

ORDINANCE NO. 2774

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING SECTIONS 5.28.020 THROUGH 5.28.080 TO CHAPTER 5.28 OF THE CHULA VISTA MUNICIPAL CODE RELATED TO TRIGGER LOCK AND SAFE FIREARM STORAGE.

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Chapter 5.28 of the Chula Vista Municipal Code is hereby amended by adding Sections 5.28.020 through 5.28.080 to read as follows:

**5.28.020 Purpose.**

The purpose of this section related to trigger lock and safe firearm storage is to reduce the incidents of accidental gun deaths caused by the unintentional discharge of a loaded firearm. Ten percent of all gun deaths in the United States are caused by accidental or unintentional discharge of a loaded firearm. One out of three deaths from accidental firearm discharges could be prevented by a firearm safety device. Most children who accidentally injure or kill themselves or a friend, do so while playing with a loaded firearm found in their home or a friend's home. The number of accidental deaths and injuries attributed to firearms and other weapons is unacceptable and warrants stricter control over the handling and storage of lawful firearms. Firearm owners have a responsibility to keep the public safe from the consequences associated with the proliferation and unsafe storage of firearms. Trigger locks or other similar devices, when properly used, can prevent the accidental discharge of firearms. This city has an interest in encouraging firearm owners to store their firearms in a safe manner and out of the reach of children.

**5.28.030 Definitions.**

The purposes of this chapter, the below terms are defined as follows:

- (a) "Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of explosion or other form of combustion.
- (b) "Firearm dealer" means any person licensed by the City pursuant to California Penal Code Section 12071 for the retail sale of firearms within the City of Chula Vista. "Firearm dealer" shall not include persons involved in transactions excluded under California Penal Code Section 12070.
- (c) "Safe firearm storage device" or "safe storage device" shall mean any of the following devices, the proper use of which will prevent the unintentional discharge of the firearm:
  - 1. A lockable hard plastic or metal box capable of covering the whole of the firearm sold. The box shall have, or shall be provided with, a lock.
  - 2. A soft case with an outer shell made with a heavy canvas or ballistic nylon capable of covering the whole firearm sold. The case shall have a zipper

3. capable of being locked shut. The soft case shall have, or shall be provided with, a lock.
4. Any type of reusable locking device that is capable of rendering the firearm sold, leased, or transferred inoperable, when properly installed by keeping the trigger from releasing the sear thereby dropping the firing pin, or locking the action of the firearm open so it will not go into battery. Any device integrated into the firearm by the manufacturer which meets the criteria of this paragraph shall qualify as a safe firearm storage device.
5. All locks or locking devices sold, furnished or made available, in order to comply with the provisions of this chapter shall have a key or a combination with at least three tumblers.

A firearm "safety" shall not be considered a safe storage device for purposes of this Chapter.

**5.28.040 Provision of Safe Firearm Storage Device.**

- (a) It is unlawful for any firearms dealer to sell, lease or otherwise transfer ownership of any firearm without also providing with the firearm a safe firearm storage device designed to prevent the unintentional discharge of the firearm being sold, leased, or transferred.
- (b) The safe firearm storage device shall be locked in place, properly attached to, or properly covering, the firearm at the time it leaves the firearm dealer's premises.
- (c) Nothing in this Chapter shall prevent the firearm dealer from recovering the cost of providing a safe firearm storage device by charging a price for the safe storage device, either separately or as part of the price of the firearm.

**5.28.050 Provision of Safe Firearm Storage Materials.**

It is unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any firearm without providing with the firearm printed material, approved by the Chief of Police, that advises the user of safe firearm storage practices.

**5.28.060 Acknowledgment of Receipt by Purchaser.**

In connection with the sale, gift, loan or transfer of a firearm, the firearms dealer shall obtain from the person receiving the firearm a signed acknowledgment that a trigger locking or similar device required by Section 5.28.030 and the printed material required by Section 5.28.050 has been provided with the firearm. The acknowledgment shall be in a form approved by the Chief of Police. The firearms dealer shall retain signed acknowledgments of receipt in the same manner and to the same extent as required by State law for other firearm transaction records.

**5.28.070 Representations.**

A firearms dealer who has fully complied with the provisions of this section relating to trigger locking or similar devices shall not be presumed to have made any representation to

the transferee regarding the safety or appropriateness of the use of the trigger locking or similar device, nor shall the firearms dealer be liable in any civil action brought against the firearms dealer, to the extent such liability would be based solely upon the act of furnishing the trigger locking or similar device to a person in compliance with this section.

**5.28.080 Exceptions.**


- (a) The requirements of Section 5.28.040, 5.28.050 and 5.28.060 shall not apply to firearms that have been determined by the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, to be curios or relics under federal law.
- (b) The requirements of Section 05.28.40, 5.28.50 and 5.28.60 shall not apply to firearms rented at a licensed range for use on the range and shall not apply to temporary lending transactions in which the firearm does not leave the premises of the firearm dealer.

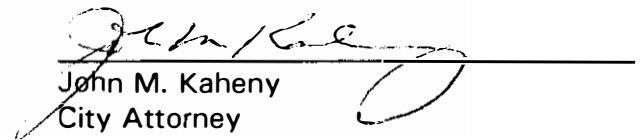
SECTION II: The requirements of Section I, shall be enforced and effect, and shall apply to all firearm dealers now and hereafter licensed, thirty days after the date on which the Chief of Police sends written notice to currently licensed firearm dealers of the approved trigger locking or similar devices, printed safety material and form of acknowledgment.

SECTION III: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

Presented by

Approved as to form by

  
Richard P. Emerson  
Police Chief


  
John M. Kaheny  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 2<sup>nd</sup> day of March, 1999, by the following vote:

AYES:	Councilmembers:	Davis, Moot, Salas and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	Padilla
ABSTAIN:	Councilmembers:	None

  
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Shirley Horton, Mayor

ATTEST:

  
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Susan Bigelow, City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF SAN DIEGO     )  
CITY OF CHULA VISTA        )

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2774 had its first reading at a regular meeting held on the 16<sup>th</sup> day of February, 1999 and its second reading and adoption at a regular meeting of said City Council held on the 2<sup>nd</sup> day of March, 1999.

Executed this 2<sup>nd</sup> day of March, 1999.

  
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Susan Bigelow, City Clerk