

**CITY OF SAN MATEO
DRAFT ORDINANCE**

Add Chapter 10.28 “Safe Gun Storage” to the San Mateo Municipal Code

WHEREAS, unsecured guns may increase the likelihood of crime and violence through an increased risk of gun theft; and

WHEREAS, each year, an estimated 200,000 to 500,000 guns are stolen, and many are funneled into the underground market; and

WHEREAS, access to unsecured firearms contributes to gun violence among children and teens; and

WHEREAS, despite the safety risks, the majority of gun owners do not secure all of their firearms; and

WHEREAS, contrary to popular belief, locking devices do not prevent owners from readily accessing their firearms; and

WHEREAS, we are all safer when guns are stored unloaded, locked and separate from ammunition.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. Chapter 10.28 “Safe Gun Storage” is added to Title 10, “Peace, Safety and Morals” of the San Mateo Municipal Code to read as follows:

Chapter 10.28 Safe Gun Storage

Sections:

10.28.010 Title

10.28.020 Definitions

10.28.030 Safe Gun Storage Required

10.28.040 Violations and Enforcement

10.28.010 Title

This Chapter shall be known as Safe Gun Storage.

10.28.020 Definitions

For the purposes of the Chapter 10.28, the following words and phrases shall have the meaning set forth herein:

(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 secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. "Locked container" shall not include the utility or glove compartment of a motor vehicle.

(c) "Locking device" means a trigger lock or other designed to prevent a firearm from functioning and, when applied to the firearm, renders the firearm inoperable.

(d) "Unloaded" means without a cartridge in the chamber of the firearm; in the cylinder of the firearm, if the firearm is a revolver; or in the magazine of the firearm, if any part of the magazine is in or affixed to the firearm.

10.28.030 Safe Gun Storage Required

No person shall store or keep any firearm on any premises unless the firearm is unloaded and in a locked container, or unloaded and affixed with a locking device; or carried on the person, or is otherwise in the immediate possession of an individual in accordance with all applicable laws.

10.28.040 Violations and Enforcement

Any violation of this chapter is punishable as specified in Title 1 of the San Mateo Municipal Code.

Section 2. Environmental Determination. In accordance with California Environmental Quality Act (CEQA) Guidelines, section 21065, this ordinance is not a project because it can be seen with certainty that its adoption will not cause a physical change in the environment.

Section 3. Severability. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 4. Publication. This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 5. Legislative History and Effective Date. This ordinance was introduced on August 8, 2020, and adopted on September 21, 2020, and shall be effective 30 days after its adoption.

Place attachments here