

ORDINANCE NO. 2236

AN ORDINANCE ADOPTING SAFE FIREARM STORAGE WITHIN THE CITY OF MONTEREY PARK.

The City Council for the City of Monterey Park does ordain as follows:

SECTION 1: *Findings.* The City Council finds as follows:

- A. On January 21, 2023, 11 people were murdered and nine were severely injured as the result of a shooting spree by an individual using a modified firearm that may be classified as an assault weapon.
- B. A review of the City's records shows that the City does not presently regulate firearm storage within residences.
- C. The City Council recognizes that the regulation of firearms is controversial. It cannot ignore, however, that the United States has less than 5% of the world's population but 46% of the world's civilian-owned guns (see, e.g., "U.S. Gun Policy: Global Comparisons," Masters, Jonathan, Council on Foreign Relations, June 10, 2022). It ranks number one in firearms per capita (*Id.*) The United States also has the highest homicide-by-firearm rate of the world's most-developed nations (*Id.*). Consequently, this matter is a national and regional health concern that requires immediate, realistic, and practical responses.
- D. Since the beginning of 2023, there have been more than 300 MCIs in the United States including the one in our community on January 21, 2023.
- E. According to the Centers for Disease Control and Prevention ("CDC"), there were 45,222 firearm-related deaths in the United States in 2020. That equates to approximately 124 people dying from a firearm-related injury each day. More than half of firearm-related deaths were suicides and more than 4 out of every 10 were firearm homicides (see "Fast Facts: Firearm Violence Prevention," Centers for Disease Control and Prevention, May 4, 2022).
- F. Studies demonstrate that child-access prevention ("CAP") laws reduce unintentional firearm injuries and deaths among children (see, e.g., www.rand.org/research/gun-policy/analysis/child-access-prevention/unintentional-injuries.html; updated January 10, 2023). Additionally, studies that examined effects on young adults or adults provide limited evidence that these laws may reduce unintentional firearm injuries and deaths among adults as well.

- G. It is vital that the City Council act to the greatest extent possible to protect this community from violence resulting from firearms. While the City of Monterey Park's ability to regulate firearms may be limited, it is empowered by the California Constitution to enact laws to protect public health and safety. Accordingly, this Ordinance is adopted in accordance with the City's police powers as enshrined in Article XI, § 7 of the California Constitution.
- H. Firearm injuries have a significant adverse public health and safety impact nationally, regionally, and locally.
- I. Improperly stored firearms may result in accidental firearm injuries and/or deaths, particularly in homes with children.
- J. 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 the theft of the firearm.

SECTION 2: *Environmental Assessment.* The City reviewed the environmental impacts of this Ordinance under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.* "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, *et seq.*, the "CEQA Guidelines"). This Ordinance is not subject to further review environmental review because: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)); (2) there is no possibility that the Ordinance itself may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3)); and (3) the Ordinance, by itself, does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378). The Ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

SECTION 3: *Amendment.* MPMC Chapter 9.84 (Weapons) is amended by adding a new section 9.84.050 (Safe Storage) to read as follows:

"9.85.050 Safe Storage

- A. No person may keep a firearm within any residence unless the firearm is either (1) stored in a locked container; or (2) disabled with a trigger lock.
 - 1. "Firearm" means any gun, rifle, pistol, or any other firearm as defined in Penal Code §16520, as may be amended from time to time.

2. "Locked Container" means a locked container as defined in Penal Code §16850, as may be amended from time to time, and is listed on the California Department of Justice Bureau of Firearms roster of approved firearm safety devices.

3. "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 Penal Code §23635.

4. "Residence" means any structure intended or used for human habitation, including, without limitation, houses, apartments, condominiums, rooms, in-law units, accessory dwelling units, motels, hotels, single-room occupancy units, time-shares, mobile homes, and recreational and other vehicles where human habitation occurs.

- B. This Section does 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, or federal laws.
- C. This Section 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 Penal Code § 830, *et seq.*, as may be amended from time to time).
- D. It is not the intention of this Section to regulate any conduct if the regulation of such conduct has been preempted by state or federal law.
- E. Any person who owns or possesses a firearm must report the theft or loss of the firearm to the Police Chief, or designee, within 48 hours of the time the person suspected or knew that the firearm had been stolen or lost, if:
 - 1. the person who owns or possessed the stolen or lost firearm resides in the city; or
 - 2. the theft or loss of the firearm occurred in the City."

SECTION 4: Construction. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5: *Enforceability.* Repeal of any provision of the Monterey Park Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6: *Reliance on Record.* Every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the matter. The determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9: *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 10: *Publications.* The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11: *Recording.* The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Monterey Park's book of original ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 12: *Effective Date.* This Ordinance becomes effective on the 30th day following its passage and adoption.

PASSED AND ADOPTED this 6th day of September, 2023.



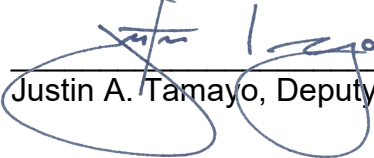
Jose Sanchez, Mayor

ATTEST:



Maychelle Yee, City Clerk

APPROVED AS TO FORM:
KARL H. BERGER, City Attorney




Justin A. Tamayo, Deputy City Attorney

State of California)
County of Los Angeles) §.
City Of Monterey Park)

I, Maychelle Yee, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2236 was introduced, and placed upon its first reading at a meeting of the City Council of the City of Monterey Park, held on the 16th day of August, 2023. That thereafter on the 6th day of September, 2023, said Ordinance was duly passed, approved and adopted by the following vote:

Ayes: Council Members: Lo, Yiu, Ngo, Wong, Sanchez
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None
Recusal: Council Members: None

Dated this 6th day of September, 2023.



Maychelle Yee, City Clerk
City of Monterey Park, California