



CITY OF SAN MATEO

City Hall
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Agenda Report

Agenda Number: 20

Section Name: {{section.name}}

File ID: {{item.tracking_number}}

TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Attorney Department
MEETING DATE: September 08, 2020
SUBJECT:
Safe Gun Storage – Ordinance Introduction

RECOMMENDATION:

Introduce an Ordinance to amend the San Mateo Municipal Code to add Chapter 10.28 "Safe Gun Storage."

BACKGROUND:

In 2019, MOMS DEMAND ACTION (MDA), a gun safety advocacy group, requested that the City Council consider adopting an ordinance that mandates the safe storage of guns. Information provided by MDA indicates that every year 350 children unintentionally shoot themselves or someone else, and that 77% of these shootings take place within a home. In addition, 590 children die by gun suicide each year, with most of these taking place within their own home. The information provided also shows that 78% of children who shoot others outside the home obtained the guns used from their home, or the home of a friend or relative.

MDA seeks to address this problem by promoting the adoption of laws that require the safe storage of guns. The Legislature has made some effort to address this concern. For example, existing state law requires firearm dealers to ensure that all gun purchasers have an appropriate safety device. Sellers must either provide an approved device at the point of sale or verify that the buyer already owns one. However, state law does not require gun owners to actually use these devices. California law may also impose criminal liability on a gun owner when they fail to take reasonable precautions to keep their guns out of the hands of children; however, these laws do not impose a clear mandate to keep guns unloaded and locked while they are not being used.

MDA advocates the adoption of an ordinance that would mandate safe gun storage. Specifically, the group asks that cities and counties exercise their authority to regulate gun storage to require that weapons be unloaded and locked when they are not being used. MDA has developed a model ordinance for this purpose. MDA reports that the following Peninsula jurisdictions have adopted a safe gun storage ordinance: Millbrae, Burlingame, Hillsborough, San Carlos, Foster City, Redwood City, Menlo Park, Portola Valley, and San Mateo County.

On July 20, 2020, the City Council heard public testimony on this subject and directed staff to prepare an ordinance for Council action. Included with this report is an ordinance based upon MDA's model ordinance.

BUDGET IMPACT:

The adoption of this ordinance will have no impact on the City's budget.

ENVIRONMENTAL DETERMINATION:

This ordinance is not a project subject to CEQA, because it can be seen with certainty that it will not cause a physical change in the environment. (Public Resources Code Section 21065.)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Ordinance

STAFF CONTACT

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