. The safe storage requirements also permit owners who wish to do so to store their handguns 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 of 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, the City Council of the City of Arcata does ordain as follows:

Section 1: Chapter 5 (Safe Firearm Storage), Sections 3850 – 3853 is hereby added to Title III (Public Safety) of the Arcata Municipal Code as follows:

TITLE III—Public Safety
Chapter 5—Safe Firearm Storage

Sec. 3850. Definitions.

As used in this Chapter, the following terms shall have the following meanings:

A. "Firearm" means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

B. "Locked Container" means a locked container as defined in California Penal Code Section 16850, as amended from time to time.

C. "Residence" means any structure intended or used for human habitation, including but not limited to houses, condominiums, rooms within a Residence, in-law units, motels, hotels, single room occupancy units, time shares, and recreational 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, as may be amended from time to time.

Sec. 3851. Prohibition.

No person shall keep a Firearm within his or her Residence unless the Firearm is stored in a Locked Container or disabled with a Trigger Lock.

SEC. 3852. Exceptions. This Chapter shall not apply in the following circumstances:

A. The Firearm is carried on the person or within close enough proximity thereto that the individual can readily retrieve and use the Firearm as if carried on the person.

B. The Firearm is under the control of a person who is a peace officer under Penal Code Section 830 et seq.

SEC. 3853. Lost or Stolen Firearms.

In order to encourage reports to law enforcement agencies of lost or stolen firearms, a person who files a report with the Arcata Police Department pursuant to Penal Code Section 25250 notifying the Police Department that a Firearm has been lost or stolen shall not be subject to prosecution for violation of Section 1 above.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

Section 3: This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: November 7, 2018

ATTEST:

APPROVED:

/s/ Bridget Dory
City Clerk, City of Arcata

/s/ Sofia Pereira
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1510, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California on the 7th day of November, 2018, by the following vote:

AYES: PEREIRA, WATSON, PITINO, WINKLER

NOES: ORNELAS

ABSENT: NONE

ABSTENTIONS: NONE

/s/ Bridget Dory
City Clerk, City of Arcata