

ORDINANCE O2023-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NAPA, STATE OF CALIFORNIA, AMENDING TITLE 9 OF
THE NAPA MUNICIPAL CODE TO ADD CHAPTER 9.25
SAFE FIREARM STORAGE

WHEREAS, the City of Napa, California ("City") does not presently regulate firearm storage within residence; and

WHEREAS, firearm injuries have a significant adverse public health and safety impact nationally, regionally, and locally; 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 an unsecured or unsupervised 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, improperly stored or unattended firearms may result in accidental firearm injuries and/or deaths, particularly in homes with children, and has been associated with higher risks of gun violence among children and young adults; and

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

WHEREAS, utilizing Department of Justice approved gun locks or lock boxes when storing firearms in the home reduces the risk of firearm related injury or death, as well as likelihood of 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, thus decreasing the risk that the firearm will be used to commit suicide, homicide, or inflict injury, whether intentionally or unintentionally; and

WHEREAS, requiring unsupervised firearms to be secured with gun locks or in a locked container does not substantially burden the Constitutional right or ability to readily use firearms for self-defense in the home; 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.

ATTACHMENT 1

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Adoption. Napa Municipal Code Chapter 9.25 is hereby adopted as set forth below. Accordingly, the Table of Contents for the Napa Municipal Code Title 9 is hereby amended to add reference to Chapter 9.25 “Safe Firearm Storage.”

Chapter 9.25 Safe Firearm Storage

9.25.010 Definitions.

For purposes of this Chapter:

A. “Firearm” means a firearm as defined in California Penal Code Section 16520, as amended from time to time.

B. “Residence” means any structure intended or used for human habitation, including but not limited to houses, apartments, condominiums, rooms, in-law units, accessory dwelling units, motels, hotels, single room occupancy units (SROs), timeshares, mobile homes, and recreational and other vehicles where human habitation occurs.

C. “Locked container” means a locked container as defined in California Penal Code Section 16850, as amended from time to time, and is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices. “Locked container” shall not include the utility or glove compartment of a motor vehicle.

D. “Trigger lock” means a locking device that adequately secures the firearm’s trigger and is designed to prevent a firearm from functioning 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 as required under California Penal Code Section 23635(a), as amended from time to time.

9.25.020 Prohibitions.

No person shall keep a firearm within any residence unless the firearm is stored in a locked container or disabled with a trigger lock.

9.25.030 Exceptions.

ATTACHMENT 1

A. The requirements of section 9.25.020 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.

B. 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).

C. 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.

9.25.040 Penalty.

Every violation of this Chapter shall constitute a separate violation and may be enforced in accordance with Chapter 1.16.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

ATTACHMENT 1

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 21st day of February, 2023, and had its second reading and was adopted and passed during the public meeting of the City Council on the 7th day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney