

**Town of Yountville
Ordinance Number 22-515**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YOUNTVILLE,
CALIFORNIA ADDING CHAPTER 9.22 TO TITLE 9 OF THE YOUNTVILLE MUNICIPAL
CODE REGARDING SAFE FIREARM STORAGE**

WHEREAS, the Town does not presently regulate firearm storage within residential locations;

WHEREAS, firearm injuries have a significant adverse public health and safety impact nationally, regionally, and locally;

WHEREAS, improperly stored firearms may result in accidental firearm injuries and/or deaths, particularly in homes with children;

WHEREAS, in California, numerous people die each year from injuries related to firearms, and many more are hospitalized for non-fatal gunshot wounds;

WHEREAS, having a loaded or unlocked firearm in the home has been associated with an increased risk of firearm-related injury and death, as well as theft of the firearm;

WHEREAS, a firearm stored while loaded or unlocked increases the risk of an accidental shooting, and has been associated with higher risks of suicide;

WHEREAS, quick access to a loaded firearm 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;

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

WHEREAS, the International Association of Chiefs of Police and the American Academy of Pediatrics recommend the safe storage of firearms;

WHEREAS, both gun control and gun rights activists, including the National Rifle Association, endorse the use of locking devices when storing firearms to ensure that unauthorized and untrained persons cannot access firearms to inflict injury or cause death;

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

WHEREAS, the Town Council finds that requiring safe storage of firearms would constitute a sensible safety regulation and would not be unduly burdensome for firearm owners.

Now, therefore, the Town Council of the Town of Yountville does ordain as follows:

SECTION 1. RECITALS: The above recitals are true and correct and fully incorporated herein.

SECTION 2. CODE AMENDMENT: Sections 9.22.010 through 9.22.020 of Chapter 9.22 of Title 9 is hereby added to the Yountville Municipal Code to read as follows:

Chapter 9.22 SAFE FIREARM STORAGE

9.22.010	Definitions
9.22.020	Prohibitions
9.22.030	Exception
9.22.040	Penalty

9.22.010 Definitions

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

“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.

“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.

“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.

9.22.020 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.

9.02.030 Exceptions.

A. The requirements of section 9.22.020 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.

9.22.040 Penalty

Every violation of this chapter shall:

- A. Constitute a public nuisance;
- B. Constitute an infraction and be punished in accordance with Section 1.20.010 of this code;
- C. Constitute a “code violation” within the meaning of Chapter 8.05 of this code; and
- D. Be enforceable by the Town using any other enforcement remedies under law and this code.

SECTION 3. CEQA: The adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be determined that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. This Ordinance sets requirements for safe storage of firearms in residential locations, and does not propose nor authorize any action or specific project that would have the potential to cause a significant adverse effect on the environment.

SECTION 4. SEVERABILITY: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. PUBLICATION; EFFECTIVE DATE: his Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the Town Council at a second reading and shall be posted and published in accordance with the California Government Code.

SECTION 6. CERTIFICATION: The Town Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Within 15 days from the date of passage of this ordinance, the Town Clerk shall post a copy of the ordinance in accordance with California Government Code in at least three public places in the Town.

INTRODUCED by the Town Council at a regular meeting held on the 18th day of October, 2022.

PASSED AND ADOPTED by the Town Council at a regular meeting held on the 18th day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Eddy Gomez
Town Clerk

Gary B. Bell
Town Attorney

I, EDDY GOMEZ, TOWN CLERK of the Town of Yountville, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the Town Council on the 18th day of October 2022. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the Town Council on the X day of <Month> <Year> by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eddy Gomez, Town Clerk