

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW ADDING
ARTICLE V TO CHAPTER 21 OF THE MOUNTAIN VIEW CITY CODE
RELATING TO THE SAFE STORAGE OF FIREARMS IN RESIDENCES AND
VEHICLES IN THE CITY OF MOUNTAIN VIEW

WHEREAS, firearm injuries and fatalities have reached alarming and unacceptable proportions nationally, in the State of California, and locally, and unsecured firearms in the homes and vehicles pose a threat to public health and safety; and

WHEREAS, according to the United States Centers for Disease Control and Prevention, nearly 40,000 lives were lost to firearms in 2019, suicides account for six out of 10 firearm-related deaths, and suicides and accidental deaths by firearms are one of the leading causes of death in the United States; and

WHEREAS, for nonfatal shootings, the numbers are much higher. According to Brady United, 115,551 people are shot each year in the United States, of which almost 8,000 are under the age of 18; and

WHEREAS, according to the County of Santa Clara Public Health Department, in Santa Clara County in 2016, 11% of injury deaths were caused by firearms injuries. During the period 2007 to 2016, there was an average of 46 deaths per year due to self-inflicted injuries/suicide from firearms, and an average of 28 deaths per year due to assault/homicide from firearms injuries; and

WHEREAS, a study in the Journal of Urban Health conducted in 2015 estimated as many as 4.6 million children in the United States are living in homes with loaded, unsecured guns; and

WHEREAS, children are at risk of injury or death when firearms are left unsecured:

1. In August 2021, in Quincy, California, a four-year-old unintentionally shot and wounded himself at home;
2. In July 2021, in Chula Vista, California, a 12-year-old unintentionally shot and killed himself at a sleepover at his home;
3. In July 2021, in San Bernardino, California, a 14-year-old unintentionally shot and wounded his one-year-old half-sister while handling a firearm in the backseat of a car;

4. In May 2021, in Oxnard, California, a nine-year-old unintentionally shot and wounded himself with an unsecured, loaded handgun in a home;

5. In October 2020, in Merced, California, a young boy shot and killed his five-year-old sister with a firearm he found loaded and unsecured in a bag laying on the floor of his home; and

6. In January 2019, in San Jose, California, an 11-year-old was fatally shot by a 14-year-old after the teenagers got a hold of two handguns that belonged to the relative of a friend; and

WHEREAS, gun theft is a significant contributor to the illegal gun market. The United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) estimates approximately 10% to 15% of stolen guns are used in subsequent crimes; and

WHEREAS, the City is experiencing a high number of automobile burglaries. The Mountain View Police Department's crime data confirmed 2,300 auto burglaries were reported in the City from 2018 through 2021. In 2020, two auto burglaries resulted in the theft of unsecured firearms; and

WHEREAS, firearms are deadly weapons, and the threat of harm increases when firearms are not properly secured and are left in unattended vehicles:

1. In July 2015, 32-year old San Francisco resident, Kathryn Steinle, was fatally shot near the Ferry Building with a pistol that had been reported stolen from a U.S. Bureau of Land Management ranger's unattended vehicle; and

2. In September 2015, muralist Antonio Ramos was working on an antiviolenence mural in Oakland when he was shot and killed with a gun that had been stolen from the car of a Federal Immigration and Customs Enforcement Agent; and

WHEREAS, while governments at all levels have a substantial interest in protecting the public from firearm-related injury and death, local governments have the predominant obligation to do so. The City Council, therefore, has a particular concern and responsibility to ensure that the City Council protect public health and safety;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 21 of the Mountain View City Code is hereby amended to add Article V to read as follows:

“ARTICLE V.
SAFE STORAGE OF FIREARMS IN RESIDENCES AND VEHICLES.

SEC. 21.80. - Definitions.

“Close proximity and control” means within arm’s reach of a person who is actively paying attention to the firearm such that they could gain control of the weapon before an unauthorized person could access the weapon.

“Firearm” means any gun, pistol, revolver, rifle or any device, designed or modified 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.

“Locked container” means a locked container as defined in Penal Code Section 16850, as amended from time to time, and as listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.

“Vehicle” means a vehicle as defined in California Vehicle Code Section 415, as amended from time to time.

“Residence” means any structure intended or used for human habitation, including, but not limited to, houses, condominiums, rooms, in-law units, motels, hotels, single-room occupancies, time shares 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 23655(d), as amended from time to time.

“Trunk” means a fully enclosed compartment that is separate from the main cabin of the vehicle.

“Unattended vehicle” means that a person aged eighteen (18) or over is not present in the vehicle.

SEC. 21.81. - Safe storage of firearms in residences.

Except when carried on the person of an individual not prohibited from the ownership or possession of a firearm or when in the close proximity and control of a person not prohibited from the ownership or possession of a firearm, no person shall keep a firearm in any residence unless the firearm is stored in a locked container or the firearm is disabled with a trigger lock.

SEC. 21.82. - Safe storage of firearms in vehicles.

a. No person shall leave a firearm in an unattended vehicle unless the firearm is stored:

1. In a locked container in the locked trunk of a vehicle.
2. For vehicles with four (4) or more wheels and lacking a trunk, in a locked container that is permanently affixed to the vehicle and underneath a seat, or covered, or otherwise outside the view of the public.
3. For vehicles with fewer than four (4) wheels and lacking a trunk, in a locked container that is permanently affixed to the vehicle.

b. Notwithstanding subsections (a)(1) to (3), no person may place, store or leave a firearm overnight in an unattended vehicle.

c. This Section is not intended to conflict with any applicable state or federal law.

d. This Section is intended to apply to all vehicles within the City of Mountain View. However, nothing in this Section shall apply to on-duty peace officers or to federal officers or military personnel who are acting within the scope of their authority and discharging their official duties.

SEC. 21.83. - Reporting theft or loss to law enforcement.

Nothing in this ordinance affects a person's obligations under California Penal Code Section 25250 to report that a firearm has been lost or stolen to local authorities within five (5) days of the time they knew or reasonably should have known that the firearm had been lost or stolen."

Section 2. The provisions of this ordinance shall be effective sixty (60) days from and after the date of its adoption.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 4. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly).
