

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, REPEALING SUBCHAPTER 13.03.200, FIREARMS, OF THE CULVER CITY MUNICIPAL CODE AND ADDING NEW SUBCHAPTER 13.03.200, FIREARMS – SAFE STORAGE, SHOOTING REQUIREMENTS AND SUICIDE PREVENTION.

WHEREAS, gun violence in the United States results in over 80,000 non-fatal injuries and 30,000 deaths annually, including homicides, suicides, and accidental shootings; and

WHEREAS, research published in the New England Journal of Medicine found that living in a home where there are guns increased risk of homicide by 40 to 170% and the risk of suicide by 90 to 460%; and

WHEREAS, the risk of dying from an unintentional gunshot injury is 3.7 times higher for adults living in homes with guns, with handguns in the home posing a particular threat; and

WHEREAS, unsafe storage practices are also a key contributor to gun violence death and injury, particularly among vulnerable populations like children. A 2018 study found that approximately 4.6 million American children and minors are living in homes with at least one loaded and unlocked firearm; and

WHEREAS, 73% of children aged nine and under reported knowing the location of their parents' firearms and 36% admitted that they had handled the weapons, including many whose parents had reported their children did not know the location of their firearm; and

WHEREAS, 89% of accidental shooting deaths among children occur in the home and most of these deaths occur when children are playing with an unsecured loaded gun in their parents' absence; and

1 WHEREAS, one study found that more than 75% of the guns used in youth
2 suicide attempts and unintentional injuries were stored in the residence of the victim, a
3 relative, or a friend; and

4 WHEREAS, the Culver City Police Department reports over the past five
5 years there were 33 incidents of a felon in possession of a firearm, 50 cases involving theft
6 of a firearm, 55 felonies committed with the use of a firearm, 8 mental health detentions
7 involving a firearm and 4 suicides involving a firearm.

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9 **NOW THEREFORE**, The City Council of the City of Culver City, California,
10 **DOES HEREBY ORDAIN** as follows:

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12 **SECTION 1:** Subchapter 13.03.200, Firearms, of the Culver City Municipal
13 Code is hereby repealed in its entirety.

14 **SECTION 2.** Subchapter 13.02.200 of the Culver City Municipal Code,
15 having been repealed in Section 1 above, is hereby replaced as follows:

16 **FIREARMS - SAFE STORAGE, SHOOTING REQUIREMENTS**
17 **AND SUICIDE PREVENTION**

18 **13.03.200 Definitions**

19 **13.03.205 Prohibition**

20 **13.03.210 Exceptions**

21 **13.03.215 Lost or Stolen Firearms**

22 **13.03.220 Shooting Requirements**

23 **13.03.225 Suicide Prevention Signage in Firearm Retailers**

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25 **§ 13.02.200 Definitions**

26 As used in this Subchapter, the following terms shall have the
27 following meanings:
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1 A. "Firearm" means a device, designed to be used as a weapon, from
2 which a projectile is expelled through a barrel, by the force of an explosion or other form of
3 combustion.

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

6 C. "Residence" means any structure intended or used for human
7 habitation, including but not limited to houses, condominiums, rooms within a Residence,
8 in-law units, motels, hotels, single room occupancy units, time shares, and recreational and
9 other vehicles where human habitation occurs.

10 D. "Trigger Lock" means a trigger lock that is listed on the California
11 Department of Justice's roster of approved firearms safety devices, and that is identified as
12 appropriate for that firearm by reference to either the manufacturer and model of the
13 firearm or to the physical characteristics of the firearm that match those listed on the roster
14 for use with the device under California Penal Code Section 23635, as may be amended
15 from time to time.

16 **§ 13.02.205 Prohibition**

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

19 **§ 13.02.210 Exceptions**

20 This Subchapter shall not apply in the following circumstances:

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

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

26 **§ 13.02.215 Lost or Stolen Firearms**

27 In order to encourage reports to law enforcement agencies of lost or
28 stolen firearms, a person who files a report with the Culver City Police Department
29 pursuant to Penal Code Section 25250 notifying the Police Department that a Firearm has
30 been lost or stolen shall not be subject to prosecution for violation of this Subchapter.

31 **§ 13.03.220 Shooting Requirements**

32 A. Except as provided herein, no person shall shoot or discharge a
33 firearm within the City without first having obtained express written consent from the Chief
34 of Police or his/her designee.

B. Subsection A above shall not apply when such shooting or discharging is made:

1. In lawful defense of persons;
2. In making or attempting to make lawful arrests;
3. By a law enforcement officer in the performance of his/her duties;
4. While done in conjunction with filming activity, as defined in Section 11.14.010 of this Code, on property owned and controlled by any company or corporation holding a current business license or tax certificate from the City; or, during location filming activity in accordance with Chapter 11.14 pursuant to a current City film permit;
5. While engaging in target practice or a properly licensed commercial shooting gallery;
6. While engaging in target practice on the range of a properly organized target shooting club under the supervision of the proper club official; and
7. While engaging in target practice on a properly constructed range, on property owned or leased by the shooter provided that such range has been approved by the City Council, arranged on which target shooting may be undertaken without damage to persons on adjacent property or on the public highways.

§ 13.03.225 Suicide Prevention Signage in Firearm Retailers

All firearm retailers located in the City shall display information at point of-sale giving notice of local firearm laws and providing Los Angeles County-approved resources for suicide prevention, including suicide warning signage or posters.

SECTION 3: The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

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SECTION 4: Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

APPROVED and ADOPTED this _____ day of _____ 2019.

MEGHAN SAHLI-WELLS, MAYOR
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN, City Clerk

CAROL A. SCHWAB, City Attorney

A19-00722